

Summary of Ordinance No. 1111  
City of Haysville, Kansas

On December 11, 2023, the City of Haysville, Kansas, adopted Ordinance No. 1111, authorizing the recodification of the City Code of Haysville, Kansas, as authorized by K.S.A. 12-3014 and K.S.A. 12-3015 and amendments thereto, providing for the effective date thereof, providing for the repeal of certain other ordinances not included therein, the addition of certain new provisions, saving certain ordinances from repeal and saving certain accrued rights and liabilities. A complete copy of this ordinance is available online at <http://www.haysville-ks.com> or during normal business hours at City Hall, located at 200 W. Grand, Haysville, KS, 67060. The ordinance is not subject to a protest petition. Questions pertaining to this ordinance may be directed to Mr. William Black, Chief Administrative Officer, at (316) 529-5900. This summary has been reviewed and certified by Joshua Pollak, City Attorney.

## Ordinance No. 1111

**AN ORDINANCE ADOPTING THE RECODIFICATION OF ORDINANCES OF THE CITY OF HAYSVILLE, KANSAS, 2023 EDITION, PROVIDING FOR THE EFFECTIVE DATE THEREOF, PROVIDING FOR THE REPEAL OF CERTAIN OTHER ORDINANCES NOT INCLUDED THEREIN, THE ADDITION OF CERTAIN NEW PROVISIONS, SAVING CERTAIN ORDINANCES FROM REPEAL AND SAVING CERTAIN ACCRUED RIGHTS AND LIABILITIES.**

Be it Ordained by the Governing Body of the City of Haysville, Kansas:

Section 1. The recodification of ordinances of the City of Haysville, Kansas, as authorized by K.S.A. 12-3014 and K.S.A. 12-3015 and amendments thereto, as set out in Chapters I to XVII, all inclusive, and entitled the “Code of the City of Haysville, Kansas, 2023,” is hereby adopted.

Codification includes the compilation and revision of the general ordinances of the city; the changing of sections of the Code deemed advisable; the omission of sections of the Code deemed unnecessary; the addition of certain new provisions as provided for herein; and the adoption of the whole by this ordinance and publication in permanently bound or loose-leaf book form. When the ordinance and the codification, along with a certificate of the city clerk that the same are true and correct copies, are published in book form or in loose-leaf binders, the codification shall take effect. At least one (1) copy of the published book of codes shall be kept on file in the office of the city clerk and remain available for inspection by the public at all reasonable business hours.

Section 2. All ordinances and parts of ordinances of a general nature passed prior to December 11, 2023, in force and effect at the effective date of the “Code of the City of Haysville, Kansas, 2023” are hereby repealed as of the date of publication of said code, and incorporated therein.

Section 3. In construing this ordinance, the following ordinances shall not be considered or held to be ordinances of a general nature:

- (a) Ordinances pertaining to the acquisition of property or interests in property by gift, purchase, devise, bequest, appropriation or condemnation;
- (b) Ordinances opening, dedicating, widening, vacating or narrowing streets, avenues, alleys and boulevards, changing or establishing zoning regulations;
- (c) Ordinances establishing and changing grades of streets, avenues, alleys and boulevards;
- (d) Ordinances naming or changing the names of streets, avenues and boulevards;

- (e) Ordinances authorizing or directing public improvements to be made;
- (f) Ordinances creating districts for public improvements of whatsoever kind or nature;
- (g) Ordinances levying general taxes;
- (h) Ordinances levying special assessments or taxes;
- (i) Ordinances granting any rights, privileges, easements or franchises therein mentioned to any person, firm, corporation or other entity;
- (j) Ordinances authorizing the issuance of bonds and other instruments of indebtedness by the City;
- (k) Ordinances authorizing contracts;
- (l) Ordinances establishing the limits of the City or pertaining to annexation or exclusion of territory;
- (m) Ordinances relating to compensation of officials, officers and employees of the City and;
- (n) Ordinances of a temporary nature;
- (o) Charter ordinances that were not otherwise specifically repealed by subsequent charter ordinance;
- (p) Ordinances of any nature associated with the City of Haysville Land Bank;
- (q) Ordinances associated with the establishment, management, or adoption of maps of the City's floodplain.

Such ordinances hereby remain in full force and effect from the date of passage, until repealed by specific action of the Governing Body.

Provided, that the above enumeration of exceptions shall not be held or deemed to be exclusive, it being the purpose and intention to exempt from repeal any and all ordinances not of a general nature and general ordinances specifically excepted by the above section.

Section 4. The arrangement and classification of the several chapters, articles and sections of the Haysville Municipal Code adopted by Section 1 of this ordinance and the headnotes and footnotes at the ends of the sections, are made for the purpose of convenience and orderly arrangement, and do not constitute a part of the ordinances, and therefore, no implication or presumption of legislative intent or construction is to be drawn therefrom. Modifications to the arrangement are authorized to insure the ease of use and correct classification.

Section 5. If for any reason any chapter, article, section, subsection, sentence, portion or part of the "Code of the City of Haysville, Kansas, 2023," or the application thereof to any person or circumstance is declared to be unconstitutional or invalid, such determination will not affect the validity of the remaining portions of said code.

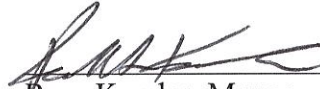
Section 6. This ordinance shall take effect and be in force from and after the publication of the “Code of the City of Haysville, Kansas, 2023” as provided in K.S.A. 12-3015 and as provided by this ordinance.

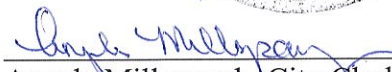
Passed by the City Council this 11<sup>th</sup> day of December, 2023.

Approved by the Mayor this 11<sup>th</sup> day of December, 2023.



Attest:

  
Russ Kessler, Mayor

  
Angela Millspaugh, City Clerk

Approved as to form:

  
Joshua Pollak, City Attorney

# MEMO

TO: The Honorable Russ Kessler, Mayor  
Haysville City Councilmembers

FROM: Angie Millspaugh, City Clerk/Treasurer

SUBJECT: Proposed City Code Updates for 2024

DATE: November 9, 2023

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Proposed changes to the City Code are before you for review. Proposed changes are shown in red. Deletions are struck-through and additions are underlined. An Ordinance incorporating these changes will be presented to Council at the December 11th meeting. The ordinance will also integrate the following code relevant ordinances passed since the last annual codification.

- ◆ Ordinance 1100: Amending Hours of Retail Sales of CMB and Liquor on Sundays
- ◆ Ordinance 1101: Amending the Zoning Regulations
- ◆ Ordinance 1102: Revising Ward Boundaries
- ◆ Ordinance 1103: Amending Chapter 17 Fees
- ◆ Ordinance 1104: Adopting Floodplain Management Plan
- ◆ Ordinance 1105: Amending Zoning Regulations
- ◆ Ordinance 1107: Amending Appendix C Historic Preservation Regulations
- ◆ Ordinance 1108: Amending Appendix D Sign Regulations
- ◆ Ordinance 1109: Amending Appendix E Site Development Regulations - Parking

For your convenience, an outline of proposed changes is included. Please contact me with any questions. Thank you.

## OUTLINE OF PROPOSED CHANGES

- ▶ Chapter 1. Administration
  - Article 2. Governing Body
    - 1-208. Councilmembers; salary.
      - Remove the salary amount to avoid conflicts with Chapter 17 where salary amount is also stated
- ▶ Chapter 4. Building, Construction, and Installations
  - Article 1. General Regulations/Supplements
    - 4-101a. Site address, premises identification
      - Require address numbers or letters to be of contrasting color from structure within SF-15 zones
    - 4-103. Permit
      - Amended administrative penalty
      - Require necessary permits be visible from the street right-of-way and safeguarded against weather and damage
    - 4-108. Contractors, contractor's licenses, fees, insurance
      - Require a licensed contractor to remain licensed until completion of a project
  - Article 2. Inspections by City Officials
    - 4-201. Building inspector; authority and appeals.
      - Removed sentence pertaining to the board of health of the county
  - Article 5. Electrical Code
    - 4-501. Adoption of the NFPA 70, National Electrical Code, 2020 Edition, as the electrical code, with certain additions and deletions Section
      - Update from 2017 Edition to 2020 Edition
    - 4-503. Amendments
      - Removed amendments that pertained to the 2017 Edition and added amendments to the 2020 Edition
    - 4-504. Violations and penalties
      - Changed reference to the 2020 Edition
  - Article 6. Plumbing and Gas Fitting Code
    - 4-601. Adoption of the Uniform Plumbing Code, 2021 Edition, as the plumbing code, with certain additions and deletions.
      - Update from 2015 Edition to 2021 Edition
    - 4-603. Amendments
      - Removed amendments that pertained to the 2015 Edition and added amendments to the 2021 Edition
  - Article 8. Mechanical Code
    - 4-801. Adoption of the International Mechanical Code, 2021 Edition
      - Update from 2018 Edition to the 2021 Edition
    - 4-803. Amendments
      - Removed amendments that pertained to the 2018 Edition and added amendments to the 2021 Edition
  - Article 9. Private Swimming Pools
    - 4-901. Definitions
      - Amended the definition of a swimming pool
    - 4-916. Location of Pools

- Amended section to prevent pools being located in an easement and from blocking drainage
  - Article 11. Private Swimming Pools
    - 4-1101. Construction, maintenance, replacement and repair of fences; permit required
      - Added a reference to section 4-1103
  - Article 12. Demolition and Site Clearance
    - 4-1203. Prior to obtaining a permit
      - Added a requirement for a map detailing the exact locations where underground utilities are severed
  - Article 13. International Existing Building Code, 2018 Edition - Added
- ▶ Chapter 5. Business Regulations and Licenses
  - Article 1. Registration; Business, Occupations, Professions
    - 5-103. Information provided
      - Added additional information to be provided for Short-Term Residential Rental businesses
  - Article 2. Manufactured Homes, Park, and Licensing
    - 5-205. General Requirements and inspections
      - Added requirement to secure a manufactured home installer's contractor's license from the State of Kansas
  - Article 11. Fireworks; Sale and Discharge
    - 5-1104. Designated times for fireworks detonation
      - Added provision to extend detonation times for any date between June 27 – July 2 that falls on a Friday or Saturday
- ▶ Chapter 8. Health and Welfare
  - Article 2. Solid Waste Code
    - 8-210. Solid waste collection vehicle standards, maintenance and licensing
      - Revised wording from “scheduled” to “practicably possible”
      - Amended to allow City Administration to adjust pick up times during time of emergency, or due to conditions affecting public health, or the safety and well-being of workers or citizens
- ▶ Chapter 11. Public Offenses
  - Article 1. Uniform Public Offense Code
    - 11-102. Incorporating Uniform Public Offense Code
      - Incorporation of new UPOC as amended
  - Article 2. Local Provisions
    - 11-205. Offenses against public peace
      - (o)(6)(D) Amended trash service section to refer to Chapter 8 regarding times of collection
    - 11-208. Possession of VAPE products by a minor
      - Revised ages from 18 years to 21 years
- ▶ Chapter 14. Traffic
  - Article 1. Standard Traffic Ordinance
    - 14-101. Standard Traffic Ordinance Incorporated
      - Incorporation of new STO
- ▶ Chapter 15. Utilities
  - Article 1. Water Department and Regulations
    - 15-139. Water bill adjustment policy

- Added provisions for the City to disconnect service or serve a notice to repair a leak upon discovery of a leak existing within a property owner's portion of the water system
- ▶ Chapter 17. Fee Schedule
  - Article 3. Specific Charges, Taxes, Fees and Certain Salaries
    - 17-303. Alcoholic liquor; temporary permits to sell or serve
      - Changed fee to \$25/day in conformance with state statute
    - 17-304. Amusement centers, billiard halls, and pool halls
      - Removed due to section being removed from Chapter 5
    - 17-306. Animal Impoundments
      - Corrected code section reference
    - 17-314. Cereal malt beverages
      - Corrected code section and state statute references
    - 17-318. Councilpersons salary
      - Corrected code section reference
    - 17-319. Court fees; miscellaneous
      - Amended copy fees to include employee hourly wage and benefits
    - 17-323. Dances and dance halls
      - Removed due to section being removed from Chapter 5
    - 17-331. Election filing fee; waiver
      - Removed due to section 6-107 not referring to Chapter 17
    - 17-333. Electrical reinspection/non-business hours; fee
      - Corrected code section reference
    - 17-345. Insufficient funds check charge
      - Corrected code section reference
    - 17-349. Manufactured home inspection fee
      - Corrected code section reference
    - 17-350. Manufactured home parks, trailer parks; fee
      - Corrected code section reference
    - 17-351. Mayor's salary
      - Corrected code section reference
    - 17-353. Mechanical reinspection/non-business hours; fee
      - Corrected code section reference
    - 17-356. Oil and gas well drilling; application and annual license
      - Removed due to section being removed from Chapter 5
    - 17-363. Plumbing reinspection/non-business hours; fee
      - Corrected code section reference
    - 17-368. Records inspection and copying
      - Corrected code section references
    - 17-369. Recreational vehicle temporary permit fee
      - Corrected spelling errors
    - 17-370. Refuse haulers
      - Corrected code section reference
    - 17-386. Wastewater rate
      - Amended code section reference



# CHAPTER 1. ADMINISTRATION

## Article 1. General Provisions

### 1-101. Code designated.

The chapters, articles and sections herein shall constitute and may be designated as the “Code of the City of Haysville, Kansas,” and may be so cited.

(Code 1984)

### 1-102. Definitions.

The following definitions and rules of construction shall be observed in the construction of this code and of all ordinances unless they are inconsistent with the manifest intent of the governing body or the context clearly requires otherwise. The following words or phrases shall mean:

(a) City: City of Haysville, in Sedgwick County, Kansas.

(b) Computation of Time: The time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Sunday or legal holiday, that day shall be excluded.

(c) County: County of Sedgwick, Kansas.

(d) Delegation of Authority: Whenever a provision appears requiring or authorizing the head of a department or other officer of the city to do some act or perform some duty, it shall be construed to authorize such department head or officer to designate, delegate and authorize subordinates to do the required act or perform the required duty unless the terms of the provision designate otherwise.

(e) Gender: Words importing the masculine gender include the feminine and neuter.

(f) In the City: Any territory within the corporate limits of the City of Haysville, Kansas, and the police jurisdiction thereof and any other territory over which regulatory power has been conferred on the city by law, except as otherwise specified.

(g) Joint Authority: All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

(h) May is permissive.

(i) Number: Words used in the singular include the plural and words used in the plural include the singular.

(j) Oath: Includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath and in such cases, the words “swear” and “sworn” are equivalent to the words “affirm” and “affirmed.”

(k) Owner: A building or land, shall include not only the owner of the whole but any part owner, joint owner, tenant in common or joint tenant of the whole or a part of such buildings or land.

(l) Person: A firm, partnership, association or persons, corporation, organization or any other group acting as a unit, as well as an individual.

(m) Property: Real, personal and mixed property.

(n) Real Property: Land, tenements and hereditaments.

(o) Shall and Will are mandatory.

(p) Sidewalk: Any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

(q) Street: Public streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the city.

(r) Tenant, Occupant: Applies to building or land, means any person who occupies the whole or part of such building or land, whether alone or with others.

(Code 1984; Code 2003)

### **1-103. Parenthetical and reference matter.**

The matter in parenthesis at the ends of sections is for information only and is not a part of the code. Citations to ordinances indicate only the source and the text may or may not be changed by this code. This code is a new enactment under the provisions of K.S.A. 12-3014 and 12-3015. Reference matter not in parenthesis is for information only and is not a part of this code.

(K.S.A. 12-3014, 3015; Code 1984)

### **1-104. Catchlines.**

The catchlines or headings of the sections of this code are intended as mere words to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of any section nor, unless expressly so provided, shall they be so deemed when any section, including its catchline, is amended or reenacted.

(Code 1984)

### **1-105. Amendments; repeal**

Any portion of this code may be amended by specific reference to the section number as follows:

“Section (or article or chapter) \_\_\_\_ of the code of the City of Haysville is hereby amended to read as follows: (the new provisions shall then be set out in full)”

A new section not heretofore existing in the-code may be added as follows:

“The code of the City of Haysville is hereby amended by adding a section (or article or chapter) which reads as follows: (the new provisions shall be set out in full)”

All sections, or articles, or chapters to be repealed shall be repealed by specific reference as follows:

“Section (or article or chapter) \_\_\_\_ of the code of the City of Haysville is hereby repealed.”

(K.S.A. 12-3004; Code 2022)

### **1-106. Powers generally.**

All powers exercised by cities of the second class, or which shall hereafter be conferred upon them shall be exercised by the governing body, subject to such limitations as prescribed by law.

(Code 1984)

### **1-107. Publication of ordinances.**

(a) No ordinance, except those appropriating money, shall be in force until published in the official city newspaper by the city clerk. One publication of any such ordinance shall be sufficient unless additional publications are required by statute or ordinance. The publisher of the newspaper shall prefix such published ordinance by a line in parentheses stating the month, day and year of such publication.

(b) In lieu of full publication of an ordinance pursuant to this section, a city may opt to publish a summary of the ordinance so long as:

- (1) The publication is identified as a “summary” and contains notice that the complete text of the ordinance may be obtained or viewed free of charge at the office of the city clerk;
- (2) the city attorney certifies the summary of the ordinance prior to publication to ensure that the summary is legally accurate and sufficient; and
- (3) the publication contains the city’s official website address where a reproduction of the original ordinance is available for a minimum of one week following the summary publication in the newspaper. If an ordinance is subject to petition pursuant to state law, then the summary shall contain a statement that the ordinance is subject to petition.

(K.S.A. 12-3007; Code 2022)

### **1-108. Same; ordinance book.**

Following final passage and approval of each ordinance, the city clerk shall enter the same in the ordinance book of the city as provided by law. Each ordinance shall have appended thereto the manner in which the ordinance was passed, the date of passage, the page of the journal containing the record of the final vote on its passage, the name of the newspaper in which published and the date of publication.

(K.S.A. 12-3008; Code 1984)

### **1-109. Emergency government.**

In the event of a catastrophe in which all or a majority of the members of the governing body are fatally injured, the interim governing body shall be composed of the surviving members, the city attorney, the city clerk and a sufficient number of the appointed officials selected in the order of the greatest seniority in office to make up a governing body of the prescribed number.

(Code 1984)

### **1-110. Responsibilities of public office.**

City employees, elected and appointed officials hold office for the benefit of the public. By oath of office, they are bound to support the Constitution of the United States and the Constitution of the State of Kansas. By virtue of their positions, they are also bound to uphold and support the laws of the state of

Kansas and the ordinance and rules and regulations of the city, and to faithfully discharge the duties of their position, keeping public interest as their primary concern.

(Ord. 684, Sec. 2; Code 2003)

### **1-111. Conflict of interest.**

(a) Guidelines are hereby established for city employees, contract employees, appointed officials and elected officials in conducting the business of the city and protecting the trust of the people. The city sets forth those acts or actions that would be considered a breach of the code of ethics, a conflict of interest or action incompatible with the employment or holding of public office. The proper operation of a democratic government requires that public officials, employees and appointed personnel be responsible to the people. Public office shall not be used for personal gain; decisions and policy shall be conducted through proper governmental channels; government integrity must be upheld to maintain public confidence.

(b) An employee or public official may be deemed to have a “substantial interest” which prohibits the employee or public official from handling or participating in a transaction if any of the following are present within the transaction such as dealing with a relative or a business with whom the employee or public official has a current contract or his or her spouse is employed.

Special or conflict of interest shall be defined as follows:

- (1) If an employee or an employee’s spouse, public official or public official’s spouse, either individually or collectively, has owned within the preceding twelve (12) months a legal or equitable interest exceeding five-thousand dollars (\$5,000) or five percent (5%) of any business, whichever is less, the employee or public official has a substantial interest in that business.
- (2) If an employee or an employee’s spouse, public official or public official’s spouse, either individually or collectively, has received during the preceding calendar year compensation which is or will be required to be included as taxable income on federal income tax returns of the public official and spouse or employee and spouse in an aggregate amount of two-thousand dollars (\$2,000) from any business or combination of businesses, the employee or public official has a substantial interest in that business or combination of businesses.
- (3) If an employee or an employee’s spouse, public official or public official’s spouse, either individually or collectively, has received in the preceding twelve (12) months, without reasonable and valuable consideration, goods or services having an aggregate value of five hundred dollars (\$500) or more from a business or combination of businesses, the employee or public official has a substantial interest in that business or combination of businesses.
- (4) If an employee or an employee’s spouse, public official or public official’s spouse hold the position of officer, director, associate, partner or proprietor, of any business, other than an organization exempt from federal taxation of corporations under section 501(c) (3), (4), (6), (7), (8), (10) or (19) of Chapter 26 of the United States Code, the employee or public official has a substantial interest in that business, irrespective of the amount of compensation received by the employee or employee’s spouse, public official or public official’s spouse.
- (5) If an employee or an employee’s spouse, public official or public official’s spouse receives compensation which is a portion or percentage of each separate fee or commission paid to a business or combination of businesses, the employee or public official has a substantial interest in any client or customer who pays fees or commissions to the business or

combination of businesses from which fees or commissions the employee or the employee's spouse, public official or public official's spouse, either individually or collectively, received in aggregate of two-thousand dollars (\$2,000) or more in the preceding calendar year.

- (6) If an employee or employee's spouse, public official or public official's spouse has been offered or promised a job, gift or business investment, a conflict of interest exists.

(Ord. 684; Code 2003)

### **1-112. Breach of ethics.**

#### **Inappropriate Conduct.**

(a) No city employee shall accept private employment elsewhere when that employment interferes with the proper discharge of official duties or interferes with independent judgment.

(b) No city employee or public official shall use any influence derived from being an employee on behalf of any person, business or other entity before any city agency, board, commission, council or municipal court.

(c) No city employee or public official shall request or allow unauthorized and/or personal use of city-owned vehicles, equipment, materials, or property for personal profit.

(d) No city employee or public official shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

(e) It is not considered to be a violation of the code of ethics if an official or employee has a contract with a person or business of less than five-hundred dollars (\$500) or has a loan from a financial institution, or has a commercial retail sales contract, even if the value is over five-hundred dollars (\$500).

(f) No city employee or public official shall disclose or reveal any information or discussion which occurs or is disseminated during an executive session permitted to be conducted by the Kansas Open Meetings Act. No city employee or public official shall disclose or reveal any information that may be withheld pursuant to the Kansas Open Records Act unless such disclosure had been approved by the city attorney and authorized by the mayor or the mayor's designee.

(Ord. 684; Code 2003)

### **1-113. City contract, participation.**

(a) Employees and public officials may not participate in open bidding for contracts or services if they have any knowledge of the process, specifications, budget, engineer's estimates, special requirements or priorities that has not been made available to all interested parties.

(b) No employee or public official shall, in the capacity of such position, make or participate in the making of a contract with any person or business by which the employee or public official is employed by or is under contract to, or in whose business the employee or public official has a substantial interest.

(c) No person or business shall enter into any contract where any city employee or official, acting in that capacity, is a signatory to or a participant in the making of the contract and is employed by or has a substantial interest in the person or business.

(d) A city employee or official shall not make or participate in the making of a contract if the employee or official abstains from any action in regard to the contract.

(e) Any city employee intending to participate in a bidding process, whether original contractor, sub-contractor or supplier, must first obtain written permission from the employee's department head.

(f) This section shall not apply to the following:

(1) Contracts let after competitive bidding has been advertised for any published notice unless the employee or official has specific knowledge of the process, specifications, budget, engineer's estimates, special requirements or priorities not available to other bidders;

(2) Contracts for property or services for which the price or rate is fixed by law.

(Ord. 684; Code 2003)

#### **1-114. Participation in other matters.**

If an employee or official has a substantial interest in a not-for-profit organization which is exempt from federal taxation under section 501(c) (3), (4), (6), (7), (8), (10) or (19) of chapter 26 of the United States Code by virtue of holding the position of officer, director, associate, partner or proprietor, the employee or official must disclose this interest if he/she intends to participate in any matter between the city and the organization. This disclosure must be filed with the city clerk before the employee or official act on the matter.

(Ord. 684, Sec. C)

#### **1-115. Restrictions on former employees or officials in matters connected with their former duties.**

It shall be a breach of ethical standards for any former employee or official to participate in negotiations, proceedings or open bidding for contracts or services if the former employee or official has any knowledge of the process, specifications, budget, engineer's estimates, special requirements or priorities if that knowledge was derived specifically from said employment or official duties and has not been made available to all interested parties.

(Ord. 684, Sec. D.1)

#### **1-116. Restrictions of selling to the city.**

It shall be a breach of ethical standards for any employee or official to engage in selling or attempting to sell supplies, services, or construction to the city during their employment or term except through open, competitive bidding and the employee or official has no special knowledge of the process, specifications, budget, engineer's estimates, special requirements or priorities that has not been made available to all interested parties.

The term "sell" as used herein means signing a bid, proposal, or contract; or negotiating a contract; contracting any employee for the purpose of obtaining, negotiating or discussing changes in specifications, price, cost allowances or other terms of a contract; settling disputes concerning performance of a contract; or any other liaison activity with a view toward the ultimate consumption of a sale although the actual contract therefore is subsequently negotiated by another person; provided, however, that this section is not intended to preclude a former employee or official from accepting employment with private industry solely

because the former employee's or official's employer is a contractor with the city, nor shall a former employee or official be precluded from serving as a consultant to the city.

This section shall not apply if the former employee or official, before engaging in or attempting to sell, makes a full disclosure to the governing body of the former position and the governing body determines that it is in the best interest of the city to permit the former employee or official to sell or attempt to sell such supplies, services, or construction.

#### **1-117. Sanctions.**

Violations shall be an administrative matter. For violations of the provisions of sections 1-110 and 1-111 the employee shall be terminated. An official who violates said section 1-110 and 1-111 shall be subject to recall or removal from office pursuant to state law. Violations of any section other than section 1-110 or 1-111 may constitute a cause for suspension, termination or other disciplinary action. Violations of any provision may constitute cause to cancel any contract, cease negotiations on any contract and rescind or modify any previous action based on such violations.

(Ord. 684; Code 2003)

#### **1-118. City records.**

The city clerk or any other officer or employee having custody of city records and documents shall maintain such records and documents in accordance with K.S.A. 12-120 and K.S.A. 12-121 inclusive, which is incorporated by reference herein as if set out in full.

(K.S.A. 12-120; 12-121; Code 1984)

#### **1-119. Altering code.**

It shall be unlawful for any person, firm, company, corporation or other entity to change, amend by additions or deletions any part or portion of this code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the city to be misrepresented thereby. This restriction shall not apply to amendments or revisions of this code authorized by ordinance duly adopted by the governing body.

(Code 1984)

#### **1-120. Scope of application.**

Any person convicted of doing any of the acts or things prohibited, made unlawful or misdemeanor, or the failing to do any of the things commanded to be done, as specified and set forth in this Chapter shall be deemed guilty of a misdemeanor and punished in accordance with section 1-121. Each day any violation of this code continues shall constitute a separate offense.

(Code 1984)

#### **1-121. General penalty.**

Whenever any offense is declared by any provision of this code, absent a specific or unique punishment prescribed, the offender shall be punished in accordance with this section.

(a) A fine of not less than fifty dollars (\$50) or more than one-thousand dollars (\$1,000); or,



- (b) Imprisonment for not more than one hundred eighty (180) days; or
- (c) Both such fine and imprisonment not to exceed (a) and (b) above.

(Code 1984; Code 2003)

### **1-122. Severability.**

If for any reason any chapter, article, section, subsection, sentence, clause, or phrase of this code or the application thereof to any person or circumstance is declared to be unconstitutional or invalid or unenforceable such decision shall not affect the validity of the remaining portions of this code.

(Code 1984)

## **Article 2. Governing Body**

### **1-201. Governing body defined.**

The term “governing body” as used in this code shall be defined to include the mayor and members of the council of the city.

(K.S.A. 12-104; Code 1971; Sec. 1-102; C.O. No. 2; C.O. No. 5A; Code 2003)

### **1-202. Powers generally.**

All powers conferred upon cities of the second class by the constitution and laws of the state of Kansas shall be exercised by the governing body subject to such limitations as may be prescribed by law that are uniformly applicable to all cities. All executive and administrative authority shall be vested in the mayor and council of the city as the governing body of the city.

(K.S.A. 12-103; Kansas Constitution, Article 12, Section 5; Code 1971; Sec. 1-103; Code 2003)

### **1-203. Ordinance powers.**

The governing body shall have the care, management and control of the city and its finances and shall have the power to enact, ordain, alter, modify, or repeal any and all ordinances. The governing body shall ordain such ordinances in conformity with Article 12, Section 5 of the Kansas Constitution, and this article.

(Code 1971; Sec. 1-104)

### **1-204. Meetings.**

The governing body shall have regular meetings on the second Monday of each month at 7:00 p.m. and additional meetings at any time of the year at any other time deemed proper. When the date fixed for a regular meeting shall fall on any legal holiday, or a day observed as a holiday in the city, the regular meeting shall convene on the next regular or business day thereafter that is not observed as a legal holiday, or as ordered by the governing body at any previous meeting, regular or special.

(K.S.A. 14-111; Ord. 357; C.O. No. 27; Code 2022)

### **1-205. Special meetings.**



Any special meeting may be called either by (a) the mayor or (b) the mayor on written request of not less than three (3) members of the council addressed to the mayor, specifying the object and purpose of the meeting, which request must be read at the meeting and entered at length on the journal. The call of the mayor for any special meeting shall be issued in such manner as may be required by the rules of the council. Attendance by any member of the governing body at a special meeting thereof shall constitute a waiver of any right or privilege such member may have to challenge any purported or actual non-compliance with the provisions of this section, unless such appearance is limited solely to express formal objection to the call.

(Ord. 1971; Sec. 1-106; Code 1984; Code 2003; C.O. No. 26; Code 2022)

#### **1-206. Mayor; powers and duties.**

The mayor shall preside at all meetings of the city council, and shall have a vote when the council is equally divided and as may otherwise be provided by law and shall have the superintending control of all the officers and affairs of the city, and shall take care that the ordinances of the city and all applicable laws are complied with.

(C.O. No. 8; K.S.A. 14-301; Code 2003)

#### **1-207. Mayor; salary.**

A salary may be established for the mayor of the city.

(Ord. 560; Ord. 603; Code 1984; Code 2003; Code 2007; Code 2022)

#### **1-208. Councilmembers; salary.**

A salary ~~in the amount of \$100.00 per month is hereby may be~~ established for members of the city council. The council members' salary shall be payable the first day of each calendar month.

(Ord. 564; Code 1984; Code 2003; Code 2007; [Code 2024](#))

#### **1-209. President of council.**

The council shall elect from its membership a president of the council. The president of the council shall preside in the temporary absence of the mayor, but shall retain the authority of the president's council position. The president of the council shall assume the position of mayor when any vacancy shall occur in the office of the mayor by death, resignation, removal from the city, removal from office, refusal to qualify, or otherwise. The president of the council shall become mayor until the next regular city election, and a vacancy shall occur in the office of the council member becoming mayor. Such appointee shall serve only for the period from and after the date of assuming the position of mayor until the second Monday in January following the next November election. At such November election, an individual will be elected to serve out the remainder of the unexpired term of the position, if any portion of the term remains unexpired. Upon the president of the council assuming the office of mayor, the council shall elect from its membership a new president of the council.

(Code 1971, Sec. 1-108; C.O. No. 11; Code 2003; C.O. No. 22; C.O. No. 23)

#### **1-210. Ordinances; consideration; passage.**

All ordinances of the city shall be considered at a public meeting of the governing body, except as otherwise provided by law. The vote on any ordinance shall be by "yeas" and "nays" which shall be entered on the journal by the city clerk. No ordinance shall be valid unless a majority of all members elect of the

city council shall vote in favor thereof: PROVIDED, that where the number of favorable votes is one (1) less than required, the mayor shall have power to cast the deciding vote in favor of the ordinance.

(K.S.A. 12-3001: 3002; Code 1971, Sec. 1-109)

#### **1-211. Ordinances; approval; veto; passage over veto.**

The mayor shall have the power to sign or veto any ordinance passed by the council: PROVIDED, that on those ordinances in which the mayor casts the deciding vote and appropriation ordinances, he or she shall have no veto and he or she shall sign such ordinance if he or she is present at the meeting and if the mayor refuses or neglects to sign or is not present at the meeting, they shall take effect without the mayor's signature. Any ordinance vetoed by the mayor may be passed over the veto by a vote of  $\frac{3}{4}$  of the whole number of council members elect notwithstanding the veto: PROVIDED FURTHER, that if the mayor does not sign his or her approval of the ordinance or return the same with his or her veto stating his or her objection in writing on or before the next regular meeting of the council, the ordinance shall take effect without the mayor's signature, such fact to be endorsed in the ordinance book: PROVIDED FURTHER, that the president of the council or acting president of the council shall have no power to sign or veto any ordinance.

(K.S.A. 12-3003; Code 1971; Section 1-110; Code 2003)

#### **1-212. Ordinances; statement after last section.**

After the last section of each ordinance there shall be a statement substantially as follows:

“Passed by the council this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.” followed by “(Approved) (Signed) by the mayor” with the signature of the mayor; or “Passed over the mayor's veto.” or “The mayor not having approved the ordinance on or before the next regular meeting, took effect without the mayor's signature”; or in the case of appropriation ordinances where the mayor refuses or neglects to sign or is absent from the meeting, an appropriate statement. The city clerk shall attest the signature and affix the seal of the city thereto.

(K.S.A. 12-3003; Code 1971; Sec. 1-111; Code 2003)

#### **1-213. Ordinances; subject; title; amendments; ordaining clause.**

No ordinance shall contain more than one (1) subject which shall be clearly expressed in its title; and no section or sections of an ordinance shall be amended unless the amending ordinance shall contain the entire section or sections as amended and the section or sections amended shall be repealed. The style of the ordaining clause of all ordinances shall be “Be it Ordained by the Governing Body of the City of Haysville.”

(K.S.A. 12-3004; 3005; Code 1971; Sec. 1-112)

#### **1-214. Code of procedure for Kansas cities incorporated.**

There is hereby incorporated by reference for the purpose of establishing a code of procedure for the conduct of city council meetings of the City of Haysville, Kansas, that certain code known as the “Code of Procedure for Kansas Cities,” Fourth Edition (2017), prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. At least one copy of said Code of Procedure for Kansas Cities shall be marked or stamped “Official Copy as Incorporated by the Code of the City of Haysville, Kansas,” with all sections or portions thereof intended to be omitted or changed clearly marked to show

any such omission or change and to which shall be attached a copy of this section, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

(Code 1971; Sec. 1-113; Ord. 386; Ord. 531; Ord. 746; Code 2003; Code 2022)

## **Article 3. Administrative Officers**

### **1-301. Officers, appointment.**

The mayor shall appoint city officers, by and with the consent of the city council, including a municipal judge of the municipal court, a chief of police, chief administrative officer, deputy administrative officer, city clerk/treasurer, public works director, city attorney, city prosecutor, recreation director, and may appoint law enforcement officers and/or any other officers for the City as deemed necessary. Officers so appointed and confirmed shall hold their offices for a term of one year, provided their work has met the standards and requirements so designated by the mayor, and shall hold their positions until their successors are appointed and qualified, unless removed for cause by action of the city council. The city council may by ordinance abolish any office created by the council whenever deemed expedient except those specifically named herein. The position(s) and/or duties of the city clerk/treasurer shall be those associated by statute with either a city clerk's position or a city treasurer's position as well as duties set forth by City Ordinance or action of the governing body.

(C.O. No. 15; C.O. No. 24 (2016))

### **1-302. Officers, qualifications.**

Except where otherwise specifically required or permitted by ordinance, all elected officers shall be qualified electors of the city. All officers appointed by the mayor to serve after April 8, 2019, shall live within a thirty (30) mile radius of the Haysville city building within one hundred eighty days (180) days of appointment except that the mayor may appoint as city engineer, municipal judge, city attorney, city prosecutor, and law enforcement officers individuals who reside outside of the thirty (30) mile radius when deemed necessary, including the appointment of such individuals who also serve as municipal judge or law enforcement officers of another municipality or public agency. Any officer appointed to serve after April 8, 2019, who was an appointed officer of the city for successive previous terms or who was employed by the city of Haysville prior to the passage of this section and thereafter was appointed who did not, prior to April 8, 2019, reside within the thirty (30) mile radius of the Haysville city building, shall be exempt from the residency requirement as set forth in this section. Failure to comply with this article may subject an employee to discipline, up to and including termination for cause.

(C.O. No. 24 (2016); Code 2020)

### **1-303. Same; orders and reports.**

The mayor shall have the power, when he or she deems it necessary, to require any officer of the city to exhibit his or her accounts or other papers, and to make report to the governing body in writing touching any subject or matter he or she may require pertaining to his or her office.

(C.O. No. 8; Code 2003)

### **1-304. Service charge, insufficient fund checks.**

A service charge as set out in Chapter 17 shall attach to the collection of “insufficient fund,” “account closed,” “stop payment,” checks given to the city for payment of any services, goods, merchandise or otherwise.

(Code 1971, Sec. 1-204; Ord. 221-A; Ord. 608; Code 2003, Code 2004)

### **1-305. Unclaimed checks.**

The city clerk may void an unclaimed check other than a certified check whenever such check remains unclaimed or uncashed more than six (6) months following its date of issuance by the city.

(Code 1984; Code 2003)

### **1-306. City clerk/treasurer; duties of office.**

All references to the City Clerk or Treasurer, as set forth in any regular ordinance or this Code, shall henceforth be construed to mean the City Clerk/Treasurer or such official’s designee.

The official appointed by the mayor to be responsible for the duties of the City Treasurer for the city, regardless of such official’s title although generally known as the City Clerk/Treasurer, shall have the following duties associated with the position of treasurer:

(a) Receive and safely keep all moneys belonging to the city coming to him or her by virtue of his or her office, giving his or her receipt therefor. For all moneys received by him or her from any source, he or she shall keep a copy thereof in his or her own office;

(b) Keep proper records and accounts of all moneys received and disbursed by him or her from any source and funds on behalf of the city specifying the time of receipt and disbursements, from whom received and to whom disbursed on account of the city;

(c) Publish or cause to be published a quarterly financial statement of the city in the manner and style required by K.S.A. 12-1608;

(d) Deposit all funds of the city coming into his or her hands in his or her official capacity or responsibility in a depository bank or banks within the city, and only after the same has been designated by the governing body and after the depository bank shall have given security in those instances when a depository of public moneys must give security. All such deposits shall be made in the treasurer’s name and in his or her official title as treasurer of the city; and

(e) Pay out funds of the city upon warrants (or warrant checks) properly signed by the mayor, attested by the city clerk. He or she shall cancel all warrants as soon as paid, and in canceling paid warrants, shall write across the face of such warrant the work “Paid” in red ink and sign the same. In case a combination warrant check is used and such warrant is stamped by a depository bank of the city, the endorsement of the treasurer shall not be required.

(K.S.A. 9-1401; 1403, 10-801:809, 10-1118, 12-1608; K.S.A. 9-1402; Code 1971, Sec. 1-205; C.O. No. 24; Code 2003)

### **1-307. Municipal judge; duties.**

It shall be the duty of the municipal judge to hear matters pertaining to the conduct of his or her office pursuant to the laws of the state of Kansas. The municipal judge shall be paid a sum to be established by ordinance of the city.

(Ord. 260; Code 2003)

### **1-308. Appointive officers; general duties.**

The foregoing provisions of this article shall not be construed to limit the duties of the city officers therein named and they shall have additional duties as may be required by the governing body for the general operation and maintenance of the city water and sewage plants, maintenance of city streets, alleys and public grounds. The governing body may create other city offices as the city may require hereafter and may abolish any office herein established which shall not have been created by the laws of the state of Kansas applicable uniformly to all cities. The same person may be appointed to any one (1) or more appointive offices, except the same person shall not be appointed to incompatible offices.

(Code 1971, Sec. 1-212)

## **Article 4. Oaths and Bonds**

### **1-401. Officers' oath.**

All officers of the city, whether elected or appointed, either under the laws of the state of Kansas or ordinances of the city shall, before entering upon the duties of their respective offices, take and subscribe an oath or affirmation as follows:

“I do solemnly swear that I will support the Constitution of the United States and the laws of the State of Kansas, and the laws and ordinances of the City of Haysville, Kansas and the rules and regulations of the \_\_\_\_\_ Department and will well and faithfully discharge the duties of the office of \_\_\_\_\_ to the best of my ability. So help me God.

(K.S.A. 25-2120, 54-106; Code 1971, Sec. 1-301; Code 2003)

### **1-402. Oaths filed.**

All officers and employees required by section 1-401 to take and subscribe or sign an oath or affirmation shall be supplied the forms for such purpose at the expense of the city and upon taking and subscribing or signing any such oath or affirmation, the oath or affirmation shall be filed by the city clerk.

(Code 1971, Sec. 1-302)

### **1-403. Bonds required.**

City department heads and any employee responsible for handling money or city property or equipment shall each, before entering upon the duties of office, give a good and sufficient surety company bond or personal bond to the city, which shall be approved by the governing body

(Code 1971, Sec. 1-303; Code 1984; Code 2003)

### **1-404. Condition of bonds.**

The bonds required in section 1-403 shall be conditioned for the faithful performance of duty and all acts required by the laws of Kansas and the ordinances of the city, and for the application and payment over

to the proper persons of all moneys or property coming into the hands of each such officer or employee by virtue of his or her office.

(Code 1971, Sec. 1-304; Code 2003)

#### **1-405. Approval of bonds.**

All bonds given to the city shall be approved as to their form by the city's legal counsel and as to surety and sufficiency by the governing body, unless otherwise provided by the laws of the state of Kansas.

(Code 1971, Sec. 1-305; Code 2003)

## **Article 5. Open Public Records**

#### **1-501. Statement of purpose review.**

It is the purpose of this article to establish reasonable fees and charges for the provisions of access to or copies of open public records in the possession of the city to avoid the necessity of using general public funds of the city to subsidize special services and benefits to a record requester. The official record custodian shall periodically recommend to the governing body such changes as may be necessary to secure this purpose. Fees may be changed by vote of the governing body.

(Ord. 792; Code 2003)

#### **1-502. Inspection fee.**

A reasonable charge, as set out in Chapter 17, may be assessed for the inspection of public records and may be determined by the time involved in producing the records. Charges may be based on the salary, plus benefits, of the employee who provides access to the records.

(Ord. 792)

#### **1-503. Copying fee.**

(a) A reasonable fee per page, as set out in Chapter 17, may be charged for photocopying records in addition to the hourly rate plus benefits of the employee making the copies.

(b) For copying cassette tapes, video tapes or compact discs, or any other media readily available to the city, the requester may be charged for all materials used plus staff time required to reproduce the public record.

(Ord. 792)

#### **1-504. Prepayment of fees.**

A record custodian may demand pre-payment of the fees for producing/reproducing public records.

(Ord. 792)

#### **1-505. Payment.**

All fees charged under this article shall be paid to the city.

## Article 6. Boards and Committees

### 1-601. Park board.

(a) The Park Board is hereby established as provided and authorized by the terms and provisions of K.S.A. 14-537, and designated as responsible for all trees on City owned property in conformance with the requirements of the Tree City USA standards, and shall be composed of five (5) members, one (1) of whom shall be the mayor or designee appointed by the mayor to serve as ex-officio chairperson of such board. The other four (4) members shall be resident taxpayers of the city who shall be appointed by the mayor with the consent and approval of the council members of the city. Any reference to City Parks and Community Forestry Board within any chapter of this Municipal Code or otherwise within local ordinance or regulation shall be understood to refer to this Park Board.

(b) No member of the Park Board shall be related by blood or marriage to the mayor, to any member of the council or to any officer of the city government. The members of the Board shall serve without compensation.

(c) Upon creation of the Board, two members of the Board shall be appointed for an initial term of one year, and two members shall be appointed for an initial term of two years. Thereafter, all appointments shall be for two year terms, and all members shall be eligible for reappointment(s) at the discretion of the mayor.

(d) In the event of death, resignation or other disqualification of any members of the Park Board, his or her successor shall be appointed by the mayor by and with the consent and approval of the council members of the city and such appointment shall be for the unexpired term only. The members of the Park Board may be removed by the mayor for failure to attend meetings, training, and workshops; neglect of duty; or malfeasance in office.

(e) The Park Board shall make an annual report of all its proceedings and of the condition of the parks of this city to the governing body during the month of January each year; provided, that any procedural rules and regulations established by the Board shall be subject to review and modification by the city council. A majority of the five members shall constitute a quorum for the transaction of business.

(f) Duties of the Park Board. The Board shall:

- (1) Develop a list of goals and objectives, to include needs and usage of the existing parks and open space; needs for additional park grounds; the size and types of park grounds to be considered; development of short and long range capital improvements required to develop current and proposed park grounds; and essential environmental concerns for the community and the surrounding planning and growth area;
- (2) Study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, replacement, maintenance, and removal or disposition of trees and shrubs in the parks, along streets and in other public areas that will serve as the official comprehensive tree plan for the city;



- (3) Develop programs and review existing programs to encourage the usage of city parks and open space. When feasible, such programs should provide for joint use of land with other governmental entities to include the USD 261;
  - (4) Develop initiatives to enhance the image of the community, both at the neighborhood level and city-wide, through beautification and preservation projects to include landscaping, tree planting, decorative lighting, and measures to reduce traffic, noise, sight and other types of pollution;
  - (5) Develop and maintain a list of recommended tree species for planting on anywhere within the city. Such list shall be available to residents of the city upon request to aid in the selection of trees for private properties. The list shall be updated annually by the Board to reflect new developments or species which have favorable characteristics for inclusion in the community forest; and
  - (6) Plan for and carry out an annual Arbor Day Observance and Proclamation.
  - (7) Promote the safe use of bicycling and walking for transportation, wellness, recreation, and environmental enhancement through various means of transportation, including bicycling and walking.
- (Code 1971, Sec. 1-401; K.S.A. 14-537; K.S.A. 12-1301 to K.S.A. 12-1306; Code 2003; Ord. 975; Code 2015; Ord. 1080; Code 2022)

#### **1-602. Library board.**

(a) There is hereby created a city library board which shall be composed of seven (7) members as provided and authorized by the terms and provisions of K.S.A. 12-1222 who shall be residents of the city.

(b) Vacancies occasioned by removal from the city, resignation, or otherwise, shall be filled by appointment for the unexpired term. No person who has been appointed for two (2) consecutive four (4) year terms to the board shall be eligible for further appointment to such board until two (2) years after the expiration of the second term. Members shall receive no compensation for their services as such but shall be allowed their actual and necessary expenses in attending meetings and in carrying out their duties as members.

(Code 1984, K.S.A. 12-2222; Code 2003)

#### **1-603. Senior planning committee.**

(a) The governing body deems it necessary, for the quality of life of the senior citizens of the city, to establish a board which shall be known as the Senior Planning Committee.

(b) This board shall consist of seven (7) members, one of whom shall be the mayor or designee appointed by the mayor to serve as ex-officio chairperson of such Board. The other six (6) members shall be appointed by the mayor with consent of the governing body to serve one (1) year terms.

(Ord. 546; Code 2003; Ord. 1080, Code 2022)

#### **1-604. Haysville historic committee.**

(a) The governing body deems it necessary, for the quality of life of the citizens of the City, to establish a board which shall be known as the Haysville Historic Committee.



(b) Members. The Haysville Historic Committee shall be composed of nine (9) members of which (6) six members shall be residents from within the corporate limits or property owners of the City of Haysville, Kansas. All of whom shall be appointed by the mayor with consent of the governing body. The remaining three (3) positions shall consist of the planning commission chair, or his or her designee from the planning commission; the park board chair, or his or her designee from the park board; and the mayor, or his or her designee.

(c) Terms. The term of office of all general members of the Committee shall be for two (2) years excepting the first committee which shall consist of three (3) members serving for three (3) years, three (3) members serving for two (2) years. The positions on the committee reserved for the planning commission chair, the park board chair, and the mayor shall remain with the individual appointed or elected to such position, or their designee, for the term of such individual's appointment or election. All general members shall be eligible for reappointment(s) at the discretion of the mayor. Upon expiration of a term, the position shall remain vacant until a successor is appointed.

(d) Duties of the Historic Committee. All of the powers and duties enumerated herein are subject to approval, denial or modification by the governing body. All funds necessary to carry out the purposes of this section shall be approved and appropriated according to the purchasing policy adopted by the governing body:

- (1) To familiarize itself with the historic resources within the community which may be eligible for designation as historic resources, historic landmarks or historic districts and shall administer the identification, documentation and designation of such historic landmarks and historic districts.
- (2) Make and adopt a historic preservation plan and review and update the plan as needed
- (3) Prepare and recommend to the Park Board for inclusion in the master park plan, a list of goals and objectives for the W.W. Hays Village Historic Park. Such list shall include:
  - (A) Needs and usage of the existing buildings, improvements and open space;
  - (B) Needs for additional buildings and improvements;
  - (C) The size and types of buildings and improvements to be considered; and
  - (D) Development of short and long range capital improvements required to develop these goals and objectives.

(Code 2015; Ord. 1080; Code 2022)

## **1-605. Planning commission**

(a) The Haysville City Planning Commission is hereby ratified and continued as set forth herein (the "Planning Commission"). The Board shall adopt Bylaws for the transaction of business and hearing procedures.

(b) Members. The Planning Commission will be composed of seven (7) members of which five (5) members shall be residents of the City and two (2) members shall reside outside the City but within the City's Zoning area of influence.

(c) Appointment. The members of the Planning Commission shall be appointed by the mayor, by and with the consent of the City council, in all respects as required by law. Appointment to a vacancy caused by the death, incapacity, resignation or disqualification of any Member of the Planning Commission shall be made for that Member's unexpired term. Planning Commissioners may be removed by the mayor for failure to attend meetings, training and workshops, neglect of duty, or malfeasance in office.

(d) Same; Term of Office. The term of office of the members of the Planning Commission shall be for three years. At the end of the three year term, the member may be reappointed with the approval of the City council. Vacancies shall be filled for unexpired terms only. Terms are to be staggered such that two members are appointed in one year, two members in the next, and three members in the next. The terms of the two members residing outside of the City's corporate limits must not expire within the same year. Members shall take office on the first meeting of the Planning Commission in July. After the original adopting ordinance takes effect, a new slate of members of the Planning Commission shall be appointed as provided for herein, and upon such appointments, the term of all previously serving members of the Planning Commission shall terminate.

(Ord. 1080)

### **1-606. Board of zoning appeals**

(a) The Planning Commission is hereby designated to also serve as the City's Board of Zoning Appeals, with all the powers and duties as provided for in K.S.A. 12-759

(b) Public records shall be kept of all official actions of the Board, which must be maintained separately from those of the Planning Commission. The Board shall keep minutes of its proceedings showing evidence presented, findings of fact, decisions and the vote on each question or appeal.

(c) Unless otherwise required by law, all actions by the Board of Zoning Appeals shall be taken by a majority vote of the members present and voting.

(d) Organization and responsibilities. The board shall adopt rules and/or regulations for the conduct of its business in accordance with the provisions of the Zoning Regulations of the City of Haysville, Kansas. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing evidence presented, findings of fact by the board, decision of the board and the vote of each member upon each question or if absent or failing to vote, indicating such fact. Records of all official actions of the board shall be filed in its office and shall be public record. The board shall annually elect one of its members as chairperson and shall appoint a secretary who shall not be a member of the board but may be an employee of the city. The secretary shall have no vote in the matters before the board.

(Ord. 1080)

## **Article 7. Investment of Public Funds**

### **1-701. Purpose and goals.**

It is the purpose of this statement to set forth the public policies of the city relating to the investment of public moneys, and establish procedural requirements as to investment management practice. The objective of the investment policy and program of the city shall be as follows:

(a) The safeguarding of all public moneys shall be of the highest priority. Public money shall not be invested or managed in any matter which would jeopardize the safety of the principal.

(b) Consistent with the requirement of safety, the objective of the investment program shall be to aggressively manage and invest all public moneys to maximize net earnings, consistent with the public responsibility to secure maximum, safe investment return possible from moneys assigned to its stewardship, to relieve demands on the property tax and to otherwise reduce the cost of public services.

(Code 2022)

### **1-702. Active funds; designation of depositories; eligible depositories.**

(a) The governing body shall designate the banks, savings and loan associations and savings banks which shall serve as depositories of its funds. The clerk, treasurer or other city officer or employee having the custody of city funds shall deposit such funds only at the designated banks, savings and loan associations and savings banks. Only banks, savings and loan associations and savings banks that have main or branch offices in Sedgwick County shall be designated as official depositories. No such bank, savings bank or savings and loan association shall be designated as a depository until the city is assured that it can obtain satisfactory security for its deposits.

(b) The clerk, treasurer or other city officer or employee depositing public funds shall deposit all such public funds coming into such person's possession in their name and official title as such officer. If the governing body fails to designate an official depository or depositories, the officer thereof having custody of city funds shall deposit such funds with one or more banks, savings and loan associations or savings banks which have main or branch offices in Sedgwick County if satisfactory security can be obtained therefor and if not then elsewhere. In such event, the officer or employee shall serve notice in writing on the governing body showing the names and locations of such banks, savings and loan associations and savings banks where such funds are deposited, and upon so doing the officer or employee having custody of such funds shall not be liable for the loss of any portion thereof except for official misconduct or for the misappropriation of such funds by the officer or employee.

(c) If eligible banks, savings and loan associations or savings banks under subsections (a) or (b) cannot or will not provide an acceptable bid, which shall include services, for the depositing of public funds under this section, then banks, savings and loan associations or savings banks which have main or branch offices in any immediately adjoining county may receive deposits of the city's active funds, if such banks, savings and loan associations or savings banks have been designated as official depositories under subsection (a) and the city can obtain satisfactory security therefor.

(K.S.A. 9-1401; Code 2022)

### **1-703. Definitions.**

As used in this article the following words and phrases shall mean:

(a) Bank means any bank incorporated under the laws of the state of Kansas or any other state, or organized under the laws of the United States and which has a main or branch office in Kansas;

(b) Savings and loan association means any savings and loan association incorporated under the laws of the state of Kansas or any other state, or organized under the laws of the United States and which has a main or branch office in Kansas;

(c) Savings bank means any savings bank organized under the laws of the United States and which has a main or branch office in Kansas;

(d) Main office means the place of business specified in the articles of association, certificate of authority or similar document, where the business of the institution is carried on and which is not a branch;

(e) Branch means any office within this state, other than the main office, that is approved as a branch by a federal or state supervisory agency, at which deposits are received, checks paid or money lent. Branch does not include an automated teller machine, remote service unit or similar device or a loan production office;

(f) Investment rate means a rate which is the equivalent yield for United States government securities having a maturity date as published in the Wall Street Journal, nearest the maturity date for equivalent maturities. The 0-90 day rate shall be computed on the average effective federal funds rate as published by the federal reserve system for the previous week.

(K.S.A. 12-1675a; Code 2022)

#### **1-704. Investment of idle funds.**

Temporarily idle moneys of the city not currently needed, may in accordance with the procedure hereinafter described be invested:

(a) In temporary notes or no-fund warrants issued by such investing governmental unit;

(b) In savings deposits, demand deposits, time deposits, open accounts, certificates of deposit or time certificates of deposit with maturities of not more than two years:

(1) In banks, savings and loan associations and savings banks, which have main or branch offices located in such investing governmental unit; or

(2) If no main or branch office of a bank, savings and loan association or savings bank is located in such investing governmental unit, then in banks, savings and loan associations and savings banks, which have main or branch offices in the county or counties in which all or part of such investing governmental unit is located;

(c) In repurchase agreements with:

(1) Banks, savings and loan associations and savings banks, which have main or branch offices located in such investing governmental unit, for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof; or

(2) If (A) no main or branch office of a bank, savings and loan association or savings bank, is located in such investing governmental unit; or (B) no such bank, savings and loan association or savings bank having a main or branch office located in such investing governmental unit is willing to enter into such an agreement with the investing governmental unit at an interest rate equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, then such repurchase agreements may be entered into with banks, savings and loan associations or savings banks which have main or branch offices in the county or counties in which all or part of such investing governmental unit is located; or

(3) If no bank, savings and loan association or savings bank, having a main or branch office in such county or counties is willing to enter into such an agreement with the investing governmental unit at an interest rate equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, then such repurchase agreements may be entered into with banks, savings and loan associations or savings banks located within the State of Kansas;

(d) In United States treasury bills or notes with maturities as the governing body shall determine, but not exceeding two years. Such investment transactions shall only be conducted with banks, savings and loan associations and savings banks; the federal reserve bank of Kansas City, Missouri; or with primary government securities dealers which report to the market report division of the federal reserve bank of New York, or any broker-dealer engaged in the business of selling government securities which is registered in compliance with the requirements of section 15 or 15C of the securities exchange act of 1934 and registered pursuant to K.S.A. 2005 Supp. 17-12a401, and amendments thereto;

(e) In the municipal investment pool fund established in K.S.A. 12-1677a, and amendments thereto;

(f) In the investments authorized and in accordance with the conditions prescribed in K.S.A. 12-1677b, and amendments thereto; or

(g) In multiple municipal client investment pools managed by the trust departments of banks which have main or branch offices located in the county or counties where such investing governmental unit is located or with trust companies incorporated under the laws of this state which have contracted to provide trust services under the provisions of K.S.A. 9-2107, and amendments thereto, with banks which have main or branch offices located in the county or counties in which such investing governmental unit is located. Public moneys invested under this paragraph shall be secured in the same manner as provided for under K.S.A. 9-1402, and amendments thereto. Pooled investments of public moneys made by trust departments under this paragraph shall be subject to the same terms, conditions and limitations as are applicable to the municipal investment pool established by K.S.A. 12-1677a, and amendments thereto.

(h) In municipal bonds or other obligations issued by any municipality of the state of Kansas as defined in K.S.A. 10-1101, and amendments thereto, which are general obligations of the municipality issuing the same.

(i) The investments authorized in subsections (d), (e), (f), (g) or (h) of this section shall be utilized only if the banks, savings and loan associations and savings banks eligible for investments authorized in subsection (b), cannot or will not make the investments authorized in subsection (b) available to the investing governmental unit at interest rates equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto.

(j) In selecting a depository pursuant to subsection (b), if a bank, savings and loan association or savings bank eligible for an investment deposit thereunder has an office located in the investing governmental unit and such financial institution will make such deposits available to the investing governmental unit at interest rates equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, and such financial institution otherwise qualifies for such deposit, the investing governmental unit shall select one or more of such eligible financial institutions for deposit of funds pursuant to this section. If no such financial institution qualifies for such deposits, the investing governmental unit shall select for such deposits one or more eligible banks, savings and loan associations or savings banks which have offices in the county or counties in which all or a part of such investing governmental unit is located which will make such deposits available to the investing

governmental unit at interest rates equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, and which otherwise qualify for such deposits.

(K.S.A. 12-1675; Code 2022)

#### **1-705. Procedures and restrictions.**

The city clerk shall periodically report to the governing body as to the amount of money available for investment and the period of time such amounts will be available for investment, and shall submit such recommendations as deemed necessary for the efficient and safe management of city finances. The recommendations of the city clerk shall provide for an investment program which shall so limit the amounts invested and shall schedule the maturities of investments so that the city will, at all times, have sufficient moneys available on demand deposit to assure prompt payment of all city obligations.

(Code 2022)

#### **1-706. Custody and safekeeping.**

Securities purchased pursuant to this article shall be under the care of the city clerk and shall be held in the custody of a state or national bank or trust company, or shall be kept by such officers in a safety deposit box of the city in a bank or trust company. Securities in the original or receipt form held in the custody of a bank or trust company shall be held in the name of the city, and their redemption, transfer, or withdrawal shall be permitted only upon the written instruction of the city officers. Securities not held in the custody of a bank or trust company shall be personally deposited by such officer in a safety deposit box in the name of the city in a bank or trust company, access to which shall be permitted only in the personal presence and under the signature of two of the abovementioned officers.

(Code 2022)

#### **1-707. Sale or transfer.**

If, in order to maintain sufficient moneys on demand deposit in any fund as provided in section 1-705, it becomes necessary to transfer or sell any securities of such funds, the officers specified in section 1-706 may transfer said securities to any other fund or funds in which there are temporarily idle moneys, or shall sell such securities, and for such purpose they shall have authority to make any necessary written direction, endorsement or assignment for and on behalf of the city.

(Code 2022)

#### **1-708. Interest on time deposits.**

The city clerk shall deposit the interest earned on invested idle funds to the general fund, unless otherwise required or authorized by law.

(Code 2022)

## **Article 8. Land Bank**

#### **1-801. Purpose.**

The purpose of creating the City of Haysville, Kansas, Land Bank is to implement the authority granted through K.S.A. 12-5901 et seq., to establish or dissolve a city land bank. The city land bank will be a quasi-governmental entity with the primary responsibility and authority for acquiring, maintaining and selling abandoned, foreclosed, or similarly distressed property to help achieve the elimination of blight, the enhancement of neighborhood viability and stability, the creation of opportunities for affordable and mixed income home ownership and rental, maintenance of property values throughout the city, conformance with the goals of the city's comprehensive plan, and the encouragement of economic development. The land bank is intended to assist in the elimination of barriers to returning properties to productive use, and to help facilitate the strategic conveyance of property.

#### **1-802. Definitions.**

As used in this article:

- (a) City means the City of Haysville, Kansas, unless otherwise specifically stated.
- (b) Board means the board of trustees of the city land bank.
- (c) Bank means the City of Haysville, Kansas, Land Bank.
- (d) Governing body means the governing body of the city.

#### **1-803. Land bank board of trustees; appointment, terms and dissolution.**

(a) There is hereby established a land bank board of trustees. The board shall be composed of the entire membership of the governing body of the city, ex officio, who shall be the voting members, and one additional member appointed by the mayor who shall be a non-voting member and who shall be a city staff member.

(b) The term of office of each voting member of the board of trustees shall be coterminous with that member's term of office on the governing body of the city. The non-voting member of the Board of Trustees shall serve at the pleasure of the city governing body.

(c) The bank may be dissolved by ordinance of the governing body. In such case, all property of the bank shall be transferred to and held by the city and may be disposed of as otherwise provided by law.

(d) The board of trustees may adopt by-laws to govern procedures regarding any matter properly under the control of the land bank and not governed by the provisions set forth within this Article.

#### **1-804. Land bank board of trustees; powers and duties.**

- (a) To sue and be sued.
- (b) To enter into contracts.
- (c) To appoint and remove staff and provide for the compensation thereof.
- (d) To acquire, by purchase, gift or devise, and convey any real property, including easements and reversionary interests, and any personal property, subject to the provisions of this Article and state law. Any property acquired by the City, Sedgwick County or any other city or taxing subdivision within



Sedgwick County may be transferred to the Bank. The Board may accept or refuse to accept any property authorized to be transferred pursuant to this Article or state law. The transfer of any property pursuant to this Subsection shall not be subject to any bidding requirements and shall be exempt from any provisions of law requiring a public sale.

(e) The fee simple title to any real estate which is sold to Sedgwick County in accordance with the provisions of K.S.A. 79-2803 and 79-2804, and amendments thereto, and upon acceptance by the Board may be transferred to the Bank by a good and sufficient deed by the County Clerk upon a written order from the Board of County Commissioners.

(f) To rebate all, or any portion thereof, the taxes on any property sold or conveyed by the Bank.

(g) The Board shall assume possession and control of any property acquired by it under this Article or state law and shall hold and administer such property. In the administration of property, the Board shall:

- (1) Manage, maintain and protect or temporarily use for a public purpose such property in the manner the Board deems appropriate;
- (2) Compile and maintain a written inventory of all such property. The inventory shall be available for public inspection and distribution at all times;
- (3) Study, analyze and evaluate potential, present and future uses for such property which would provide for the effective reutilization of such property;
- (4) Plan for and use the Board's best efforts to consummate the sale or other disposition of such property at such times and upon such terms and conditions deemed appropriate;
- (5) Establish and maintain records and accounts reflecting all transactions, expenditures and revenues in relation to the Bank's activities, including separate itemizations of all transactions, expenditures and revenues concerning each individual parcel of property acquired; and
- (6) Thirty days prior to the sale of any property owned by the Bank, publish a notice in the official City newspaper announcing such sale.

(h) To exercise any other power which may be delegated to the Bank by the governing body, by ordinance, resolution, or regular motion.

(i) To exercise any other incidental power which is necessary to carry out the purposes of the land bank, this Article and state law.

(j) The board may establish separate neighborhood or city advisory committees consisting of persons living or owning property within the city, Sedgwick County or the neighborhood, and determine the boundaries of each neighborhood committee. In the absence of a Resolution by the Board providing otherwise, each advisory committee shall consist of not less than five and no more than nine persons, to be appointed by the board for two-year overlapping terms. The board shall consult with each advisory committee as needed to review the operations and activities of the bank and to receive the advice of the members of the advisory committee concerning any matter which comes before the committees.

## **1-805. Land bank board; organization.**



(a) The board officers shall consist of: 1) a chairperson who shall be the mayor, 2) a vice-chairperson who shall be the president of the council, and 3) a treasurer who shall be the non-voting appointee. Each officer shall be appointed annually, but may serve in such office for less than one year as the term of office of the chairman and vice-chairperson shall be coterminous with that member's term as mayor or president of the council of the governing body of the city. The treasurer shall be removed from membership of the land bank if no longer serving as a member of city staff. The treasurer shall be bonded in such amounts as the governing body may require.

(b) The board may appoint such officers, agents and employees as it may require for the performance of its duties, and shall determine the qualifications and duties and fix the compensation of such officers, agents and employees.

(c) The board shall fix the time and place at which its meetings shall be held. Meetings shall be held within the city and shall be subject to the Kansas Open Meeting Act, K.S.A. 754317 et seq., and amendments thereto.

(d) A majority of the board shall constitute a quorum for the transaction of business. No action of the board shall be binding unless taken at a meeting at which at least a quorum is present.

(e) The members of the board shall be subject to the provisions of the laws of the State of Kansas which relate to conflicts of interest of county officers and employees, including, but not limited to, K.S.A. 75-4301 et seq., and amendments thereto.

(f) Subject to the provisions of the Kansas Tort Claims Act, K.S.A. 75-6101 et seq., and amendments thereto, if any action at law or equity, or other legal proceeding, shall be brought against any member of the board for any act or omission arising out of the performance of duties as a member of the board, such member shall be indemnified in whole and held harmless by the board for any judgment or decree entered against such member and, further, shall be defended at the cost and expense of the bank in any such proceeding.

## **1-806. Land bank; operational requirements.**

The Land Bank shall be subject to the following requirements:

(a) The Bank shall be subject to the provisions of the Cash Basis Law, K.S.A. 10-1101 et seq., and amendments thereto.

(b) The budget of the Bank shall be prepared, adopted and published as provided by law for other political subdivisions of the State of Kansas. No budget shall be adopted by the Board until it has been submitted to, reviewed and approved by the governing body. If the governing body elects not to ratify the budget, it must reject the plan in its entirety and remand it back to the Board with specific recommendations for reconsideration.

(c) The Board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Board shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Board.

(d) All records and accounts shall be subject to public inspection pursuant to K.S.A. 45-216 et seq., and amendments thereto.

(e) Any moneys of the Bank which are not immediately required for the purposes of the Bank, such requirements including but not limited to paying debt associated with the acquisition of such land, shall be invested in the manner prescribed by K.S.A. 12-1675, and amendments thereto.

(f) The Bank shall make an annual report to the governing body on or before January 31 of each year, showing receipts and disbursements from all funds under its control and showing all property transactions occurring in each year. Such report shall include an inventory of all property held by the Bank. A copy of such inventory shall also be published in the official city newspaper on or before January 31 of each year.

(g) The Bank shall be subject to the statutory requirements for the deposit of public money as provided in K.S.A. 9-1401 et seq., and amendments thereto.

(h) The Board, without competitive bidding, may sell any property acquired by the Board at such times, to such persons, and upon such terms and conditions, and subject to such restrictions and covenants deemed necessary or appropriate to assure the property's effective reutilization.

(i) The sale of any real property by the Board, under the provisions of this Article or state law, on which there are delinquent special assessments to finance public improvements shall be conditioned upon the approval of the governing body.

(j) The Board, for the purpose of land disposition, may consolidate, assemble or subdivide individual parcels of property acquired by the Bank.

(k) Until sold or otherwise disposed of by the Bank, and except for special assessments levied by the city to finance public improvements, any property acquired by the bank shall be exempt from the payment of ad valorem taxes levied by the State of Kansas and any other political or taxing subdivision of the state.

(l) Except for special assessments levied by the city to finance public improvements, when the board acquires property pursuant to this Article and state law, the Sedgwick County Treasurer shall be notified by the board to remove from the tax rolls all taxes, assessments, charges, penalties and interest that are due and payable on the property at the time of acquisition by the board.

(m) Property held by the Bank shall remain liable for special assessments levied by the city for public improvements, but no payment thereof shall be required until such property is sold or otherwise conveyed by the bank. The bank and the city may enter into any such agreements regarding collection of special assessments which are lawful.

(n) The governing body may abate part or all of any special assessments which it has levied on property acquired by the bank, and the bank and the governing body may enter into agreements related thereto. Any special assessments that are abated shall be removed from the tax rolls by the Sedgwick County Treasurer as of the effective date of the abatement.

(o) Any moneys derived from the sale of property by the bank shall be retained by the bank for the purposes and operations thereof; provided, however, that the board may use all or part of the proceeds from such sale to reimburse the city for delinquent special assessments due on such property, or to pay off any debt associated with the acquisition of the property by either the city or the bank.

## CHAPTER 4. BUILDING, CONSTRUCTION, AND INSTALLATION

### Article 1. General Regulations/Supplements

#### 4-101. Building standards.

No person, firm or corporation shall hereafter design, construct, erect, remodel, alter, demolish, locate, relocate or remove any building or structure, or place or install service equipment therein in the city except in accordance with this article, and all other applicable codes and ordinances of this City relating to such buildings or structures.

#### 4-101a. Site address, premises identification.

Approved numbers or addresses shall be provided for all new residential and commercial buildings.

(a) Residential Buildings. Address shall be mounted or installed on the principal structure with numbers or letters, 3" minimum in height. Such numbers or letters shall be visible from the street or right-of-way which gives the property its address. Such numbers or letters shall be of contrasting color from the structure. This requirement is mandatory within SF-15 zones.

(b) Commercial and Industrial Buildings. Address shall be mounted or installed on the principal structure with numbers or letters 6" minimum in height. Such numbers or letter shall be visible from the street or right-of-way which gives the property its address. Such number or letter shall be of a contrasting color from the structure.

(Code 1971, Sec. 4-101; Code 2012; Code 2024)

#### 4-102. Licenses.

All contractors and tradesmen shall provide proof to the City of both a current and valid Metropolitan Area Building and Construction Department [hereinafter "MABCD" or "Metropolitan Area Building and Construction Department"] Contractor's License and a City of Haysville Contractor's License prior to being issued a permit to design, construct, erect, remodel, alter, demolish, locate, relocate or remove any building or structure, or place or install service equipment within the City.

(a) License of City of Haysville. City of Haysville licenses for all trades and construction for building, mechanical, electrical, plumbing and manufactured housing installation shall be issued exclusively through City.

(b) License of Metropolitan Area Building and Construction Department. Metropolitan Area Building and Construction Department licenses for all trades and construction for building, mechanical, electrical, plumbing and manufactured housing installation shall be issued exclusively through MABCD.

(Code 2011)

#### 4-103. Permit.

(a) City of Haysville Permit: Prior to any person, firm or corporation designing, constructing, erecting, remodeling, enlarging, altering, demolishing, locating, relocating or removing any building or structure, or changing the occupancy of a building or structure, or placing or installing service equipment

within the City of Haysville, a permit to do such work shall be obtained from the City. Such permit shall be issued through the Department of Public Works.

(b) In the event a contractor does not complete work for which a valid permit has been issued and such individual no longer holds a valid contract for the work, a second permit must be obtained by a contractor to complete the balance of the work. A fee shall be charged for the second permit that is ten percent of the original permit fee, but in no case less than the minimum fee for a building permit. Building permits are nontransferable.

(c) In those areas of the city having a high ground water table, which areas are not served by an approved water course or storm sewer for surface water disposal, building permit applications require a special approval by the building official. The application, in addition to providing the information required on the standard application form, shall indicate the lowest floor elevation of the proposed building, whether groundwater may be required to be pumped as a matter of waterproofing below-grade structure and, if so, the manner of water disposal. Topographic and groundwater elevations for reference purposes are shown on the most current Hydrogeologic Map of Sedgwick County, Kansas, prepared by the State Geological Survey of Kansas.

(d) Expiration. Every permit issued by the City under the provisions of this Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred eighty days from the date of such permit, or if work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty days, or one hundred eighty days have expired since an inspection was requested and such inspection was approved by the building official. Provided, that the building official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected and may authorize the refunding of not more than eighty percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code. No refund shall be paid except upon written application filed by the original permittee not later than one hundred eighty days after the date of fee payment.

(e) Whenever any work for which a permit is required by this Code has commenced without first obtaining said permit, an administrative penalty equal to the amount of the permit fee, as determined by the Code Official, shall be collected in addition to the permit fee. Such administrative penalty shall be paid prior to issuance of any permit for construction upon these premises. Licensed contractor administrative penalty is the amount of the permit fee or \$200.00 whichever is greater.

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(f) All necessary permits must be visible within the street right-of-way that corresponds to the property's address. The display can either be the permit itself or a receipt confirming its issuance, and it must be safeguarded against weather and damage.

(Code 2024)

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**4-104. Supplemental to the standard provisions of the metropolitan area building and construction department building, electrical, plumbing, mechanical and manufactured housing installation codes.**

Section 112, Board of Appeals associated with City of Haysville Inspections.

In order to hear and decide appeals of decisions, determinations, or orders of the City's inspector(s) relative to the application and interpretation of this Code, there shall be and is hereby created a Board of

Appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the city. The building inspector shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the Governing Body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official. The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

The owner of any permitted project, the construction of which has been rejected by the City's building inspector and who may feel aggrieved respecting such order, may by agent or personally appeal to the City's board of appeals, to have such order reviewed. The decision of the board can be appealed to the governing body for review and the decision of the governing body shall be final when the matter shall have been heard by it.

(Code 2011)

#### **4-105. Reserved.**

(Code 2011)

#### **4-106. Permit fees.**

The schedule of permit fees shall be those set forth in the approved schedule of fees as incorporated into Chapter 17 of the Haysville Municipal Code.

(Code 2003)

#### **4-107. Definitions.**

Definitions of terms used in this Article shall be as follows:

(a) Agricultural Building: A structure designed and constructed to house hay, grain, poultry, livestock, or other horticulture products and for farm storage of farming implements. Such structure or structures shall not be a place for human habitation or place of employment where agriculture products are processed, treated or packaged; nor shall it be a building or structure for use by the public.

(b) Contractors: A contractor, within the meaning of this chapter, is any person who undertakes with or for another to build, construct, alter, repair, add to, wreck or move any building or structure, or any portion thereof, within the city, for which a permit is required under this article, 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, wreck or move any building or structure or any portion thereof; or who builds, constructs, alters, adds to, wrecks or moves any building or structure, either on his or her own or other property, for the purpose of speculation.

(c) A One and/or Two Family Dwelling is a structure having one (1) or two (2), but not more than two (2), units providing independent living facilities, (for one or more persons constituting a family,) including permanent provisions for living, sleeping, eating, cooking and sanitation. A family is an individual of two (2) or more persons related by blood, marriage or law, or a group of not more than four (4) persons (excluding servants), who need not be related, living together in a dwelling unit.

(d) Commercial Building. A commercial building is a building in which is conducted a business, trade or profession and is not typically a use that provides access for and by the public at large requiring licensed contractors for roof replacement, siding, any trade alterations or changes, including but not limited to building, plumbing, electrical, heating, and cooling.

(e) Residential structures/dwellings (apartments and/or one-two family dwellings). These buildings/units, not owner occupied, shall be classified as a commercial business, requiring licensed contractors for roof replacement, siding, any trade alterations or changes (building, plumbing, electrical, heating and cooling).

(Ord. 379, Sec.5; Code 2003; Code 2022)

#### **4-108. Contractors, contractor's licenses, fees, insurance.**

Every Licensed 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 company name and license number displayed as it appears on his/her license. Licensed Contractors operating out of their home must conform to the requirements set forth in the Zoning Code.

(a) Contractor's licenses and fees for the city shall be as follows:

(b) Classification: Fees.

- (1) Contractor's License Class A shall be issued for a construction project with a value more than \$30,000 and the fee shall be as set out in Chapter 17.
- (2) Contractor's License Class B shall be issued for a construction project valued at \$30,000 or below and the fee shall be as set out in Chapter 17.
- (3) Contractor's License Class C shall be issued for roofing and siding construction projects and the fee shall be as set out in Chapter 17.
- (4) Contractor's License Class D shall be issued for fencing construction projects and the fee shall be as set out in Chapter 17.

(c) All contractors are to maintain a policy of general liability insurance covering the activities of the contractor, and the contractor's employees, while engaged in contracting within the City. Such insurance policy shall be written with an insurance company licensed to do business in the State of Kansas and shall have minimum limits of coverage of five hundred thousand dollars per occurrence.

(d) In addition, every contractor shall procure and maintain worker's compensation insurance as required by Kansas law and automobile liability insurance as required by Kansas law.

(e) All such insurance requirements shall conform to the insurance requirements of the MABCD, and all contractors who lose their license to contract as issued by the MABCD shall immediately have all City issued licenses revoked.

(f) A Licensed Contractor, securing a permit in which the scope of the project rolls into the next year, shall secure the same required contractor's license the following year until completion of project.

(Ord. 75, Code 1984; Code 2003; Code 2015; Code 2022; Code 2024)

#### **4-109. Fee schedule.**

There is hereby established a fee schedule for contractors performing work within the city, such contractor fees are as set out in Chapter 17 of this Code. License fees will not be pro-rated. Licenses will expire January 1st of each year.

(Ord. 644; Ord. 644-A; Code 2003)

#### **4-110. Payments.**

All fees, permits, licenses, etc., referred to in this article shall be paid and/or registered at the Office of the City Clerk.

(Code 1971, Sec. 4-107; Code 2003)

#### **4-111. Advertising.**

(a) It shall be unlawful for any person, firm, company, corporation or other entity to advertise as a contractor within the City unless, at the time such advertisement occurs, such person, firm, company, corporation or other entity has a then valid contractor's license issued hereunder.

(b) Any advertisement by such person, firm, company, corporation or other entity to advertise as a contractor which is placed or published in any publication or other print medium which is circulated, displayed or distributed within the city or which is placed upon vehicles or is broadcast by radio or television or any other means to persons within the city shall include the full name of the licensed person, firm, company, corporation or other entity and the license number assigned by any office of any municipality having inspection control over any such person, firm, company, corporation or other entity.

(c) As used herein, the words "advertise" or "advertisement" shall include, but not be limited to, a business card, contract bid proposal form, printed letterhead, or any other printed or written material designed to inform persons of the services offered by the advertising person, firm, company, corporation or other entity and meant to solicit business from such persons or any broadcast statement designed to inform persons of the services offered by the advertising person, firm, company, corporation or other entity and to solicit business from such persons. Such words are intended to include telephone directory display ads but not basic white and yellow page telephone listings.

(Ord. 713; Code 2003)

#### **4-112. Violations and penalties.**

(a) Any person who shall violate the provisions of this chapter or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be guilty of an unclassified misdemeanor and shall be punished by a fine of not more than five-hundred dollars (\$500.00) for each violation or thirty (30) day confinement in the county jail for each violation or by both such fine and imprisonment. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.

(b) Penalty Clause not Exclusive. The Imposition of the penalties herein prescribed shall not preclude the city from instituting an appropriate action to restrain, correct, or abate a violation of this article, and

specific authority for such is hereby granted to take any action or imposing any penalty allowed by state law or this code, or this article.

(Code 1971, Sec. 4-324; Code 1984; Code 2003, Ord. 881)

#### **4-113. Enforcement.**

Enforcement of this chapter within the boundaries of the city shall be by the building official(s) designated by the Director of Public Works, and jurisdiction for prosecution of any violations of this code shall be in the Haysville municipal court, and shall be in conformance with the City's general penalty clause set forth in Chapter 1, Section 1-121 of this Code.

(Ord. 881)

#### **4-114. Liability.**

Requirements of this article shall not be construed as imposing on the city, its officers, agents or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.

(Ord. 881)

## **Article 2. Inspections by City Officials**

#### **4-201. Building inspector; authority and appeals.**

The duties for the building inspector shall be as follows:

(a) The building inspector is hereby authorized to enter upon premises for all such purposes to perform the duty imposed upon him or her, and may apply to a court of competent jurisdiction for an order granting such entry in the event entry is denied. It shall be the duty of the building inspector to inspect all construction done in the city for which a permit is required. ~~The building inspector shall cooperate with the board of health of the county in performance of any duty imposed upon such board by the health laws of the city.~~

(b) The building inspector shall keep a record of inspections made by him or her and in connection therewith a record of his or her orders of all buildings being erected, altered, or repaired with regard to construction therein to see that all construction work conforms to the building regulation of the city. He or she shall have power to reject any construction if the same is not done in accordance with such regulations. The building inspector shall be authorized to enter upon premises for all such purposes to perform a duty imposed upon him or her. The owner of any building, the construction of which has been rejected by the building inspector and who may feel aggrieved respecting such order, may by agent or personally appeal to the board of appeals, as established by the International Building Code, 2018 Edition, to have such order reviewed and the decision of the board can be appealed to the governing body for review and the decision of the governing body shall be final when the matter shall have been heard by it.

(Code 1984; Code 2003, Ord. 881; Code 2022: [Code 2024](#))

#### **4-202. Re-inspection/non-business hours fee.**

All inspection work required herein to be performed by any officer or employee of the city after the initial inspection or requested for other than normal business work hours, shall be charged at the rate set



out in Chapter 17. All such inspection fees and charges shall be paid to the office of the city clerk and credited to the general operating fund of the city.

(Code 1984; Code 2003)

#### **4-203. Certificate; renewal.**

All contractors' certificates shall be renewable annually on January 1. Renewal fees shall be paid to the city clerk.

(Ord. 686; Code 2003)

#### **4-204. Insurance requirements.**

It shall be unlawful for any contractor to conduct business within the city, unless such contractor first provides documentation in the nature of proof of insurance showing that such contractor is covered with liability insurance in the minimum amount of \$500,000 with the city named as an additional insured. All such documentation shall state that the city shall be given at least thirty (30) days advance written notice of any cancellation or material change in coverage of such insurance. If any person, firm, company, corporation or other entity shall conduct business within the city, without first procuring and maintaining insurance coverage in accordance with this section, such person, firm, corporation or other entity shall be deemed guilty of a misdemeanor and punished by fine and/or suspension or revocation of the contractor's license and certificate.

(Ord. 713; Code 2003)

#### **4-205. License; contractor.**

Any person engaging in or desiring to engage in the business of construction in the city shall before obtaining any permit or transacting any business, procure a license from the city. The fee for such license shall be as set out in the Chapter 17. The license shall be renewable annually on January 1. No license shall be transferred from one person to another. Fees shall be paid to the city clerk.

A contractor's license may be issued to any person, firm, co-partnership or corporation. A separate license shall be issued for each place of business conducted.

(Ord. 395, Secs. 1:2, Code 1984; Code 2003)

#### **4-206. License requirement; homeowner exemption.**

(a) A contractor's license is not required by an individual for the city to issue a building permit for the individual to build, construct, alter, repair, or add to a residential house which is owned and occupied by the individual applying for the building permit. Only two (2) permits per year will be allowed under this exemption.

(b) New residence - No contractor's license is required to build a new residential home provided that the individual building the residential home will be the owner and occupant of the home after completion. This exception does not change the duty to procure all other applicable licenses, permits and inspections associated with modification to, or construction of, a residential structure. Exemptions from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction.

(c) Twelve (12) months must have elapsed from the date of completion of a new residential home as provided for in subsection (b) before an additional permit for building a new residential home, as provided for in subsection (b) will be issued to the same individual or such individual's spouse. No permit will be issued pursuant to this subsection to family affiliated entities attempting to use this subsection to avoid the contractor's license requirement to build homes for eventual resale.

(Ord. 75; Code 1984)

#### **4-207. Basements.**

Any builder or property owner in any subdivision or recorded platted area having a minimum pad elevation within the city limits is hereby required to obtain a certificate from a licensed surveyor after basement walls or foundation are poured and prior to any further construction on said land. Such licensed surveyor shall certify that the lowest opening is at or above the minimum pad elevation designated for the particular lot or parcel of ground.

(Ord. 727, Code 2003)

#### **4-208. Suspension.**

The board of appeals is hereby authorized to cancel and recall, or suspend for a period not exceeding twelve (12) months, the certificate of any contractor and the license of any contractor for any one of the following reasons:

- (a) Abandonment of any contract without legal cause;
- (b) Diversion of funds or property received for the performance or completion of a specific contract, and their application or use of any other contract, obligation purpose, or the failure, neglect or refusal to use such funds or property for the performance of completion of such contract;
- (c) Misrepresentation of any material fact by the applicant in obtaining his or her certificate or license;
- (d) Failure without just cause to fully satisfy all claims for labor and/or materials used in the performance of any work for which he or she has been engaged and for which he or she has been paid;
- (e) Fraudulent use of his or her license to obtain permits for another;
- (f) Wantonness, recklessness, carelessness or negligence in providing reasonable safety measures for the protection of workers and/or the general public;
- (g) Unreasonable delay in the performance or the fulfilling of any contract;
- (h) Failure, neglect or refusal to comply with any lawful order of the building inspector;
- (i) Failure, neglect or refusal to comply with all the state, local and city laws relating to construction work or repair;
- (j) Loss of any other similar certificate within any other jurisdiction for any of the above described acts within such other jurisdiction.

(Code 1971, Sec. 4-320, Code 1984; Code 2003)

#### **4-209. Suspension; appeal.**

Should any contractor feel that his or her certificate has been wrongfully canceled and recalled, or suspended as provided in this article; or should any contractor feel that his or her license has been wrongfully canceled and recalled or suspended as provided in section 4-208, he or she may within ten (10) days from the date of such cancellation and recall or suspension appeal to the governing body by filing with the city clerk a written notice of appeal. The city clerk shall place the matter on the agenda of the governing body for the next regular meeting of the governing body. At the time of the next regular meeting of the governing body, the appellant shall be given the opportunity to state the reasons that such contractor believes that the action against his/her license was without merit. The governing body may in its discretion reverse, modify or amend, the existing cancellation and recall, or suspension. Should there be no appeal as provided herein the existing cancellation and recall, or suspension shall be final and not appealable.

(Code 1971, Sec.4-321; Code 2003)

#### **4-210. Advertising.**

(a) It shall be unlawful for any person, firm, company, corporation or other entity to advertise as a contractor unless, at the time such advertisement occurs, such person, firm, company, corporation or other entity has a then valid contractor's license.

(b) Any advertisement by such person, firm, company, corporation or other entity to advertise as a contractor which is placed or published in any publication or other print medium which is circulated, displayed or distributed within the city, or which is placed upon vehicles or is broadcast by radio or television or any other means to persons within the city, shall include the full name of the licensed person, firm, company, corporation or other entity and the license number assigned by any office of any municipality having inspection control over any such person, firm, company, corporation or other entity.

(c) As used herein, the words "advertise" or "advertisement" shall include, but not be limited to, a business card, contract bid proposal form, printed letterhead, or any other printed or written material designed to inform persons of the services offered by the advertising person, firm, company, corporation or other entity and meant to solicit business from such persons or any broadcast statement designed to inform persons of the services offered by the advertising person, firm, company, corporation or other entity and to solicit business from such persons. Such words are intended to include telephone directory display ads but not basic white and yellow page telephone listings.

(Ord. 713; Code 2003)

#### **4-211. Fees: general operating fund.**

All fees, permits and licenses required by this article shall be paid to the city clerk and shall be credited to the general operating fund of the city.

(Code 1971, Sec. 4-323; Code 2003)

#### **4-212. Violation and penalty.**

Any person who shall within the city engage in or work in violation of any provision of this article may be prosecuted as set forth in 4-112 of this Chapter.

(Code 1971, Sec. 4-324; Code 1984; Code 2003)

### **Article 3. Residential Construction**

**4-301. Adoption of the International Residential Code, 2018 Edition, as the one and two family dwelling code, with certain additions and deletions.**

There is hereby adopted by reference by the City of Haysville, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the International Residential Code, for One and Two Family Dwellings, 2018 Edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 708 Falls Church, Virginia, 22041, and such amendments as set forth in that Resolution of the Board of County Commissioners of Sedgwick County, Kansas, of August 15, 2018, (Res. No. 120-2018), to be made effective August 15, 2018, including all fee schedules unless otherwise set forth within Chapter 17 of this Code, and such Resolution is incorporated by reference herein. Any reference to the International Building Code shall be understood to be a reference to the Commercial Building Code. Any reference to the International Residential Code and all amendments, shall hereafter, including those amendments provided for within Article 12, be understood to reference the Residential Building Code of the City of Haysville, Kansas, as described herein.

(K.S.A. 12-3009; Ord. 581; Ord. 419, Sec.3; Code 1984; Code 2003, Ord. 887, Code 2011)

**4-302. Availability of copies.**

One copy of said code along with the amendments set forth in that Resolution of the Board of County Commissioners of Sedgwick County, Kansas, as described within section 4-301 above, have been and are now filed in the office of the City Clerk and the said code is adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq.

(Code 2011)

**4-303. Reserved.**

**4-304. Violations and penalties.**

Any person who shall violate the provision of this the Residential Building Code as adopted by this Article or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be prosecuted as set forth in Section 113 et seq. of the International Residential Code as amended herein, and/or Section 4-112 of this Chapter, such prosecution to be within the Municipal Court of the City of Haysville, Kansas. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair, remove, or correct any violation, and pay all costs associated therewith.

(Code 2011)

**4-305. Penalty clause not exclusive.**

The imposition of the penalties herein prescribed shall not preclude the City from instituting an appropriate action to restrain, correct, or abate a violation of this Article, and specific authority for such is hereby granted to take any action or imposing any penalty allowed by State law, this code, or this Article.

(Code 2011)

**4-306. Enforcement.**

Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the Director of Public Works. Prosecution of any violations of this code shall be

in the Haysville Municipal Court, and shall be in conformance with the City's general penalty clause set forth in Chapter 1, Section 1-121 of this Code.

(Code 2011)

#### **4-307. Liability.**

Requirements of this code and Article shall not be construed as imposing on the City, its officers, agents, or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.

(Code 2011)

#### **4-308. Severability.**

If any part or parts of this Article shall be held to be invalid such invalidity shall not affect the validity of the remaining part of this Article.

(Code 2011)

#### **4-309. Wichita-Sedgwick County Unified Building and Trade Code.**

Those provisions of the Wichita-Sedgwick County Unified Building and Trade Code, as adopted through Article 12 below, applicable to the Residential Building Code are found in Article 2, Section 4 of the Wichita-Sedgwick County Unified Building and Trade Code, except as supplemented herein.

#### **4-310. City provisions additional to or supplemental to the standard provisions of the Wichita-Sedgwick County Unified Building and Trade Code.**

The following provisions are supplemental to and additional to the Residential Building Code as adopted by the City of Haysville. These provisions shall supplement the associated provisions and shall be inspected.

Section R105.2 of the International Residential Code shall be amended as follows:

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

##### **BUILDING:**

- (1) One-story detached accessory structures classified as Group S or U occupancies, with a floor area less than 100 square feet and the structure location is not impermissibly located in a floodplain, floodway, easement, setback, or protrude onto a neighboring property.
- (2) All fences constructed within the City are subject to the provisions of Chapter 4, Article 11 of the Code of the City of Haysville, Kansas, governing fences.
- (3) Playhouses or treehouses having single or multi-level with or without roofs.

- (4) Concrete or masonry fences not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall and other fences 6 feet (1828.8 mm) or less in accordance to the current fence ordinance recognized in Chapter 4 of the current City of Haysville code.
- (5) Signs shall be regulated by the City's sign regulations (e.g., section 4-1500s).
- (6) Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
- (7) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2 to 1.
- (8) Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below.
- (9) Decks, stoops, and porches not more than 30 inches (762 mm) above adjacent grade without overhead structures and not over any basement or story below.
- (10) Replacement of floor covering, painting, papering, tiling, carpeting, cabinets, counter tops, paneling and similar finish work.
- (11) Prefabricated swimming pools that are less than 24 inches (610 mm) deep that meet the requirements of Chapter 4, Article 9 of the current City of Haysville code.
- (12) Swings and other playground equipment accessory to a one or two family dwelling.
- (13) Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
- (14) Emergency board-up, or securing temporary bracing of a building after a fire, storm, vehicle damage or other disaster which caused the building to be open or unsafe. The building owner or his/her agent may cause such work to be done provided that the City of Haysville is notified the following business day.
- (15) Repair or replacement of roofing and/or siding materials not exceeding 400 square feet (37.16 m<sup>2</sup>) within any 12 month period.
- (16) Repair or replacement of interior gypsum wallboard on non-fire rated walls or ceilings when the total area does not exceed 100 square feet (9.29 m<sup>2</sup>) within any 12 month period and provided that no framing, electrical, mechanical or plumbing changes have been made.
- (17) Replacement of windows or doors or replacement of roof skylights or equipment with the same size or smaller unit (s) that does not involve the removal, cutting, alteration or replacement of any building structural member; including but not limited to studs, headers, girders, beams, joists, rafters, cripples, jacks or other supporting framing member (s). The framing used to infill existing openings for the purpose of installing smaller unit (s) shall be exempt from permit requirements. Placements of smaller window or doors shall not reduce the minimum size requirements of escape and rescue openings, or egress door (s) required in Sections R310 and R311 of this code. The replacement door or window shall not be of a lower fire rating than required by this code for any rated wall or assembly.

(18) All swimming pools constructed or installed within the City are subject to the provisions of Chapter 4, Article 9 of the Code of the City of Haysville, Kansas governing swimming pools.

ELECTRICAL:

Exemptions for electrical permits shall be governed by Chapter 4 of the City of Haysville code.

GAS:

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

MECHANICAL:

- (1) Portable heating appliances.
- (2) Portable ventilation appliances.
- (3) Portable cooling units.
- (4) Steam, hot or chilled water piping within any heating or cooling equipment regulated by this Code.
- (5) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- (6) Portable evaporative coolers.
- (7) Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
- (8) Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, water or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this Code. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Section R105.2.1 of the International Residential Code, is amended as follows:

R105.2.1 Emergency repairs. Where repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

Section R105.2.2 of the International Residential Code, is amended to read as follows:

R105.2.2 Repairs. Application or notice to the building official is not required for ordinary repairs to structures. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting away of any structural beam or load-bearing support, or removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any gas, mechanical or other work affecting public health or general safety.

PERMIT EXPIRATION. Section R105.5 of the International Residential Code is amended to read as follows:

R105.5 Expiration. Every permit issued shall expire unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Work shall be considered to have been suspended or abandoned if it has been more than 180 days since the last requested inspection. Before work can be recommenced, the permit must be re-instated. The fee for re-instatement shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and that such suspension or abandonment has not exceeded one year. In order to resume work after suspension or abandonment for a period exceeding one year, a new permit shall be required. The code official is authorized to grant, in writing, one or more extensions of time for periods not more than 180 days each. The extensions shall be requested in writing and justifiable cause demonstrated.

PLACEMENT OF INSPECTION RECORD CARD AND ADDRESS MARKER. Section R105.7 of the International Residential Code is amended to read as follows:

R105.7 Placement of inspection record card and address marker. The inspection record card shall be kept on the site of the work until the completion of the project. Work requiring a permit shall not be commenced until the inspection record card is posted or otherwise made available on the site. The inspection record card shall be maintained and available on site until final inspection approval has been granted by the building official. Work shall not be started until the address meets the requirements of 4-101A of the current city code and is posted in such a position as to be plainly visible and legible from the street or road fronting the site.

FEES.

R108 Fees shall meet the requirements of Chapter 17 of the current City of Haysville city code.

ALTERNATIVE PROVISIONS. Section R301.1.1 of the International Residential Code is amended to read as follows:

R301.1.1 Alternative provisions. As an alternative to the requirements in Section R301.1 the following standards are permitted subject to the limitations of this Code and the limitations therein. Where engineered design is used in conjunction with these standards the design shall comply with the International Building Code.



- (1) American Forest and Paper Association (AAF&PA) Wood Frame Construction Manual (WFCM).
- (2) American Iron and Steel Institute (AISI) Standard for Cold-Formed Steel Framing - Prescriptive Method for One- and Two-Family Dwellings (COFS/PM) with Supplement to Standard for Cold-Formed Steel Framing - Prescriptive Method for One- and Two-Family Dwellings.
- (3) The Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011).
- (4) The City of Wichita Standard for Residential Wood Framed Decks – Deck Standards.

Sec. 2.4.115. - Table R301.2 (1) of the International Residential Code is amended to read as follows:

Table R301.2 (1) Climatic and Geographic Design Criteria. The Climatic and Geographic Design Criteria for building design shall be as provided in Table R301.2 (1).

Table R301.2 (1) of the International Residential Code is amended to read as follows:

TABLE R301.2 (1) - SECTION R301, DESIGN CRITERIA  
Climatic and Geographic Design Criteria for Sedgwick County, Ks.

Ground Snow Load – 15 psf	Design Temps
Wind Speed (mph) – 76w/90-3 sec. gust	Air Freezing Temp. – 400
Seis. Design Cat. - A	Mean Air Temp. - 55-60 deg.
Weathering – Severe	Summer - 98 2.5% dry bulb
Frost Line Depth - 24 inches	Winter - 76 2.5% wet bulb
Termite - Mod./Severe	Winter Design Temp. - 97.50% - 7
Ice Barrier - None Required	Heating Degree Days - 4,620

	Roof	Floor
Dead Load	10 lb. psf	10 lb. psf
Live Load	20 lb. psf	40 lb. psf

For SI: 1 pound per square foot = 0.0479kPa, 1 mile per hour = 0.447 m/s.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this Code. The weathering column shall be filled in with the weathering index (i.e., “negligible,” “moderate” or “severe”) for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade. For construction of one and two family dwelling habitable spaces, the Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011) shall apply.

- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been any history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2 (4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 ½ - percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be submitted to reflect local climates or local weather experience as determined by the building official.
- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
- g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction’s entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the currently effective FIRM and FBFM, or other flood hazard map adopted by the community, as may be amended.
- h. In accordance with Sections R905.2.7.a, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with “YES”. Otherwise, the jurisdiction shall fill in this part of the table with “NO”.
- i. The jurisdiction shall fill in this part of the table with the 100-year return period freezing index (BF-days) from Figure R403.3 (2) or from the 100-year (99%) value on the National Climatic Data Center data table “Air Freezing Index - USA Method (Base 32° Fahrenheit)” at [www.ncdc.noaa.gov/fpsf.html](http://www.ncdc.noaa.gov/fpsf.html).
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table “Air Freezing Index - USA Method (Base 32° Fahrenheit)” at [www.ncdc.noaa.gov/fpsf.html](http://www.ncdc.noaa.gov/fpsf.html).

SEC. 2.4.120. – LIVE LOAD.

Section R301.5 of the International Residential Code, is amended to read as follows:

R301.5 Live load. The minimum uniformly distributed live load shall be as provided in Table R301.5.

TABLE R301.5 - MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS (in pounds per square foot)

USE	LIVE LOAD
Attics with limited storage <sup>b, g, h</sup>	20
Attics without storage <sup>b</sup>	10
Guardrails and handrails <sup>d</sup>	40
Exterior balconies	60
Fire escapes	40
Guardrails and handrails <sup>d</sup>	200 <sup>i</sup>

Guardrails in-fill components <sup>f</sup>	50 <sup>a</sup>
Rooms other than sleeping rooms	50
Sleeping rooms	40
Stairs	40 <sup>c</sup>

For SI: 1 pound per square foot = 0.0479 kPa, 1 square inch = 645 mm<sup>2</sup>, 1 pound = 4.45 N.

- a. Elevated garage floors shall be capable of supporting a 2,000-pound load applied over a 20-square-inch area.
- b. Attics without storage are those where the maximum clear height between joist and rafter is less than 42 inches, or where there are not two or more adjacent trusses with the same web configuration capable of containing a rectangle 42 inches high by 2 feet wide, or greater, located within the plane of the truss. For attics without storage, this live load need not be assumed to act concurrently with any other live load requirements.
- c. Individual stair treads shall be designed for the uniformly distributed live load or a 300-pound concentrated load acting over an area of 4 square inches, whichever produces the greater stresses.
- d. A single concentrated load applied in any direction at any point along the top.
- e. See Section R502.2.1 for decks attached to exterior walls.
- f. Guard in-fill components (all those except the handrail), balusters and panel fillers shall be designed to withstand a horizontally applied normal load of 50 pounds on an area equal to 1 square foot. This load need not be assumed to act concurrently with any other live load requirement.
- g. For attics with limited storage and constructed with trusses, this live load need be applied only to those portions of the bottom chord where there are two or more adjacent trusses with the same web configuration capable of containing a rectangle 42 inches high or greater by 2 feet wide or greater, located within the plane of the truss. The rectangle shall fit between the top of the bottom chord and the bottom of any other truss member, provided that each of the following criteria is met:
  1. The attic area is accessible by a pull-down stairway or framed opening in accordance with Section R807.1; and
  2. The truss has a bottom chord pitch less than 2:12.
- h. Attic spaces served by a fixed stair shall be designed to support the minimum live load specified for sleeping rooms.
- i. Glazing used in handrail assemblies and guards shall be designed with a safety factor of 4. The safety factor shall be applied to each of the concentrated loads applied to the top of the rail, and to the load on the in-fill components. These loads shall be determined independent of one another, and loads are assumed not to occur with any other live load.

302.1 Exterior walls is deleted.

Opening Protection is added to read as follows: Section R302.5.1 of the International Residential Code is amended to read as follows: R302.5.1 Opening protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches (35 mm) in thickness, solid or honeycomb- core steel doors not less than 1 3/8 inches (35 mm) thick, or 20-minute fire-rated doors.

HABITABLE ROOMS. Section R303.1 of the International Residential Code is amended to read as follows:

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

Exceptions:

1. The glazed areas need not be openable where the opening is not required by Section R310 and an approved mechanical ventilation system capable of producing 0.35 air change per hour in the room is installed or a whole-house mechanical ventilation system is installed capable of supplying outdoor ventilation air of 15 cubic feet per minute (cfm) (78 L/s) per occupant computed on the basis of two occupants for the first bedroom and one occupant for each additional bedroom.
2. The glazed area need not be installed in rooms where Exception 1 above is satisfied and artificial light is provided capable of producing an average illumination of 6 foot-candles (65 lux) of the area of the room at a height of 30 inches (762 mm) above the floor level.
3. Use of sunroom additions and patio covers, as defined in Section R202, shall be permitted for natural ventilation if in excess of 40 percent of the exterior sunroom walls are open, or are enclosed only by insect screening.

In new dwellings and additions to existing one and two family dwellings, where a new separate heating and/or cooling system is being added to serve, but not necessarily limited to serving the new addition, an outside air duct shall be connected to the main return air duct, prior to filter, of each heating and/or cooling system for the habitable space served. Duct size shall be based on the square footage of habitable space served as follows:

1. 1500 sq. ft. or less: 4 inch diameter or 12.6 square inches.
2. 1501 sq. ft. to 2000 sq. ft. 5 inch diameter or 19.6 square inches.
3. 2001 sq. ft. and larger 6 inch diameter or 28.3 square inches. All areas listed exclude finished basement area. The outside air duct shall be provide with a ¼ inch mesh inlet screen. The outside air duct shall not draw air from contaminated sources.

BATHROOMS. Section R303.3 of the International Residential Code, is amended to read as follows:

R303.3 Bathrooms. Bathrooms, water closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 (0.3 m<sup>2</sup>) square feet, one-half of which must be openable.

Exceptions:

The glazed areas shall not be required where artificial light and a mechanical ventilation system are provided. The minimum ventilation rates shall be 50 cubic feet per minute (24 L/s) for intermittent ventilation or 20 cubic feet per minute (10 L/s) for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside or into a properly ventilated attic when all of the following are met:

1. The duct(s) conveying exhaust into the attic shall terminate a minimum of 36 inches above the top of the ceiling framing members, and shall not discharge upon any building element.
2. Attics into which bath and/or toilet room exhausts are discharged must be properly ventilated, in accordance with Section R806, and shall not discharge into an unvented attic assembly.
3. The exhaust duct(s) shall terminate above the top of the attic insulation with a “goose-neck” installed to prevent infiltration of insulating material into the duct.
4. Exhaust duct(s) run above the insulation inside of attics shall be insulated.

#### SECTION R309.5 FIRE SPRINKLERS.

Section R309.5 of the International Residential Code is hereby deleted.

MINIMUM OPENING AREA, HEIGHT AND WIDTH. Sections R310.2.1 through R310.2.3 of the International Residential Code are amended as follows:

R310.2.1 Minimum opening area. All emergency escape and rescue openings shall have a minimum net clear opening of 4.5 (0.418 m<sup>2</sup>) square feet with the window in an open position, with a total break-out area of 5.7 (0.530 m<sup>2</sup>) square feet. The minimum net clear opening shall be maintained to a public way, yard or court.

R310.2.2 Minimum opening height. The minimum net clear opening height shall be:

19¾ inches (501.7 mm) plus or minus ¼ inch for single, double hung and awning style windows.

For all other types of windows the minimum height shall be determined by multiplying the width times the height to achieve a total net clear opening of 4.5 (114.3 mm<sup>2</sup>) square feet with a total break-out area of 5.7 (0.530 m<sup>2</sup>) square feet.

R310.2.3 Minimum opening width. The minimum net clear opening width shall be:

1. 17 inches (431.8 mm) plus or minus ¼ inch in the open position for casements and slider windows.
2. 30¾ (768.35 mm) inches plus or minus ¼ inch for single and double hung units.

LADDER AND STEPS. Section R310.2.3.1 of the International Residential Code is amended to read as follows:

R310.2.3.1 Ladders, steps and fall protection. Window wells with a vertical depth greater than 44 inches (1118 mm) shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position. Ladders or steps required by this section shall not be required to comply with Section R311.7. Ladders or rungs shall have an inside width of at least 12 inches (305 mm), shall project at least 3 inches (76 mm) to the back of the rung from the wall and shall be spaced not more than 12 inches (305 mm) on center vertically for the full height of the window well. Window wells with a vertical depth of more than 30 inches (762 mm) shall be provided with guardrails that are designed in accordance with Section R312, or a protective cover designed to a minimum of 20 pounds per square foot (0.96 KN per m<sup>2</sup>) uniformly distributed live load. Window well covers shall be provided with an emergency egress hatch located above the ladder or steps, with the minimum egress opening maintained. The force required to open the egress hatch shall not exceed 30 pounds (133.45 N) and shall not require the use of keys, more than one operation, or any special knowledge or effort. Window well covers, grates, and guardrails shall be constructed of materials approved for exterior use.

WINDOW WELL DRAINAGE. Section R310.2.3.2 Drainage of the International Residential Code is hereby added to read as follows:

R310.2.3.2 Drainage. Window wells shall be designed for proper drainage by connecting to the existing foundation drainage system required by Section R405.1 or by an approved alternative method. If no existing foundation drainage system has been installed, the entire window well area shall have a minimum depth of 12" of washed gravel or crushed rock below the floor level.

Exception:

A drainage system for window wells is not required when the foundation is on well-drained soil or sand-gravel mixture soils according to the U.S. Soil Classification System, Group I Soils, as detailed in Table 405.1.

FLOOR ELEVATIONS FOR OTHER EXTERIOR DOORS. Section R311.3.2 of the International Residential Code is amended to read as follows:

R311.3.2 Floor elevations for other exterior doors. Doors other than the required egress door shall be provided with landings or floors not more than 8 inches below the top of the threshold.

Exception:

A landing is not required where a stairway of four or fewer risers is located on the door, provided the door does not swing over the stairway.

RISERS. Section R311.7.5.1 of the International Residential Code is amended to read as follows:

R311.7.5.1 Risers: The maximum riser height shall be 8 (203 mm) inches. The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

TREADS. Sections R311.7.5.2 and R3.11.7.5.2.1 of the International Residential Code are amended to read as follows:

R311.7.5.2 Treads. The minimum tread depth shall be 9 inches (228.6 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

R311.7.5.2.1 Winder and circular treads. Winder and circular treads shall have a minimum tread depth of 9 inches (228.6 mm) measured as above at a point 12 inches (305 mm) from the side where the treads are narrower. Winder and circular treads shall have a minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the largest winder or circular tread depth at the 12-inch (305 mm) walk line shall not exceed the smallest by more than 3/8 inch (9.5 mm).

HANDRAILS. Section R311.7.8.1 of the International Residential Code is amended to read as follows:

R311.7.8.1 Height. Handrail height, measured vertically from the sloped plane adjoining the tread nosing, or finish surface of ramp slope, shall be not less than 32 inches (864 mm) and not more than 38 inches (965 mm).

Exceptions:

1. The use of a volute, turnout or starting easing shall be allowed over the lowest tread.
2. When handrail fittings or bendings are used to provide continuous transition between flights, transitions at winder treads, the transition from handrail to guardrail, or used at the start of a flight, the handrail height at the fittings or bending's shall be permitted to exceed the maximum height.

HANDRAILS CONTINUITY. Section R311.7.8.4 of the International Residential Code is amended to read as follows:

R311.7.8.4 Continuity. Handrails for stairways shall be continuous for the full length of the flight, from a point directly above the top riser of the flight to a point directly above the lowest riser of the flight. Handrail ends shall be returned to the wall or shall terminate in newel posts or safety terminals at the top of each flight of stairs. Handrails adjacent to a wall shall have a space of not less than 1.25 (32.5mm) inches between the wall and the handrails.

Graspable portions of the handrail may not end up completely continuous from the top riser to the bottom riser. The rail shall return to the wall.

Exceptions:

1. Handrails shall be permitted to be interrupted by a newel post at the turn.
2. The use of a volute, turnout or starting easing, or starting newel shall be allowed over the lowest tread.

HANDRAIL GRIP SIZE. Section R311.7.8.5 of the International Residential Code is amended to read as follows:

R311.7.8.5 Handrail grip size. All required handrails shall be of one of the following types or provide equivalent grasp ability.

1. Type I. Handrails with a circular cross section shall have an outside diameter of at least 1¼ inches (32 mm) and not greater than 2 inches (51 mm). If the handrail is not circular it shall have a perimeter dimension of at least 4 inches (102 mm) and not greater than 6¼ inches (160 mm) with a maximum cross section of dimension of 2¼ inches (57 mm).
2. Type II. Handrails with a perimeter greater than 6¼ inches (160 mm) shall provide a graspable finger recess area on the outboard side of the profile. The finger recess shall begin within a distance of ¾ inch (19 mm) measured vertically from the tallest portion of the profile and achieve a depth of at least 5/16 inch (8 mm) within 7/8 inch (22 mm) below the widest portion of the profile. This required depth shall continue for at least 3/8 inch (9.5 mm) to a level that is not less than 1¼ inches (45 mm) below the tallest portion of the profile. The minimum width of the handrail above the recess shall be 1¼ inches (32 mm) to a maximum of 2¾ inches (70 mm). Edges shall have a minimum radius of 0.01 inch (0.25 mm).

GUARD OPENING LIMITATIONS. Section R312.1.3 of the International Residential Code is amended to read as follows:

R312.1.3 Opening limitations. Required guards on open sides of stairways, raised floor areas, balconies and porches shall have intermediate rails or ornamental closures which do not allow passage of a sphere 4 inches (114.3 mm) or more in diameter. Required guards shall not be constructed with horizontal rails or other ornamental pattern that results in a ladder effect.

Exceptions:

1. The triangular openings formed by the riser, tread and bottom rail of a guard at the open side of a stairway are permitted to be of such a size that a sphere 6 inches (152 mm) cannot pass through.
2. Openings for required guards on the sides of stair treads shall not allow sphere 4 inches (114.3 mm) to pass through.

SINGLE-AND MULTIPLE-STATION SMOKE ALARMS. Sections R314.3 and R314.4 of the 2018 International Residential Code is amended to read as follows:

R314.3 Location. Single and multiple-station smoke alarms shall be installed in the following locations:

1. In each sleeping room.
2. Outside each sleeping area at a location that serves the common space for the sleeping rooms; provided, that no such smoke alarm shall be required to be installed within six (6) feet of a smoke alarm located in a bedroom; and
3. In each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.



When more than one smoke alarm is required to be installed within an individual dwelling unit the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

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

CARBON MONOXIDE ALARMS. R315.1 Carbon monoxide alarms of the International Residential Code is amended to read as follows:

R315.1 Carbon monoxide alarms. For new construction, an approved carbon monoxide alarm shall be installed in dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages in the following locations:

1. Outside each sleeping room in the immediate vicinity of the bedrooms.
2. On each additional story of the dwelling, including basements in the immediate vicinity of the bedrooms or mechanical room.

Section R315.3 of the International Residential Code shall read:

Carbon monoxide detectors are not required in existing homes until the requirements of the 2018 IEBC require the installation of carbon monoxide detection.

THERMAL BARRIER. Section R316.4 of the International Residential Code is amended to read as follows:

R316.4 Thermal barrier. Unless otherwise allowed in Section R316.5, foam plastic shall be separated from the interior of a building by an approved thermal barrier of minimum 0.5 inch (12.7 mm) gypsum wallboard or an approved finish material equivalent to a thermal barrier material that will limit the average temperature rise of the unexposed surface to no more than 250°F (139°C) after 15 minutes of fire exposure complying with the ASTM E 119 standard time temperature curve. The thermal barrier shall be installed in such a manner that it will remain in place for 15 minutes based on NFPA 286 with the acceptance criteria of section R315.4, FM4880, UL 1040 or UL 1715.

Exception:

Insulating concrete forms (ICFs) may be used without the thermal barrier described in Section 314.4 when the foam plastic meets the following criteria:

1. The foam plastic has a minimum self-ignition temperature of 450 degrees C when tested in accordance with ASTM D 1929;
2. The foam plastic has a flame-spread rating of less than 25 and a smoke-developed rating of less than 450 when tested in accordance with ASTM E 84

3. The foam plastic wall assembly has a minimum two (2) hour fire resistance rating when tested in accordance with ASTM E 119; and the ICF has a valid ICCES ER number.

PROTECTION AGAINST DECAY. Section R317.1 of the International Residential Code is amended to read as follows:

R317.1 Location required. Protection from decay shall be provided in the following locations by the use of naturally durable wood or wood that is preservative treated in accordance with AWWA U1 for the species, product, preservative and end use. Preservatives shall be listed in Section 4 of AWWA U1.

1. Wood joists or the bottom of a wood structural floor when closer than 18 inches (457 mm) or wood girders when closer than 12 inches (305 mm) to the exposed ground in crawl spaces or unexcavated area located within the periphery of the building foundation.
2. All wood framing members that rest on concrete or masonry exterior foundation walls and are less than 6 inches (152 mm) from the exposed ground.
3. Sills and sleepers on a concrete or masonry slab that is in direct contact with the ground unless separated from such slab by an impervious moisture barrier.
4. The ends of wood girders entering exterior masonry or concrete walls having clearances of less than 0.5 inch (12.7 mm) on tops, sides and ends.
5. Wood siding, sheathing and wall framing on the exterior of a building having a clearance of less than 6 inches (152 mm) from the ground.
6. Wood structural members supporting moisture-permeable floors or roofs that are exposed to the weather, such as concrete or masonry slabs, unless separated from such floors or roofs by an impervious moisture barrier.

Section R318.1 of the International Residential Code is hereby deleted.

Section 319 shall be amended to reflect the current requirement of 4-101A of the current City of Haysville City Code.

Section R322 deleted and Section R324 deleted.

Section R322 of International Residential Code is hereby deleted.

Section R324 of the International Residential Code is hereby deleted.

Section R403.1.1 created.

MINIMUM SIZE. Section R403.1.1 of the International Residential Code is amended to read as follows:

R403.1.1. MINIMUM SIZE. Minimum sizes for concrete and masonry footings shall be as set forth in Table R403.1 (1) through R403.1 (3). For construction of one and two family dwelling habitable spaces, the Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011) shall apply. The footing width, W, shall be based on the load-bearing value of the soil in accordance with Table R401.4.1.

Spread footings shall be at least 6 inches (152 mm) thick. Footing projections, P, shall be at least 2 inches (51 mm) and shall not exceed the thickness of the footing. The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table R401.4.1. Footings for wood foundations shall be in accordance with the details set forth in Section R403.2, and Figures R403.1 (2) and R403.1 (3).

**SLABS-ON-GRADE.** Section R403.1.3.3 of the International Residential Code is amended to read as follows:

R403.1.3.3 Slabs-on-grade with turned-down footings and slabs-on-grade cast monolithically with a footing. For slabs-on-grade with turned-down footings and slabs-on-grade cast monolithically with a footing, construction of one and two family dwelling habitable spaces shall comply with the Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011).

**MINIMUM DEPTH.** Section 403.1.4 of the International Residential Code is hereby amended to read as follows:

R403.1.4 Minimum depth. All exterior footings shall be placed at least 24 (610 mm) inches below the undisturbed ground surface. For construction of one and two family dwelling habitable spaces, the Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011) shall apply. Where applicable, the depth of the footings shall also conform to Sections R403.1.4.1.

**FROST PROTECTION.** Section R403.1.4.1 of the International Residential Code is amended to read as follows:

R403.1.4.1 Frost protection. Section R403.1.4.1 of the International Residential Code is amended to read as follows:

Frost Protection. Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extended below the frost line specified in Table R301.2.(1), per amended Table footnote "b." and the Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011);
2. Constructing in accordance with Section R403.3;
3. Constructing in accordance with ASCE 32; or
4. Erected on solid rock

Exceptions:

1. Protection of freestanding accessory structures with an area of 400 (36.2m<sup>2</sup>) square feet or less of light-framed construction with an eave-height of 10 feet (3048mm) or less shall not be required.

2. Protection of freestanding accessory structures with an area 400 square feet (36.2m<sup>2</sup>) or less of other than light-framed construction with an eave-height of 10 feet (3048mm) or less shall not be required.

Footings shall not bear on frozen soil. Frost depth in Haysville and Sedgwick County is 24 inches.

FOUNDATIONS ON EXPANSIVE SOILS. Section R403.1.8 of the International Residential Code is amended to read as follows:

R403.1.8 Foundations on expansive soils. Foundations and floor slabs for buildings located on expansive soils shall be designed in accordance with Section 1808.6 of the International Building Code or as specified in the Wichita Foundation, Basement and Slab-on-Grade Standards for One and Two Family Dwellings (August 30, 2011).

Section R405.1 Concrete or masonry foundation of the International Residential Code is hereby deleted.

Section R501.3 Fire protection of floors of the International Residential Code is hereby deleted.

FLOOR TRUSSES. Section R502.11.4 of the International Residential Code is amended to read as follows:

Floor Truss design drawings. Floor truss design drawings, prepared in compliance with Section R502.11.1, shall be provided to the building official at the framing inspection. Truss design drawings shall be provided with the shipment of trusses delivered to the job site. Truss design drawings shall include, at a minimum, the information specified below:

1. Slope or depth, span, and spacing.
2. Location of all joints.
3. Required bearing widths.
4. Design loads as applicable:
  - 4.1. Top chord live load (including snow loads);
  - 4.2. Top chord dead load;
  - 4.3. Bottom chord live load;
  - 4.4. Bottom chord dead load;
  - 4.5. Concentrated loads and their points of application; and
  - 4.6. Controlling wind and earthquake loads.
5. Adjustments to lumber and joint connector design values for conditions of use.
6. Each reaction force and direction.

7. Joint connector type and description, e.g., size, thickness or gauge, and the dimensioned location of each joint connector except where symmetrically located relative to the joint interface.
8. Lumber size, species and grade for each member.
9. Connection requirements for:
  - 9.1. Truss-to-truss girder;
  - 9.2. Truss ply-to-ply; and
  - 9.3. Field splices.
10. Calculated deflection ratio and/or maximum description for live and total load.
11. Required permanent truss member bracing location.

Section R506.2.2 of the International Residential Code is hereby deleted.

DECKS. Section R507 of the International Residential Code is amended to read as follows:

R507 Decks. The “City of Wichita Standard for Residential Wood Framed Decks” may be used to design and construct decks to comply with the requirements of this section. Decks which fall outside of the scope of the standard will require design by a Kansas licensed architect or engineer. Where supported by attachment to an exterior wall, decks shall be positively anchored to the primary structure and designed for both vertical and lateral loads as applicable. Such attachment shall not be accomplished by the use of toenails or nails subject to withdrawal. Where positive connection to the primary building structure cannot be verified during inspection, decks shall be self-supporting. For decks with cantilevered framing members, connections to exterior walls or other framing members, shall be designed and constructed to resist uplift resulting from the full live load specified in Table R301.5 acting on the cantilevered portion of the deck.

Cement, fiber cement and glass mat gypsum backers is hereby deleted.

SIZE AND SPACING. Section R703.8.4.1 of the International Residential Code is amended to read as follows:

R703.8.4.1 Size and spacing. Veneer ties, if strand wire, shall not be less in thickness than No. 9 U.S. gage [(0.148 in.) (4 mm)] wire and shall have a hook embedded in the mortar joint, or if sheet metal, shall be not less than No. 26 [(0.0245 in.) (0.62 mm)] U.S. gage by 7/8 inch (22 mm) corrugated. Each tie shall be spaced not more than 16 (406 mm) inches on center horizontally and vertically and shall support not more than 1.96 (0.19 m<sup>2</sup>) square feet of wall area. When stud spacing is 24 (610 mm) inches on center, ties may be spaced 24 inches (610 mm) on center to match stud spacing (maximum 1.96 (0.19 m<sup>2</sup>) square feet still required). All ties shall be attached to a stud.

Exception:

In Seismic Design Category D0, D1 or D2 or townhouses in Seismic Design Category C or in wind areas of more than 30 pounds per square foot pressure (1.44 kPa), each tie shall support not more than 2 square feet (0.2 m<sup>2</sup>) of wall area.

REROOF DECKING. Section R908 shall be amended to include section R908.7 and shall read:

R908.7 Reroof decking shall meet the requirements with regard to solid sheathed roof deck. 1 X boards or lumber, used as roof decking shall be covered by a minimum of 7/16" oriented strand board (osb) or other approved material conforming to roof covering manufacturers requirements.

Part IV - Energy Conservation deleted.

Part IV - Energy Conservation of the International Residential Code is hereby deleted.

Part V – Mechanical chapters deleted.

Part V – Mechanical chapters of the International Residential Code is hereby deleted.

Part VII - Plumbing deleted.

Part VII - Plumbing, of the International Residential Code is hereby deleted.

Part VIII - Electrical deleted.

Part VIII - Electrical, of the International Residential Code is hereby deleted.

Section R105.3.1.2 of the International Residential Code shall be amended as follows:

R105.3.1.2: All water and wastewater systems constructed or installed within the City are subject to the provisions of Chapter 15 of the Code of the City of Haysville, Kansas, including mandatory connection to the City of Haysville water and sewer systems, and mandatory participation in stormwater management.

Section R109.3.3 of the International Residential Code shall be amended as follows:

R109.3.3: Floodplain inspections lowest floor elevation. For all City floodplain inspections, the lowest window (not window well) shall be deemed the lowest opening of any structure.

Section AG105.2 of the International Residential Code shall be amended as follows:

AG105.2: Outdoor swimming pool. All swimming pools constructed or installed within the City are subject to the provisions of Chapter 4, Article 9 of the Code of the City of Haysville, Kansas governing swimming pools.

<https://www.sedgwickcounty.org/media/56035/wichita-sedgwick-county-unified-building-trade-code-ubtc-updating-10419.pdf#page=72>

## **Article 4. Commercial Buildings**

**4-401. Adoption of the International Building Code, 2018 Edition, as the commercial building code, with certain additions and deletions.**

There is hereby adopted by reference by the City of Haysville, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the International Building Code, 2018 Edition, as the Commercial Building Code, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, and such amendments as adopted by reference in Ordinance 1048 adopted December 11, 2017, including all fee schedules unless otherwise set forth within chapter 17 of this Code, and such document is incorporated by reference herein.

(Ord. 1048; Code 2022)

**4-402. Reserved.**

**4-403. Availability of copies.**

One copy of said code, along with the amendments set forth in that Sedgwick County Resolution as identified within 4-401 above, including a copy of the amendments described therein, have been and are now filed in the office of the City Clerk and the said code is adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq.

**4-404. Violations and penalties.**

Any person who shall violate the provision of this code or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be prosecuted as set forth in Section 113.4 et seq. of the International Building Code as amended. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.

(Code 2011)

**4-405. Penalty clause not exclusive.**

The imposition of the penalties herein prescribed shall not preclude the City from instituting an appropriate action to restrain, correct, or abate a violation of this Article, and specific authority for such is hereby granted to take any action or imposing any penalty allowed by State law, the Code of this City, or this Article.

(Code 2011)

**4-406. Enforcement.**

Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the Director of Public Works. Prosecution of any violations of this code shall be in the Haysville Municipal Court, and shall be in conformance with the City's general penalty clause set forth in Chapter 1, Section 1-121 of this Code.

(Code 2011)

#### **4-407. Liability.**

Requirements of this code and Article shall not be construed as imposing on the City, its officers, agents, or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.

(Code 2011)

#### **4-408. Severability.**

If any part or parts of this Article shall be held to be invalid such invalidity shall not affect the validity of the remaining part of this Article.

(Code 2011)

#### **4-409. Wichita-Sedgwick County Unified Building and Trade Code.**

Those provisions of the Wichita-Sedgwick County Unified Building and Trade Code, as adopted through Article 12 below, applicable to this Article are found in Article 2, Section 2 of the Wichita-Sedgwick County Unified Building and Trade Code, except as supplemented herein.

#### **4-410. City provisions additional to or supplemental to the standard provisions of the Wichita-Sedgwick County Unified Building and Trade Code.**

The following provisions are supplemental to and additional to the Commercial Building Code as adopted by the City of Haysville. These provisions shall supplement the associated provisions.

Section 101.4.1 of the International Building Code, is amended to read as follows:

101.4.1 Electrical. The provisions of Article 4 of this Code shall apply to the installation of electrical systems, including alternations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

Section 101.4.2 of the International Building Code, is amended to read as follows:

101.4.2 Gas. The provisions of Article 3 of this Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this Code. These requirements apply to gas piping systems extending from point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

Section 101.4.3 of the International Building Code, is amended to read as follows:

101.4.3 Mechanical. The provisions of Article 5 of this Code shall apply to the installation, alterations, repairs, and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilation, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems.

Section 101.4.4 of the International Building Code, is amended to read as follows:

101.4.4 Plumbing. The provisions of Article 3 of this Code shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances,



fixtures and appurtenances, and where connected to water or sewage system and all aspects of a medical gas system.

Section 105.2 of the International Building Code, is amended to read as follows:

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

BUILDING:

- (1) One-story detached accessory structures classified as Group S or U occupancies, with a floor area exceeding 100 square feet but not exceeding 200 square feet shall be inspected by City.
- (2) All fences constructed within the City are subject to the provisions of Chapter 4, Article 11 of the Code of the City of Haysville, Kansas, governing fences.
- (3) All swimming pools constructed or installed within the City are subject to the provisions of Chapter 4, Article 9 of the Code of the City of Haysville, Kansas governing swimming pools.

Section 109.3.3 of the International Building Code, is amended to read as follows:

109.3.3 Floodplain Inspections. Floodplain inspections lowest floor elevation. For all City floodplain inspections, the lowest window (not window well) shall be deemed the lowest opening of any structure.

## Article 5. Electrical Code

### 4-501. Adoption of the NFPA 70, National Electrical Code, ~~2017~~ 2020 Edition, as the electrical code, with certain additions and deletions.

There is hereby adopted by reference by the City of Haysville, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the National Electrical Code, ~~2017~~ 2020 Edition, including Informative Annex C (Conduit and Tubing Fill Tables), as published by the National Fire Protection Association as N.F.P.A. No. 70-2014, as presently constituted and as may be hereinafter amended, shall apply with the exception of Section 110.16; Section 110.24; Section 200.6(d); Section 210.4(b); Section 210.5(c)(1); Section 210.12; Section 210.52(c)(1) Exception; Section 230.24(A) Exception No. 5; Section 230.40; Section 250.68(a) Exception No. 2; Section 300.4(H); Section 300.11(a)(2); Section 314.28; Section 334.10; Section 334.12(a)(1); Section 334.40(b); Section 334.80; 410.64; Section 430.22(G)(1); Section 430.22(G)(2); Section 514.11(A); Section 590.4(D); Section 590.6(B)(2); and Section 680.8; of such publication. Said N.F.P.A. No. 70-2014, was adopted by the National Fire Protection Association at its 2013 June Technical Session and approved as an American National Standard on August 21, 2013, all as set forth and described and amended within that Resolution of the Board of County Commissioners of Sedgwick County, Kansas, of November 8, 2017, (Res. No. 159-2014), including all fee schedules unless otherwise set forth within Chapter 17 of this Code, and including all amendments as provided for within Resolution No. 159-2014 as subsequently incorporated into the Unified Building and Trade Code as adopted within Article 12 of this Chapter, and providing for penalties and prosecution for violations thereof; and regulation and control of the installation, construction, enlargement, alteration, repair, removal, maintenance, and use of electrical systems, conductors and

equipment within or on private or public buildings or other structures and other premises, that connect to the supply of electricity; provides for the issuance of permits and fees therefore; establishes the Board of Electrical Examiners and Appeals; establishes the Electrical Contractors License requirements and penalties for violations thereof, and establishes for Master and Journeyman Electrician and Residential Wireman Certificates, the requirements and exceptions thereto, and for the process of suspension or revocation thereof; creates the office of electrical inspector; and establishes truth in advertising requirements. This Code and all amendments shall hereafter be known as the Electric Code of the City of Haysville, Kansas.

(Code 2024)

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#### 4-502. Availability of copies.

One copy of said standard code, along with the amendments set forth in that Resolution of the Sedgwick County Commission as described in 4-501 above, as currently incorporated into the Unified Building and Trade Code which is adopted through Article 12 of this Chapter, have been and are now filed in the office of the City Clerk, and the said code is adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq.

#### 4-503. Amendments.

This Code is to be applied as set forth in Sec. 4.2.010 through, and including, Sec. 4.4.050 of the Wichita-Sedgwick County Unified Building and Trade Code, including all fee schedules unless otherwise set forth within Chapter 17 of this Code, and such Resolution is incorporated by reference herein.

##### NUMBER OF SERVICE—ENTRANCE CONDUCTOR SETS

Section 230.2 of the National Electrical Code (NEC) shall be amended to read.

'A building or other structure served shall be supplied by only one service drop or lateral unless permitted in section 230.2(A),(C) or (D).

##### SERVICES—MAXIMUM AMPS, VOLTS, ETC.

Section 230.70 shall have included.

(a) Service Length. Unfused service entrance conductors shall not be extended more than fifteen feet inside any building.

(b) Service Disconnects. Main disconnects shall be installed on the load side of the utility company's meters where not more than six meters and service equipment are grouped together. Where there is an existing main disconnect ahead of six meters or less and all the services are completely revamped, the main disconnects shall be relocated on the load side of the meters.

Section 230.95(C) of the National Electrical Code (NEC) shall be amended to read.

'Effective January 1, 2022. The ground-fault protection system shall be performance tested when first installed on site. This testing shall be conducted by a qualified person(s) using a test process of primary current injection, in accordance with instructions that shall be provided with the equipment. A written

record of this testing shall be made and shall be available to the authority having jurisdiction upon request.

Section 240.67(C) of the National Electrical Code (NEC) shall be amended to read.

"Effective January 1, 2022. The arc energy reduction protection system shall be performance tested by primary current injection testing or another approved method when first installed on site. This testing shall be conducted by a qualified person(s) in accordance with the manufacturer's instructions. A written record of this testing shall be made and shall be available to the authority having jurisdiction upon request.

#### FEEDER OR BRANCH CIRCUIT DISCONNECT LOCATION

Article 225.32 of the National Electrical Code (NEC) shall be amended to read:

(a) For Commercial feeders and branch circuits.

(1) The disconnecting means shall be installed either inside or outside of the building or structure served or where the conductors pass through the building or structure. The disconnecting means, if installed on the exterior of the building or structure, shall be at a readily accessible location nearest the point of entrance of the conductors. The disconnecting means, if installed inside the building or structure, shall be at a readily accessible location and located so the total length of conductor shall not be extended more than fifteen (15) feet inside of the building or structure. For the purposes of this section, the requirements of 230.6 shall be utilized.

(b) For one-family and two-family dwellings and the accessory structure for one-family and two-family.

(1) The disconnecting means shall be installed outside of the building or structure served. The disconnecting means shall be at a readily accessible location, nearest the point of entrance for the conductors.

NEC exceptions permitted.

#### SWITCHES (disconnecting means) —HEIGHT OF.

All switches located outside of a building shall be placed not less than six feet above the finish grade unless they are of the dead front pullout type, or heavy duty type.

Exception:

Commercial and industrial installations which are accessible only to authorized personnel.

#### CEILING GRID SUPPORT WIRES.

The following is added to the section 300.11(A)(2) of the National Electrical Code:

300.11(B)(2)

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WIRING METHODS FOR COMMERCIAL AND MIXED-USE OCCUPANCIES

In commercial buildings and mixed-use occupancies, all wiring on or within the property, including accessory structures, shall be installed in approved raceways such as EMT, PVC or MC cable.

Cable assemblies such as type NM, NMC, SE and UF are not permitted to be installed.

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NONMETALLIC-SHEATHED CABLE: TYPE NM, NMC, AND NMS.

Section 334.10(1) thru (3) shall be amended

Uses permitted: Type NM, Type NMC and Type NMS cable shall be permitted to be used in the following locations only:

1. one- and two-family dwellings and their accessory structures
2. multifamily dwelling units. The structure shall not exceed three floors above grade and the use is not a mixed-use or occupancy.
  1. In Residential Group R-3 and Residential Group R-4 occupancies, as defined in the current edition of the IBC, with a maximum of 16 residents.

These structures shall be served by single-phase services.

All electrical wiring associated with common area panels and separate structures, are considered commercial applications. NM, NMC and NMS type cable assemblies shall not be permitted.

WIRING-INSTALLATION INSTRUCTIONS

~~All electrical installations made shall be in strict conformity with the provisions of this Code. If sections contained within this Code, in a given situation, do not prescribe a specific type or class of material or specific standards of construction, then the standards as set forth and contained in the National Electrical Code, 2017 Edition including Informative Annex C (Conduit and Tubing Fill Tables), as published by the National Fire Protection Association as N.F.P.A. No. 70-2017, as presently constituted and as may be hereinafter amended, shall apply with the exception of Section 200.6(d); Section 210.5(e)(1); Section 210.52(e)(1) Exception; Section 230.24(A) Exception No. 5; Section 230.40; Section 300.11(b)(2); Section 334.10; Section 334.12(a)(1); Section 334.40(b); Section 590.4(D); Section 590.6(B)(3); and Section 680.9;~~

~~of such publication. Said N.F.P.A. No. 70-2017, was adopted by the National Fire Protection Association at its 2016 June Technical Session and approved as an American National Standard on August 24, 2016. By this publication, all provisions of such publication, with noted exceptions, are adopted by reference and made a part of this Code, and this Section as though fully set forth herein.~~

#### ~~WIRING TO BE INSPECTED PRIOR TO CONCEALING~~

~~Before any electric wiring or raceway is concealed from view during the course of construction, the person doing the work shall notify the electrical inspector that such work is ready for inspection. The electrical inspector shall inspect such work within forty-eight hours, provided such limit of time comes upon a regular working day of the inspector. If any defects exist, the electrical contractor shall be notified and he shall rectify the same and request an inspection before the work is concealed. The code official shall have the authority to require any concealment to be removed. Failure to comply with this order of the code official shall result in condemnation of the structure or any part thereof and prohibition of occupancy.~~

~~The electrical inspector shall be notified by the electrical contractor when the electrical work is completed and ready for inspection; and if such work conforms with this Code, the installation shall be released to the utility company for service connection.~~

~~When the electrical inspector observes or it is called to his attention that any electrical work is installed contrary to or in violation of any provisions of this code, it shall be his duty to immediately notify the person responsible for the installation that the violation or violations exist. All defective or substandard installations shall be corrected within forty-eight hours from time of notification by the electrical inspector.~~

~~It is unlawful for any person or utility company to connect any electrical wiring, device, appliance or equipment, for which a permit or approval is required, to any source of electrical energy without first having approval by the electrical inspector for the connection.~~

~~When requested and upon completion of the work, a certificate of inspection shall be issued showing that such work meets the requirements of this Code.~~

#### ~~INSPECTION REQUIRED.~~

~~Any person, firm or corporation who installs any electrical wiring shall request the inspection when the electrical work is completed and ready for inspection. It shall be the duty of the person requesting any inspection required by this Code, to provide access to and means for inspection of such work.~~

#### ~~RE INSPECTION OF WIRING, ETC.~~

~~The electrical inspector shall make a thorough re-inspection of all electrical wiring devices, appliances and equipment whenever deemed advisable within or on any building or premises. When the installation of any electric wiring, device, appliance or equipment is found to be in dangerous and unsafe condition and in noncompliance with this Code, the person owning, using or operating the same shall be notified in writing and shall make the necessary repairs and changes required to place such wiring, device, appliance or equipment in compliance with this Code within the time specified in the notice. Upon failure to comply with the written notice and payment of re-inspection fee, the electrical inspector is hereby authorized to notify the utility company supplying electric energy to such building or premises to discontinue electric service and to continue to do so until instructed by the electrical inspector that service may be restored.~~

#### ~~WORKING SPACE ABOUT ELECTRICAL SERVICE.~~

Section 110.26(A)(3) of the National Electrical Code shall be amended to read as follows: Exception #4: ~~One and two family and multifamily dwellings, service panels located in garages, basements or accessory structures, a footing or stem wall that is located below the electric panel shall be permitted to extend not more than 12 inches beyond the front of the electric panel.~~

#### ~~NUMBER OF SERVICE ENTRANCE CONDUCTOR SETS~~

Section 230.40 of the National Electrical Code shall be amended to read as follows:

~~Number of Service Entrance Conductor Sets. Each building shall be supplied by only one service drop or lateral. Each service drop or lateral shall supply only one set (or sets where connected in parallel) of service entrance conductors. All service entrance conductors shall terminate at the same location.~~

~~Exceptions:~~

~~Where two to six service disconnecting means in separate enclosures are grouped at one location, one set of service entrance conductors shall be permitted to supply each such service equipment enclosure.~~

~~A two family dwelling unit without an approved area separation wall as defined by the currently adopted Building Code, and served from one service drop or lateral, shall be permitted to have one set of service entrance conductors run to each dwelling unit without the mains from both units being located together.~~

#### ~~SERVICES — MAXIMUM AMPS, VOLTS, ETC.~~

~~A.— Service Length. Unfused service entrance conductors shall not be extended more than fifteen feet inside any building.~~

~~B.— Service Disconnects. Main disconnects shall be installed on the load side of the utility company's meters where not more than six meters and service equipment are grouped together. Where there is an existing main disconnect ahead of six meters or less and all the services are completely revamped, the main disconnects shall be relocated on the load side of the meters.~~

#### ~~FEEDER OR BRANCH CIRCUIT DISCONNECT LOCATION~~

Article 225.32 of the National Electrical Code (NEC) shall be amended to read:

~~The disconnecting means shall be installed either inside or outside of the building or structure served or where the conductors pass through the building or structure. The disconnecting means, if installed on the exterior of the building or structure, shall be at a readily accessible location nearest the point of entrance of the conductors. The disconnecting means, if installed inside the building or structure, shall be at a readily accessible location and located so the total length of conductor shall not be extended more than fifteen (15) feet inside of the building or structure. For the purposes of this section, the requirements of 230.6 shall be utilized.~~

~~NEC exceptions permitted.~~

#### ~~BRANCH CIRCUIT PANELBOARD REQUIREMENTS.~~

All panels installed shall be sufficiently large enough to provide four blank spaces or four overcurrent protective devices for future use.

#### CONDUCTOR REQUIREMENTS.

##### A.—Commercial and Industrial.

(1) ~~Type.~~ All commercial and industrial wiring conductors rated two hundred (200) amperes or less, including all service conductors required to be installed by the licensed electrical contractor, shall be copper. Each individual conductor of a parallel conductor set shall meet the requirements of this Section. Parallel conductors are not to be considered a single conductor.

##### Exception:

Feeder circuit and branch circuit conductors rated one hundred (100) amperes or more, may be aluminum or copper clad aluminum, provided panelboards or disconnect switches served by such circuits are marked by the manufacturer as being suitable for aluminum or copper clad aluminum termination.

(2) ~~Minimum Size.~~ The minimum branch circuit wiring conductor size shall be No. 12 AWG copper.

##### B.—Residential.

All residential and accessory building wiring conductors less than ninety (90) amperes shall be copper.

Note: Grounding conductors installed in the same raceway or cable with the above listed aluminum conductors may be allowed to be aluminum when sized per Article 250 of the currently adopted National Electrical Code.

#### CONCRETE ENCASED ELECTRODE.

The grounding electrode conductor to a concrete encased electrode shall be not less than that required in Table 250.66 of the National Electrical Code.

#### COLOR CODE — BRANCH CIRCUITS.

Where installed in raceways, as cable or as open work, all conductors connected to the same system shall conform to the following color code:

Three phase, four wire 120/208 volt — phase A — black, phase B — red, phase C — blue, grounded conductor — white;

Three phase, four wire 277/480 volt — phase A — brown, phase B — orange, phase C — yellow, grounded conductor — gray.

The grounded conductor of a three wire 240 volt delta system shall be identified by alternating white and red stripes encircling the conductor.

The grounded conductor of a three wire 480 volt delta system shall be identified by alternating gray and orange stripes encircling the conductor.

~~Ungrounded circuit conductors used as travelers between 3-way and 4-way switches may be of colors other than those specified.~~

~~All conductor sizes 6 AWG or smaller shall be identified by a continuous outer finish along its entire length. Sizes larger than 6 AWG shall be identified, at time of installation, by distinctive color markings at its terminations. This marking shall encircle the conductor or insulation.~~

~~All circuit conductors of the same color shall be connected to the same ungrounded conductor throughout the premises wiring system(s).~~

#### ~~SMOKE DETECTOR REQUIREMENTS~~

~~As adopted in the currently adopted International Residential Code found elsewhere in the current City of Haysville City Code.~~

#### ~~SPlicing OF SERVICE ENTRANCE CONDUCTORS.~~

~~Service entrance conductors shall not be spliced.~~

~~Exceptions:~~

- ~~1.— Clamped or bolted connections in metering equipment enclosures shall be permitted.~~
- ~~2.— Where service entrance conductors are tapped to supply two to six disconnecting means grouped at a common location.~~
- ~~3.— At a properly enclosed junction point where an underground wiring method is changed to another type of wiring method.~~
- ~~4.— A connection shall be permitted where service conductors are extended from a service drop to an outside meter location and returned to connect to the service entrance conductors of an existing installation.~~
- ~~5.— Where service entrance conductors consist of busway, connections shall be permitted as required to assemble the various sections and fittings.~~

#### ~~SWITCHES — HEIGHT OF.~~

~~All switches located outside of a building shall be placed not less than six feet above the finish grade unless they are of the dead front pullout type, or heavy duty type.~~

~~Exception:~~

~~Commercial and industrial installations which are accessible only to authorized personnel.~~

#### ~~TYPE NM, NMC AND NMS CABLE AMPACITY.~~

~~The ampacity of Types NM, NMC, and NMS cable shall be determined in accordance with Table 310.15(B)(16) of the National Electrical Code. The ampacity shall be in accordance with the 60°C (140°F) conductor temperature rating.~~

#### ~~NM CABLE CONNECTORS.~~



~~Two piece NM Cable connectors, commonly known as Tomie connectors, shall be permitted to have a maximum of 3 cables in each connector.~~

#### ~~TYPE NM, NMC AND NMS CABLE RAN EXPOSED IN UNFINISHED BASEMENTS.~~

~~Article 334.15(e) of the National Electrical Code shall be amended to read:~~

~~(C) In Unfinished Basements. Where cable is run at angles with joists in unfinished basements, it shall be permissible to secure cables not smaller than two 6 AWG or three 8 AWG conductors directly to the lower edges of the joists. Smaller cables shall be run either through bored holes in joists or on running boards. NM cable installed on the wall of an unfinished basement shall be permitted to be installed in a listed conduit or tubing or shall be protected in accordance with Article 300.4. Conduit or tubing shall be provided with a suitable insulating bushing or adapter at the point the cable enters the raceway. The NM cable sheath shall extend through the conduit or tubing and into the outlet or device box not less than 6 mm (¼ in.). The cable shall be secured within 300 mm (12 in.) of the point where the cable enters the conduit or tubing. Metal conduit, tubing, and metal outlet boxes shall be connected to the equipment grounding conductor.~~

#### ~~ARC MAKING DEVICES — CLEARANCE FROM GAS METERS.~~

~~All switches, motors, receptacles, meter, or other arc making devices shall have a minimum clearance of three feet in any direction from any gas meter when such equipment is installed inside of a building and in the same room as the gas meter.~~

#### ~~CEILING GRID SUPPORT WIRES.~~

~~The following is added to the section 300.11(A)(2) of the National Electrical Code:~~

##### ~~Exceptions:~~

~~MC cable or flexible metal conduit may be attached to the ceiling grid support wires serving lighting fixtures located within the ceiling grid area where all the following conditions apply.~~

- ~~1. The MC cable or flexible metal conduit must not be larger than trade size ½ inch.~~
- ~~2. Only a single MC cable or flexible metal conduit may be attached per ceiling grid support wire.~~
- ~~3. Only elips or devices approved for the purpose may be used to attach the MC cable or flex to the support wires.~~

~~Fire Rated ceiling assemblies shall not be used to support electrical raceways and all raceways installed within fire rated ceiling assemblies shall be provided with independent support.~~

#### ~~SEWAGE EJECTOR PUMPS~~

~~All sewage ejector pumps shall be installed on individual motor branch circuits.~~

#### ~~SEWAGE EJECTOR PUMP OR SUMP PUMP.~~

~~Ground fault circuit interrupter protection shall not be required on a sewage ejector pump or sump pump that is cord and plug connected to a single receptacle installed on an individual motor branch circuit.~~

~~RESIDENTIAL GARAGE DOOR OPENER.~~

~~In a dwelling, ground fault circuit interrupter protection shall not be required on an overhead garage door opener that is cord and plug connected to a single receptacle installed in the ceiling directly above the overhead garage door opener motor.~~

~~NONMETALLIC SHEATHED CABLE: TYPE NM, NMC, AND NMS.~~

~~Uses permitted: Type NM, Type NMC and Type NMS cable shall be permitted to be used only in one- and two-family dwellings and their accessory structures and multifamily dwelling units. The structure shall not exceed three floors above grade. These structures shall be served only by single phase services.~~

~~RECEPTACLE BEHIND A RANGE OR SINK.~~

~~Section 210.52(e)(1) exception of the National Electrical Code shall be amended to read as follows:~~

~~Exception:~~

~~Receptacle outlets shall not be required on a wall directly behind a range or sink.~~

~~LIGHTING OUTLETS REQUIRED.~~

~~The following requirements for lighting outlets are in addition to the requirements in the latest edition of the National Electrical Code adopted by the City of Haysville.~~

~~A.—Residential unfinished basements. Each storage area and all future habitable spaces, as defined by the currently adopted Building Code, that are in the framed-in stage shall have a lighting outlet with a wall-mounted switch for each area or room. Lighting outlets containing a switch shall be controlled by a wall switch.~~

~~B.—Commercial storage units. Each storage unit shall have a lighting outlet inside the unit with a switch located at the usual point of entry to the storage unit. This luminaire shall be of the type that has a completely enclosed light source.~~

~~Exception:~~

~~Structures that are not on a permanent foundation.~~

~~POOLS SHALL NOT BE LOCATED UNDER OVERHEAD WIRE.~~

~~Section 680.9 of the National Electrical Code shall be amended to read as follows:~~

~~The following parts of pools shall not be placed under existing electrical, communication, CATV, Network-powered Broadband conductors or any other overhead wiring; nor shall such wiring be installed above the following:~~

- ~~1.—Pools and the area extending 10 ft horizontally from the inside of the walls of the pool;~~
- ~~2.—Diving structure, or~~

~~3.—Observation stands, towers or platforms.~~

~~PERMITTED USE OF MULTIPLEX CABLE.~~

~~Multiplex cable may be installed as an approved wiring method for outdoor aerial use only, with the following restrictions.~~

~~a.—Permitted for outside aerial use only.~~

~~b.—Minimum wire size shall be: #1 aluminum or #8 copper.~~

~~c.—In all cases, the phase conductors and the neutral conductor must be insulated and identified.~~

~~d.—The ampacity of the conductors must comply with the values for the respective size and conductor material as listed in the seventy five degree column of the Ampacity Tables of the latest adopted edition of the National Electrical Code.~~

~~PERMITTED USE OF UNDERGROUND RESIDENTIAL DISTRIBUTION (URD) CABLE.~~

~~Underground Residential Distribution (URD) cable may be installed as an approved wiring method for outdoor use only, with the following restrictions:~~

~~a.—Permitted for outdoor use only, installed direct buried or in a raceway.~~

~~(b) Minimum size shall be #2 Aluminum.~~

~~c.—The phase conductors and the neutral conductor shall be the same size.~~

~~d.—The phase conductors and the neutral conductor insulation shall be identified as USE.~~

~~e.—The Neutral conductor shall be properly identified per the National Electrical Code.~~

~~f.—Grounding conductor, if needed, shall be a minimum of #2 aluminum or #6 copper and shall be insulated.~~

~~g.—The ampacity of the conductors must comply with the values for the respective size and conductor material as listed in the seventy five degree (75°) column of the Ampacity Tables of the latest adopted edition of the National Electrical Code.~~

~~TEMPORARY SERVICE REQUIREMENTS SERVICE REQUIREMENTS.~~

~~Temporary services used during construction, remodeling or repair of buildings or structures shall not be attached to a building. The temporary service shall have a minimum of one 125-volt 20amp GFCI protected receptacle and one 125/250-volt 30-amp GFCI-protected twist lock receptacle NEMA L14-30, and meet all other requirements of the latest edition of the National Electrical Code adopted by the MABCD.~~

~~Exception:~~

~~In-use covers are not required for temporary services.~~

~~PROVISIONS FOR HEATING UNITS.~~

~~Where a heating unit is installed for the unit or space intended for human occupancy per the requirements set forth in Article 5, the heating unit shall be directly wired into the building wiring with a disconnecting means installed in a readily accessible location within sight from the heating unit.~~

(Code 2024)

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#### **4-504. Violations and penalties.**

Any person who shall violate the provision of this code or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be prosecuted as set forth in Section 80.23 et seq. of the NFPA 70, National Electrical Code, ~~2008-2020~~ Edition, as the Electrical Code of the City, including Annexes C (Conduit and Tubing Fill Tables) and G (Administration and Enforcement) as amended, and Section 4-112 above. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.

(Code 2011)

#### **4-505. Penalty clause not exclusive.**

The imposition of the penalties herein prescribed shall not preclude the City from instituting an appropriate action to restrain, correct, or abate a violation of this Article, and specific authority for such is hereby granted to take any action or imposing any penalty allowed by State law, this code, or this Article.

(Code 2011)

#### **4-506. Enforcement.**

Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the City. Prosecution of any violations of this code shall be in the Haysville Municipal Court, and shall be in conformance with the City's general penalty clause set forth in Chapter 1, Section 1-121 of this Code. The City hereby authorizes the building official to enforce such rules and regulations as are necessary to carry out the purpose(s) of this Code.

(Code 2011)

#### **4-507. Liability.**

Requirements of this code and Article shall not be construed as imposing on the City, its officers, agents, or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.

(Code 2011)

#### **4-508. Severability.**

If any part or parts of this Article shall be held to be invalid such invalidity shall not affect the validity of the remaining part of this Article.

(Code 2011)

## **Article 6. Plumbing and Gas Fitting Code**

**4-601. Adoption of the Uniform Plumbing Code, 2021~~15~~ Edition, as the plumbing code, with certain additions and deletions.**

~~The Uniform-Plumbing -Code,-published by the International Association of Plumbing and Mechanical Officials (IAPMO), 2021 Edition, including the Appendixes and Installation Standards thereto and including the Uniform Plumbing Code's latest edition of Table 1701.1 excluding; Sections 103.1, 107.1, 107.2, Table No. 104.5 Plumbing Permit Fees, Sections 312.13, 312.14, Sections 422.1, 422.1.1, 422.2, 422.2.1, 422.3, 422.4, 422.4.1, 422.5, Table 422.1 Sections 604.10.1, 609.12, 609.12.1, 609.12.2 Part II of Chapter 7: Building Sewers, Sections 807.3, Sections 1014.0, 1015.0, Section 1210.1.5 Section 1210.1.6.1 Appendix F, Appendix H, and except for amendments set forth in this section, is by reference incorporated herein and made a part of this Code as though set forth at length herein, and is hereby adopted as a part of the City of Haysville Plumbing Code. In lieu of Appendix Hand Chapter 7 Part II, within the jurisdiction of the City of Haysville, entitled Sewers and Sewage Disposal, shall apply, private disposal systems shall be in conformity Chapter 15, as well as the latest edition of the MABCD/Sedgwick County version of the UBTC. In lieu of Appendix H and Chapter 7 Part II, within the jurisdiction of the City of Haysville, references to Chapter 15 of this code.~~The Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials (IAPMO), 2015 Edition, including the Appendixes and Installation Standards thereto and including the Uniform Plumbing Code's latest edition of Table 1401.1, excluding Sections 102.1, 102.2, 102.3, 102.3.1, Table No. 103.4: Plumbing Permit Fees, 422.1, 422.1.1, 422.2, 422.3, 422.4, 422.4.1, 422.5, Part II of Chapter 7: Building Sewers, Sections 609.4, 807.4, 1014.0, 1015.0, 1210.1.5 Appendix F, Appendix H, Appendix L 6.0, Appendix L 7.0, and except for amendments set forth in this section, is by reference incorporated herein and made a part of this Code as though set forth at length herein, including all amendments as set forth in Resolution No. 159 2014, of the Board of County Commissioners of Sedgwick County, Kansas, as subsequently set forth within the Unified Building and Trade Code as adopted within Article 12 of this Chapter. In lieu of Appendix H, Chapter 15 of the Haysville Municipal Code, entitled Utilities, shall apply. This Code and all amendments shall hereafter be known as the Plumbing and Gas Fitting Code of the City of Haysville.

(Code 2024)

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**4-602. Availability of copies.**

One copy of said standard code, along with the amendments set forth in that Resolution of the Sedgwick County Commission as described in 4-601 above, as currently incorporated into the Unified Building and Trade Code which is adopted through Article 12 of this Chapter, have been and are now filed in the office of the City Clerk, and the said code is adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq.

**4-603. Amendments.**

Administrative Deletions, Amendments or Additions to the Uniform Plumbing Code.

DEFINITIONS. Unless otherwise specified, the following terms as used in this Section, shall mean as follows:

'Air Admittance Valve'. One-way valve designed to allow air to enter the plumbing drainage system when negative pressures develop in the piping system. The device shall close by gravity and seal the vent terminal at zero differential pressure (no flow conditions) and under positive internal pressures. The purpose of an air admittance valve is to provide a method of allowing air to enter the plumbing drainage

system without the use of a vent extended to open air and to prevent sewer gases from escaping into a building. Must be listed and labeled for such use.

'Apprentice' means an individual who works as an employee in training under the direct supervision of a Journeyman Plumber or Master Plumber. An apprentice is not a certified individual.

'Code' means the current Plumbing Code as referenced in this Code, as adopted by the City of Haysville and where referenced, MABCD.

'Direct supervision' means that the apprentice is limited to the same structure and/or building site as the journeyman or master plumber, except in the case of one and two-family residential development, where the apprentice may be on the job site within five hundred (500) feet of where the journeyman or master is working.

'Field Experience' means working under the direct supervision of a person having a valid Journeyman Plumber or Master Plumber certificate or attending trade related schooling. No more than one year of the requirement may be satisfied by trade related schooling. Schooling shall consist of a minimum of nine hundred thirty (930) program hours documented by a certificate of completion.

'Journeyman Gas Fitter' means a person who has been approved by the MABCD showing that individual to be qualified to do gas piping, make repairs to gas piping systems or in any work at the trade of gas piping for a Licensed Contractor. That individual shall have a current certificate showing him or her to be so qualified.

'Journeyman Plumber' A journeyman plumber is a person who has been approved by the MABCD showing that individual to be qualified to do plumbing or gas piping, venting work, and work at the trade of plumbing and gas piping for a Licensed Contractor. That individual shall have a current certificate showing him or her to be so qualified. A Journeyman Plumber is deemed to be a Journeyman Gas Fitter, Journeyman Drain Layer, Journeyman Lawn Irrigation, Journeyman Sewer Cleaner and certified Water Conditioning Installer by definition.

'Licensed Contractor' means a person, firm, partnership, corporation, limited liability company, association or combination thereof, that has acquired a plumbing, gas fitter, lawn irrigation, drain laying, or certified Water Conditioning license from the MABCD, and the City of Haysville, who undertakes or offers to undertake for another, for hire, the planning, laying out, supervising and installing or making additions, alterations, and repairs in the installation of plumbing, drains, gas fittings, lawn irrigation or plumbing systems.

'Licensed Trade' or 'trade' means the mechanical, electrical, plumbing or gas fitting trade, as the context of this Code may require.

'Master Gas Fitter' means a person who has been approved by the MABCD, and the City of Haysville, showing that individual to be qualified to engage in the business of gas piping systems and who has a current certificate showing him or her to be so qualified.

'Master Plumber' means a person who has been approved by the MABCD, and the City of Haysville, showing that individual to be qualified to engage in the business of plumbing and gas piping, the installation of plumbing and gas fixtures and appliances, and who has a current certificate showing him or her to be so qualified. A Master Plumber is deemed to be a Master Gas Fitter, Master Drain Layer, Master Lawn Irrigation, Master Sewer Cleaner and Certified Water Conditioning installer by definition.

'Qualified Master' means an individual who holds a master certificate issued pursuant to this Code evidencing such person to be qualified to control and have authority of all technical work performed under the authority of the licensed contractor's enterprise, and assures quality control and is responsible for complying with all applicable laws, codes and regulations.

REQUIREMENT TO OBTAIN PERMIT. All persons who install, remove, alter, repair or replace or cause to be installed, removed, altered, repaired or replaced, any plumbing, gas or drainage piping work or fixture or water heating or treating equipment in a building or premises shall be required to obtain the proper permit from the City of Haysville City Clerk's office or her designee, in order to do such work.

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DEAD LEGS. Section 309.6 of the Uniform Plumbing Code is amended to read as follows: Dead legs exceeding twice the diameter of the pipe shall have a method of flushing and be accessible.

STEEL NAIL PLATES. Section 312.9 of the Uniform Plumbing Code is amended to include the following exception:

Exception: When installed in single family and multi-family dwellings, steel nail plates may extend along the framing member not less than the outside diameter of the piping to be protected.

TEST GAUGES. Section 318.0 of the Uniform Plumbing Code is amended to read as follows: In performing the prescribed piping tests as required elsewhere in this Code, a spring type gauge may be used provided the required maximum capacity of the gauge used for the five (5) psi or ten (10) psi fifteen (15) minute test, be thirty (30) psi, and the required maximum capacity of the spring type gauge used for the sixty (60) psi thirty (30) minute test, be one hundred (100) psi.

DRAINAGE CONNECTION. Section 414.3 of the Uniform Plumbing Code is amended to read as follows: Commercial dishwashing machines shall discharge indirectly through an air gap/air break or direct connection in accordance with section 704.3 with floor drain protection but in no case shall a commercial dishwasher discharge into the grease drainage piping system or through a grease interceptor or grease collection system.

Exception: Domestic or residential dishwashers may discharge to the manufactured opening of a garbage disposal or a wye branch tailpiece. The domestic dishwasher discharge line shall be looped as high as possible within the sink cabinet and securely fastened.

SEISMIC PROVISIONS. Section 507.2 of the Uniform Plumbing Code is amended to read as follows: Seismic Provisions. Water heaters may be anchored or strapped to resist horizontal displacement due to seismic activity. Strapping shall be at points within the upper one-third and lower one-third of its vertical dimensions. At the lower point, a distance of not less than 4 inches (102mm) shall be maintained from the controls with the strapping.

Exception: Elevated water heaters located in an attic, in or on an attic ceiling assembly, such water heaters shall be anchored or strapped.

DRAINAGE PAN. Section 507.5 of the Uniform Plumbing Code is amended to read as follows: Drainage Pan: Where a water heater is located above wood construction or framing where damage may result from a leaking water heater, a watertight pan of corrosion-resistant material shall be installed beneath the water heater with not less than a 3/4 of an inch (20mm) diameter drain to an approved location. Such pan shall not be less than 1 and 1/2 inches (38mm) in depth.

Exception: Where structurally impractical to extend the pan drain piping to a suitable location, the pan drain shall be capped and a water alarm shall be installed, providing an audible alert to the occupants of water accumulating in the drain pan.

INSTALLATION INSTRUCTIONS. Section 507.24 of the Uniform Plumbing Code is hereby amended to read as follows: Installation Instructions. The installing agency shall comply with the appliance and equipment manufacturer's installation instructions in completing an installation. The installing agency shall leave the manufacturer's installation, operating, and maintenance instructions in a location on the premises where they will be readily available for reference and guidance for the Authority Having Jurisdiction, service personnel, and the owner or operator. [NFPA 54:9.1.22]

PROTECTION FROM LAWN SPRINKLERS AND IRRIGATION SYSTEMS. Section 603.5.6 of the Uniform Plumbing Code is amended to read as follows: Potable water supplies to systems having no pumps or connections for pumping equipment and no chemical injection or provisions for chemical injection, shall be protected from backflow by one of the following devices:

- (1) Pressure vacuum breaker,
- (2) Spill-resistant vacuum breaker,
- (3) Reduced-pressure backflow preventer or
- (4) air gap.

PROTECTION FROM FIRE SYSTEMS. Section 603.5.14.2 of the Uniform Plumbing Code is amended to read as follows: Where contaminant chemicals (ethylene glycol, corrosion inhibitors, or other chemicals) are added to a fire protection system supplied from a potable water supply, the potable water system shall be protected by one of the following; or as required by the Sedgwick County Fire Department District #1:

- (1) Reduced pressure backflow preventer, or
- (2) Reduced pressure detector assembly.

Fire protection systems using low hazard materials must be protected with appropriate protection and clearly labeled per NFPA requirements with SDS documentation permanently maintained at the backflow device. Devices approved for low hazard potable water system protection include the following:

- (1) Double check backflow preventer, and
- (2) Double check detector assembly.

TEMPERATURE AND PRESSURE RELIEF DISCHARGE. Section 608.5 (7) of the Uniform Plumbing Code is amended to add the following exception: Exception: Where structurally impractical to extend the temperature and pressure relief discharge piping to a suitable location, the temperature and pressure relief discharge piping may be terminated to the water heater pan and an audible water alarm shall be installed to notify occupants of water accumulating in the drainage pan.



RESIDENTIAL SPRINKLER SYSTEMS. Section 612.1 of the Uniform Plumbing Code is amended to read as follows: 612.1 Where Required. Where residential sprinkler systems are required or installed in one and two-family dwellings or townhouses, the systems shall be installed by personnel, installer, or both, certified in accordance with ASSE Series 7000 in accordance with this section or NFPA 13D. This section shall be considered equivalent to NFPA 13D. Partial residential sprinkler systems shall be permitted to be installed in buildings not required to be equipped with a residential sprinkler system, but in no case shall an underground sprinkler system be installed without the required backflow device, installed and certified by a certified installer, at the time of installation and annually as required.

SOLVENT CEMENT JOINTS. Section 705.6.2 of the Uniform Plumbing Code is amended to read as follows: (see section 309.4) PVC pipe and fittings may be joined using a one-step cement approved and listed by the pipe and fitting manufacturer for use without primer and so stated on the label. (Note section 705.1.2 Solvent Cement Joint for ABS does not require primer only cement conforming to ASTM D2235)

MEDIA. Section 712.1 of the Uniform Plumbing Code is amended to read as follows: The piping of the plumbing, drainage and venting systems shall be tested with water or air. The Authority Having Jurisdiction may require the removal of any cleanouts, etc., to ascertain whether the pressure has reached all parts of the system. After the plumbing fixtures have been set and their traps filled with water, they shall be submitted to a final test.

NOTE: Chapter 7, Part II Building Sewers is deleted and sewers are regulated by Chapter 15, and other sections of this code.

COMMERCIAL SINKS. Section 704.3 of the Uniform Plumbing Code is amended to read as follows:

704.3 Commercial Sinks. Pot sinks, scullery sinks, dishwashing sinks, silverware sinks, and other similar fixtures shall discharge indirectly to an approved receptor through an air gap or connect directly to the drainage system. Where directly connected to the drainage system, a floor drain shall be provided adjacent to the fixture and shall be connected on the sewer side of the sink. No other drainage line shall be connected between the floor drain waste connection and the fixture drain. The fixture and floor drain shall be trapped and vented in accordance with this code.

INDIRECT WASTE RECEPTORS. Section 804.1 of the Uniform Plumbing Code is amended to read as follows: All plumbing fixtures or other receptors receiving the discharge of indirect waste pipes shall be approved for the use proposed, shall be of such shape and capacity as to prevent splashing or flooding, and shall be located where they are readily accessible for inspection and cleaning. No indirect waste receptor shall be installed in any toilet rooms, closet, cupboard or storeroom, nor in any other portion of a building not in general use by the occupants thereof except standpipes for clothes washers may be installed in toilet and bathroom areas when the clothes washers are installed in the same room. Clothes washers shall not be installed so as to discharge into any gravity line higher than sixty (60) inches above its base. The clothes washer standpipe shall be a minimum length of eighteen (18) inches above the trap and the inlet of the standpipe no higher than sixty (60) inches above the floor. In any structure where indirect waste receptors are to be installed in or flush with the floor, these receptors may be floor sinks or floor drains, and shall be readily accessible, provided floor drains. Floor drains used as indirect waste receptors shall meet the following requirements:

1. Have a reservoir capacity a minimum of four (4) inches in diameter and two (2) inches deep;
2. Have a perforated cover equal in area to the diameter of the drain;

3. Have a minimum trap and waste line size of two (2) inches in diameter ; and

4. The indirect waste line shall maintain a two (2) inch air gap.

CONDENSATE WASTE FROM AIR-CONDITIONING COILS. Section 814.6 of the Uniform Plumbing Code is amended to read as follows: Where the condensate waste from air-conditioning coils discharges by direct connection to a tailpiece or to an approved accessible inlet on a bathtub overflow, the connection shall be located in the area controlled by the same person controlling the air-conditioned space.

VENT TERMINATION Section 906.1 of the Uniform Plumbing Code is amended to read as follows: Roof Termination. Each vent pipe or stack shall extend through its flashing and shall terminate vertically not less than six (6) inches (152mm) above the roof not less than one(1) foot (305mm) from a vertical surface. ABS and PVC piping exceeding 24" exposed to sunlight shall be protected by water based synthetic latex paints.

Exception: Extension through the wall. With prior approval of the authority having jurisdiction, vent terminals through a wall shall be allowed as an alternative method on residential plumbing remodels where other structural issues make it impractical to install a roof termination without remodeling other areas of the structure. Vent terminals extending through the wall shall terminate at a point not less than ten (10) feet (3048mm) from a lot line and not less than ten (10) feet (3048mm) above average ground level. Vent terminations shall not terminate under an overhang of a structure with soffit vents. Side wall vent terminals shall be protected to prevent birds or rodents from entering or blocking the vent opening.

WET VENTING. Section 908.0 of the Uniform Plumbing Code is amended to read as follows: Groups of fixtures on the same floor may be wet or stack vented provided that:

1. The maximum distance from the vent intersection with the waste or soil pipe to the dip of the trap shall be in accordance with Table 1002.2.

2. Not more than one fixture unit wastes into a one and one-half (1 1/2) inch diameter wet vent.

3. Not more than four (4) fixture units shall waste into a two (2) inch diameter (excluding urinals) or nine (9) fixture units into three (3) inch or larger diameter wet vent.

4. Excepting floor drains, no fixtures shall waste into such stack below the closet fixture opening without a proper vent.

5. The limit of a horizontal wet vent shall be fifteen (15) feet of developed length.

6. A wet vent receiving the discharge from a clothes washer can only be used to wet vent a water closet. The vent intersection shall be no closer than four (4) feet total developed length from the top of the closet flange.

#### AIR ADMITTANCE VALVES.

a) With approval from the Authority Having Jurisdiction, air admittance valves may be allowed as an alternative venting method where structural issues make it impractical to install a conventional vent.

Situations in which structural issues make it impractical to install a conventional vent shall include, but not be limited to:

1. Where there are no full height walls that extend from the floor to the ceiling or roof;
2. Where the wall or walls potentially available cannot be altered for penetration due to the load bearing function of the wall;
3. Where structural elements such as trusses or beams are in place that cannot be altered for penetration by boring, cutting, or notching;
4. Where the HVAC duct is located such that code compliant slope cannot be achieved on the foot vent or drain piping to install a UPC code compliant island vent system;
5. Where piping would be exposed in such a manner as to detract from the aesthetic, harmonious or functional qualities of the space;
6. Where there is a habitable or finished space above the trapped fixture that is not being remodeled;
7. Where the fixture is in an island or pedestal configuration and one or more of site conditions number 1 through 6 apply; and
8. Where remodeling an existing concrete slab on grade structure where there is insufficient depth of drainage piping to achieve code compliant slope of the foot vent.

b) Vent systems using air admittance valves shall comply with this Section, including the following requirements:

1. Individual and branch-type air admittance valves shall conform to ASSE I 051.
2. The valves shall be installed in accordance with the requirements of this Section and the manufacturer's instructions. Air admittance valves shall be installed after the DWV testing required by Sections 105.0 and 712.0 of the Uniform Plumbing Code has been performed.
3. Individual vents and branch type air admittance valves shall vent only fixtures that are on the same floor level and connect to a horizontal branch drain.
4. Individual and branch air admittance valves shall be located not less than four (4) inches above the horizontal branch drain or fixture drain being vented. The air admittance valve shall be located within the maximum developed length permitted for the vent. The air admittance valve shall be installed not less than six (6) inches above insulation materials when installed in attics.
5. Access shall be provided to air admittance valves. Such valves shall be installed in a location that allows air to enter the valve.
6. Air admittance valves shall not be located in spaces utilized as supply or return air plenums.
7. The air admittance valve shall be rated for the size of the vent to which the valve is connected

8. Each plumbing system shall be vented by one or more vent pipes extending outdoors to the open air, and the aggregate cross-sectional area of which shall be not less than that of the largest required building sewer, as stated in 904.1 of the Uniform Plumbing Code.

9. Air admittance valves shall not be used to vent sumps or tanks except where the vent system for the sump or tank has been designed by an engineer.

10. A permanent, visible label shall be attached to the panel, enclosure, or trap of the fixture being served stating "AIR ADMITTANCE VALVE INSTALLED".

**c) In no case shall Air Admittance valves be approved in new construction.**

GREASE INTERCEPTORS. Section 1014.1 of the Uniform Plumbing Code is amended to read as follows: Grease interceptors installed within the jurisdiction of the City of Haysville, shall conform to Chapter 15 of this code.

TRAP SEAL PRIMERS. Section 1007.2 of the Uniform Plumbing Code is amended to read as follows: 1007.2 Trap Seal Primers. Potable water supply trap seal primer valves shall comply with ASSE 1018. Drainage and electronic design type trap seal primer devices shall comply with ASSE 1044. Barrier-type trap seal protection devices shall conform with ASSE 1072. Such devices shall be installed and maintained in accordance with the manufacturer's instructions.

DISCHARGE. 1101.6.1 Discharge. Sump pump piping, French drains and pop ups shall not discharge through a street curb. Sump pump piping shall terminate a minimum of 7 1/2 feet from a sidewalk, 2 feet from any side lot property line or 10 feet from any front or rear property lot line and flow on the surface of the soil of the lot on which the discharge originates. Sump pump discharge shall not be directed to project flow across a property line. The installation of sump pump discharge piping in an easement is prohibited except where specifically approved by City of Haysville Public Works Director or his/her designee, and written approval is issued. Where sump pump discharge to a storm water sewer or open drainage course is approved, a permit may be issued to a licensed drain layer or plumbing contractor. Where the connection to a storm water sewer is in an easement or right of way a Dirt Cut or Street Cut permit must also be obtained from the Public Works Director. Sump pump discharges found to be in violation of this provision shall be brought into compliance at the property owners and contractors expense within 30 days of written notice. Failure to comply may result in penalties as set forth in this code.

CORRUGATED STAINLESS STEEL. Section 1208.6.4.5 and 1210.2 of the Uniform Plumbing Code is amended to read as follows: Corrugated stainless steel tubing shall be tested and listed in accordance with the construction, installation and performance requirements of CSA LC-1. [NFPA 54:5.6.3.46][NFPA 54:7.1.8]. In addition, corrugated stainless steel tubing shall be coated with an electrically conductive jacket compliant with the listing standard of ANSI LC-1/CSA 6.26 - 2014.

INSTALLATION OF ABOVEGROUND PIPING. All exposed piping installed outdoors shall be elevated not less than three and one half (3-1/2) inches above grade. Gas piping shall enter or exit the structure above the finish grade, and threaded steel gas piping shall be installed with a swing joint located where the gas piping enters or exits the structure. A "swing joint" means a joint in a threaded pipeline which permits motion in the line in a plane normal to the direction of one part of the line. Where installed across roof surfaces, gas piping shall be elevated not less than three and one-half (3-1/2) inches above the roof surface. Piping installed above ground, outdoors, and installed across the surface of roofs shall be securely supported and located where it will be protected from physical damage. Where passing through

an outside wall, the piping shall also be protected against corrosion by coating or wrapping with an inert material approved for such applications. The piping shall be sealed around its circumference at the point of the exterior penetration to prevent the entry of water, insects, and rodents. Where piping is encased in a protective pipe sleeve the annular space between the gas piping and the sleeve shall be sealed at the wall to prevent the entry of water, insects, or rodents. [NFPA 54: 7.2.1]

The following sections of the Uniform Plumbing Code incorporated by reference in Section 4-601 shall be amended as follows:

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~~Information Note: The numerical references below correspond to the numerical identification of the chapter(s), sections, sub-sections, paragraphs and sub-paragraphs in the 2015 Uniform Plumbing Code.~~

~~101.1 Title shall be amended to read as follows:~~

~~101.1 Title. These regulations shall be known as the Plumbing Code of the City of Haysville, hereinafter referred to as the "Plumbing Code," the "U.P.C.," or "this Code."~~

~~102.8 Appendices shall be amended to read as follows:~~

~~102.8 Appendices. Appendices A, B, C, D, E, G, I, J, K, L are adopted. Appendices F and H are excluded.~~

~~103.11 Authority Having Jurisdiction, Title, shall be added:~~

~~103.11 Authority Having Jurisdiction, Title. The Authority Having Jurisdiction shall be known as the Building Official, as designated and authorized in Chapter IV, Article 2 of the city code of the City of Haysville.~~

~~104.3.2 Plan Review Fees shall be amended to read as follows:~~

~~104.3.2 Plan Review Fees. Shall be in compliance with Chapter 17 of the code of the City of Haysville.~~

~~104.5.1 Work commencing before permit issuance shall be amended to read as follows:~~

~~104.5.1 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the Building Official. The fee shall be in addition to the required permit fees. The Building Official may establish this additional fee up to an amount equal to the required permit fees or one thousand dollars (\$1,000.00), whichever is greater.~~

~~104.5.2 Investigation Fees shall be amended to read as follows:~~

~~104.5.2 Fee Refunds. Plan review fees, permit fees or other fees charged by the Department may be partially refunded by the Building Official, upon request of the owner, agent or contractor. The amount not refunded shall be in proportion to city staff time and effort dedicated to the project.~~

~~104.5.3 Fee Refunds shall be deleted in its entirety~~

~~106.3 Penalties shall be amended to read as follows:~~

~~106.3 Violation Penalties. Persons who shall violate any provision of this Code, or shall fail to comply with any of the requirements thereof, or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 (five hundred) dollars, or by imprisonment not exceeding 30 (thirty) days, or both such fine and imprisonment. Each day a violation continues after due notice has been served shall be deemed a separate offense.~~

~~106.61 Violations and Penalties: The following section shall be added:~~

~~106.61 Additional Requirements and Limitations. The Building Official shall consider the requirements and procedures of the Code of the City of Haysville entitled Dangerous Buildings. To the extent that Article 7 supersedes or limits the authority and procedures outlined in the sections above, the Building Official shall follow the requirements and procedures of said Article.~~

~~107.1 General shall be amended to read as follows:~~

~~107.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code, a board of appeals is created in the Code of the City of Haysville. The composition of the board, terms, qualification, authority, limitations on authority and other aspects of the board.~~

~~107.2 Limitations on Authority is deleted.~~

~~Table 104.5, Plumbing Permit Fees shall be amended to read as follows:~~

~~Table 104.5, Plumbing Permit Fees shall refer to fees established in Chapter 17 of the Code of the City of Haysville.~~

~~Chapter 17, Referenced Standards shall be amended to include the following additional section:~~

~~1701.2 REFERENCED CODES.~~

- ~~1. 1701.2.1 Electrical. Whenever used in the Plumbing Code, the term "Electrical Code" shall be construed to mean the current City of Haysville Electrical Code.~~
- ~~2. 1701.2.2 Gas. Whenever used in the Plumbing Code, the term "Fuel Gas Code" shall be construed to mean the current City of Haysville Plumbing or Fuel Gas Code.~~
- ~~3. 1701.2.3 Mechanical. Whenever used in the Plumbing Code, the term "Mechanical Code" shall be construed to mean the current City of Haysville Mechanical Code.~~
- ~~4. 1701.2.4 Residential. Whenever used in the Plumbing Code, the term "Residential Code" shall be construed to mean the current City of Haysville Residential Code.~~
- ~~5. 1701.2.5 Fire Prevention. Whenever used in the Plumbing Code, the term "Fire Code" shall be construed to mean the current Sedgwick County Fire Code or Existing Fire Codes currently adopted by the City of Haysville.~~

~~6.—1701.2.6 Property Maintenance. Whenever used in the Plumbing Code, the term “Property Maintenance Code” shall be construed to mean the current City of Haysville Property Maintenance Code or IEBC.~~

~~7.—1701.2.7 Existing Building. Whenever used in the Plumbing Code, the term “Existing Building Code” shall be construed to mean the current City of Haysville International Existing Building Code.~~

Section 312.1 of the Uniform Plumbing Code is amended to read as follows:

~~312.1 General. Sleeves shall be provided to protect all piping through concrete and masonry walls, or concrete floors.~~

~~Exceptions:~~

- ~~1.—Sleeves shall not be required where openings are drilled or bored; and~~
- ~~2.—Sleeves shall not be required for DWV pipes going through concrete basement floors or slab on grade.~~

~~Section 312.13 Exposed ABS Piping is hereby deleted.~~

~~Section 312.14 Exposed PVC Piping is hereby deleted.~~

Section 318.0 of the Uniform Plumbing Code is amended to read as follows:

~~318.0 Test Gauges. In performing the prescribed piping tests as required elsewhere in this Code, a spring type gauge may be used provided the required maximum capacity of the gauge used for the ten (10) psi, for fifteen (15) minutes test, be thirty (30) psi and the required maximum capacity of the spring type gauge used for the sixty (60) psi, for thirty (30) minutes test, be one hundred (100) psi.~~

Section 414.3 of the Uniform Plumbing Code is amended to read as follows:

~~414.3 Drainage connection. Commercial dishwashing machines shall discharge indirectly through an air gap or direct connection in accordance with section 704.3 with floor drain protection in no case should a commercial dishwasher discharge through a grease trap or interceptor.~~

Section 422.0 of the Uniform Plumbing Code is amended to read as follows:

~~422.0 Minimum number of required fixtures. Minimum Number of Plumbing Fixtures shall be in accordance with the current adopted version of the current International Building Code and all amendments thereto.~~

~~Sections 422.1, Fixture Count, through and including 422.5, Toilet Facilities for Workers, including all subsections and subparagraphs, are hereby deleted in their entirety.~~

Table 422.1 Minimum Plumbing Facilities is amended as follows:

~~Table 422.1 Minimum Plumbing Facilities shall be renamed Minimum Number of Required Plumbing Fixtures and shall include all of the provisions, including footnotes and exceptions~~

of Table 2902.1, Minimum Number of Required Plumbing Fixtures, as set forth in the current International Building Code. All provisions, including footnotes and exceptions to Table 422.1 in the Uniform Plumbing Code are hereby deleted.

Section 603.1 of the Uniform Plumbing Code is amended to read as follows:

~~603.1 General. No person shall install any water-operated equipment or mechanism, or use any water treating chemical or substance, if it is found that such equipment, mechanism, chemical or substance may cause pollution or contamination of the domestic water supply. Such equipment or mechanism may be permitted only when equipped with an approved backflow prevention device. In addition to the general requirements of Section 603.0, Cross Connection Control, Backflow prevention devices and methods shall conform to Chapter 15 of the code of the City of Haysville. Registration of backflow testers and test reporting is required by the Authority Having Jurisdiction over backflow testing. Test reports must be maintained by the testing provider and supplied to the Authority Having Jurisdiction, and the backflow device owner. Where, in any specific case, sections of this Code specify different material, methods of construction or requirements in conflict with other local laws or ordinance, the most restrictive shall govern.~~

Section 603.5.6 of the Uniform Plumbing Code is amended to read as follows:

~~603.5.6 Protection from Lawn Sprinklers and Irrigation Systems. Potable water supplies to systems having no pumps or connections for pumping equipment and no chemical injection or provisions for chemical injection, shall be protected from backflow by one of the following devices: (1) Pressure vacuum breaker, (2) Spill resistant vacuum breaker — Bf (3) Reduced pressure backflow preventer, or (4) air gap.~~

Section 603.5.6.2 of the Uniform Plumbing Code is amended to read as follows:

~~603.5.6.2 Systems with Backflow Devices. Where systems have a device installed downstream of a potable water supply pump or a potable water supply pump connection, the device shall be one of the following: (1) Pressure vacuum breaker, (2) Spill resistant vacuum breaker, (3) Reduced pressure backflow preventer, or (4) air gap.~~

Section 603.5.13 of the Uniform Plumbing Code is amended to read as follows:

~~603.5.13 Deck mounted or Equipment mounted Vacuum Breakers. Deck mounted or equipment-mounted vacuum breakers shall be installed in accordance with their listing and the manufacture's installation instructions, with the critical level not less than six (6) inches (15.24 cm) above the flood level rim.~~

Section 603.5.14.2 of the Uniform Plumbing Code is amended to read as follows:

~~603.5.14.2 Chemicals. Where contaminant chemicals (ethylene glycol, corrosion inhibitors, or other chemicals) are added to a fire protection system supplied from a potable water supply, the potable water system shall be protected by one of the following: (1) Reduced pressure backflow preventer, or (2) Reduced pressure detector assembly. Fire protection systems using low hazard materials must be protected with appropriate protection and clearly labeled per NFPA requirements with MSDS documentation permanently maintained at the backflow device. Devices approved for low hazard potable water system protection include the following: (1) Double check backflow preventer, and (2) Double check detector assembly.~~



Section 604.10.1 Tracer Wire. Plastic materials for building supply piping outside underground shall have a blue insulated copper tracer wire or other approved conductor installed adjacent to the piping. Access shall be provided to the tracer wire or the tracer wire shall terminate aboveground at each end of the nonmetallic piping. The tracer wire size shall be not less than 18 AWG and the insulation type shall be suitable for direct burial.

Table 604.1 shall be amended as follows:

TABLE 604.1  
MATERIALS FOR BUILDING SUPPLY AND WATER DISTRIBUTION  
PIPING AND FITTINGS

MATERIAL	BUILDING SUPPLY PIPE AND FITTINGS	WATER DISTRIBUTION PIPE AND FITTINGS	REFERENCED STANDARD(S) PIPE	REFERENCED STANDARD(S) FITTINGS
Copper and Copper Alloys	- - X	- - X	ASTM B42, ASTM B43, ASTM 875, ASTM 888, ASTM R11, ASTM R7.1, ASTM B302, ASTM B447	ASME B16.15, ASME B16.18, ASME B16.22, ASME B16.26, ASME B16.51
CPVC	- X	- X	ASTM 02846, ASTM F441, ASTM F442, CSA B137.6	ASTM 02846, ASTM F437, ASTM F438, ASTM F439, ASTM F1970, CSA B137.6
CPVC AL CPVC	X	X	ASTM F2855	ASTM D2846
Ductile Iron	- X	X	AWWAC151	ASME B16.4, AWWA C10, AWWAC153
Galvanized Steel	X	X	ASTMA53	-
Malleable Iron	X	X	-	ASME B16.3
PE**	- X	- **	ASTM 02239, ASTM 02737, ASTM 03035, AWWA C901, CSA B137.1	ASTM 02609, ASTM 02683, ASTM D3261, ASTM F1055, CSA B137.1
PE AL PE	- X	- X	ASTM F1282, CSA B137.9	ASTM F1282, ASTM F1974, CSA B137.9
PE RT	- X	- X	ASTM F2769	ASTM F1807, ASTM F2098, ASTM F2159, ASTM F2735, ASTM F2769
PEX	- - X	- - X	ASTM F876, ASTM F877	ASSE I-06-1, ASTM F877, ASTM F1807, ASTM F1960

MATERIAL	BUILDING SUPPLY PIPE AND FITTINGS	WATER DISTRIBUTION PIPE AND FITTINGS	REFERENCED STANDARD(S) PIPE	REFERENCED STANDARD(S) FITTINGS
			<del>CSA B137.5, AWWA C904*</del>	<del>ASTM F1961, ASTM F2080, ASTM F2159, ASTM F2735,</del>
				CSA B137.5

TABLE 604.1 shall be amended as follows:

Table 604.1, MATERIALS FOR BUILDING SUPPLY AND DISTRIBUTION PIPING AND FITTINGS. The following footnote has been added to Table 604.1: **\*\*Polyethylene (PE) water service piping may extend inside a structure to the building master shut off valve; provided there are no branches taken off ahead of the building master shut off valve.**

Section 608.2 of the Uniform Plumbing Code is amended to read as follows:

~~608.2 Excessive Water Pressure. Where static water pressure in the water supply piping is in excess of one hundred (100) psi, an approved type pressure regulator preceded by an adequate strainer shall be installed and the static pressure reduced to one hundred (100) psi or less. Such regulator(s) shall control the pressure to all water outlets in the building unless otherwise approved by the administrative authority. Each such regulator and strainer shall be accessibly located aboveground or in a vault equipped with a properly sized and sloped bore sighted drain to daylight, shall be protected from freezing, and shall have the strainer readily accessible for cleaning without removing the regulator or strainer body or disconnecting the supply piping. All pipe size determinations shall be based on eighty percent (80%) of the reduced pressure when using Table 610.4~~

Section 609.1 of the Uniform Plumbing Code is amended to read as follows:

~~609.1 Installation. All water piping shall be adequately supported in accordance with Section 313.0, Table 313.3 and to the satisfaction of the administrative authority. Burred ends shall be reamed to the full bore of the pipe. Changes in direction shall be made by the appropriate use of the fittings, except that changes in direction in copper tubing may be made with bends having a radius of not less than six (6) diameters of the tubing, providing that such bends are made with bending equipment that does not deform or create a loss in the cross sectional area of the tubing. Changes in direction are allowed with flexible pipe and tubing without fittings in accordance with the manufacturer's installation instructions. Provisions shall be made for expansion in hot water piping. The depth of a water service line shall be at least thirty-six (36) inches below finished grade. Such service shall be not less than five (5) feet from any tree on public property (repair or replacement of an existing service is exempt from this requirement). The water service pipe shall be laid in a ditch separate from other underground pipes or conduits. There shall be not less than eighteen (18) inches of solid undisturbed earth between water service pipes and other underground pipes and conduits. All piping, equipment appurtenances and devices shall be installed in a workmanlike manner in conformity with the provisions and intent of this Code.~~

Section 609.11 Pipe Insulation, including all subsections and subparagraphs, is hereby deleted in its entirety.

Section 705.5.2 of the Uniform Plumbing Code is amended to read as follows:

~~705.5.2 Solvent Cement Joints. Plastic pipe and fittings designed to be joined by solvent cementing shall comply with the manufacturer's installation instructions and the following: PVC pipe and fittings must be cleaned and joined with primer(s) and solvent cement(s). Non-pressure PVC pipe and fittings may be joined without primer by using a medium body, one step cement that must be listed by the cement manufacturer for use without primer and so stated on the label.~~

Section 707.0 of the Uniform Plumbing Code is amended to read as follows:

~~707.0 Cleanouts. Cleanouts shall conform to the requirements of Chapter 15, Article 3 of the code of the City of Haysville.~~

Section 710.4 of the Uniform Plumbing Code is amended to read as follows:

~~710.4 Discharge line. The discharge line from such ejector, pump, or other mechanical device shall be of approved material and be provided with an accessible backwater or swing check valve and gate or ball valve. Where the gravity drainage line to which such discharge line connects is horizontal, the method of connection shall be from the top through a wye branch fitting. The gate or ball valve shall be located on the discharge side of the backwater or check valve.~~

~~Gate or ball valves, where installed in drainage piping, shall be the fullway type with working parts of corrosion resistant metal. Sizes four (4) inches (100 mm) or more in diameter shall have cast iron bodies, and sizes less than four (4) inches (100mm), cast iron or copper alloy bodies.~~

Section 712.1 of the Uniform Plumbing Code is amended to read as follows:

~~712.1 Media. The piping of the plumbing, drainage, and venting systems shall be tested with water or air. The Authority Having Jurisdiction, as defined in the Uniform Plumbing Code, may require the removal of any cleanouts, etc., to ascertain whether the pressure has reached all parts of the system. When the temperature wherein the drainage system is located is above twenty degrees (20°) Fahrenheit, a water test as set forth in Section 712.2 may be made. After the plumbing fixtures have been set and their traps filled with water, they shall be submitted to a final test.~~

Section 804.1 of the Uniform Plumbing Code is amended to read as follows:

~~804.1 Indirect Waste Receptors. All plumbing fixtures or other receptors receiving the discharge of indirect waste pipes shall be approved for the use proposed, shall be of such shape and capacity as to prevent splashing or flooding, and shall be located where they are readily accessible for inspection and cleaning. No indirect waste receptor shall be installed in any toilet rooms, closet, cupboard or storeroom, nor in any other portion of a building not in general use by the occupants thereof, except standpipes for clothes washers may be installed in toilet and bathroom areas when the clothes washers are installed in the same room. Clothes washers shall not be installed so as to discharge into any gravity line higher than sixty (60) inches above its base. The clothes washer standpipe shall be a minimum length of eighteen (18) inches above the trap and the inlet of the standpipe no higher than sixty (60) inches above the floor. In any structure where drains indirect waste receptors are to be installed in~~

or flush with the floor, they these receptors may be floor sinks or floor drains, and shall be readily accessible, provided floor drains. Floor drains used as indirect waste receptors shall meet the following requirements:

1. Have a reservoir capacity a minimum of four (4) inches in diameter and two (2) inches deep;
2. Have a perforated cover equal in area to the diameter of the drain;
3. Have a minimum trap and waste line size of two (2) inches in diameter; and
4. The indirect waste line shall maintain a two (2) inch air gap.

Section 807.3 Domestic Dishwashing Machine is hereby deleted.

Section 814.5 of the Uniform Plumbing Code is amended to read as follows:

~~814.5 Point of discharge. Air conditioning condensate waste pipes shall connect indirectly, except where permitted in section 814.6, to the drainage system through an air gap or air break to properly trapped and vented receptors, dry wells, leach pits, or the tailpiece of plumbing fixtures. When a fixture tail piece is used for condensate waste, the air gap or air break fitting shall be located no less than six (6) inches above the flood level rim of the fixture served by the tail piece. A condensate drain line shall be trapped in accordance with the appliance manufacturer's instructions or as approved.~~

Section 814.6 of the Uniform Plumbing Code is amended to read as follows:

~~814.6 Condensate Waste from Air Conditioning Coils. Where the condensate waste from air conditioning coils discharges by direct connection to a lavatory tailpiece or to an approved accessible inlet on a bathtub overflow, the connection shall be located in the area controlled by the same person controlling the air conditioned space. The flood level rim of the condensate collection device shall be located no less than six (6) inches above the flood level rim of the fixture served by the tail piece.~~

Section 906.1 of the Uniform Plumbing Code is amended to read as follows:

~~906.1 Roof Termination. Each vent pipe or stack shall extend through its flashing and shall terminate vertically not less than six (6) inches (152mm) above the roof not less than one (1) foot (305mm) from the vertical surface.~~

~~Exception:~~

~~Extension through the wall. With prior approval of the authority having jurisdiction, vent terminals through a wall shall be allowed as an alternative method on residential plumbing remodels where other structural issues make it impractical to install a roof termination without remodeling other areas of the structure. Vent terminals extending through the wall shall terminate at a point not less than ten (10) feet (3048mm) from a lot line and not less than ten (10) feet (3048mm) above average ground level. Vent terminations shall not terminate under an overhang of a structure with soffit vents. Side wall vent terminals shall be protected to prevent birds or rodents from entering or blocking the vent opening.~~

Section 908.0 of the Uniform Plumbing Code is amended to read as follows:

~~908.0 Wet venting. Groups of fixtures on the same floor may be wet or stack vented provided that:~~

- ~~1. The maximum distance from the vent intersection with the waste or soil pipe to the dip of the trap shall be in accordance with Table 1002.2.~~
- ~~2. Not more than one fixture unit wastes into a one and one half (1 1/2) inch diameter wet vent. Not more than four (4) fixture units shall waste into a two (2) inch diameter (excluding urinals) or nine (9) fixture units into three (3) inch or larger diameter wet vent.~~
- ~~3. Excepting floor drains, no fixtures shall waste into such stack below the closet fixture opening without a proper vent.~~
- ~~4. The limit of a horizontal wet vent shall be ten (10) feet developed length.~~
- ~~5. A wet vent receiving the discharge from a clothes washer can only be used to wet vent a water closet. The vent intersection shall be no closer than four (4) feet total developed length from the top of the closet flange.~~

Section 908.3 of the Uniform Plumbing Code is hereby created and shall read as follows:

~~908.3 Circuit Venting, Top Floor Option. When a circuit vent is installed on a top floor, the circuit may loop to the stack vent. Also, the stack vent may be used as the required relief vent~~

Section 908.4 Air Admittance Valves is hereby created and shall read as follows:

~~908.4 Air Admittance Valves. Air admittance valves shall be allowed as an alternative method on residential plumbing renovations and repairs where structural issues make it impractical to install a conventional vent without remodeling other areas of the structure. Air Admittance Valves shall not be used in new construction. Vent systems using air admittance valves shall comply with this Section, including the following requirements:~~

- ~~1. Individual and branch type air admittance valves shall conform to ASSE 1051.~~
- ~~2. The valves shall be installed in accordance with the requirements of this Section and the manufacturer's instructions. Air admittance valves shall be installed after the DWV testing required by Sections 105.0 and 712.0 of the Uniform Plumbing Code has been performed.~~
- ~~3. Individual vents and branch type air admittance valves shall vent only fixtures that are on the same floor level and connect to a horizontal branch drain.~~
- ~~4. Individual and branch air admittance valves shall be located not less than four (4) inches above the horizontal branch drain or fixture drain being vented. The air admittance valve shall be located within the maximum developed length permitted for the vent. The air admittance valve shall be installed not less than six (6) inches above insulation materials when installed in attics.~~
- ~~5. Access shall be provided to air admittance valves. Such valves shall be installed in a location that allows air to enter the valve.~~

- 6.—Air admittance valves shall not be located in spaces utilized as supply or return air plenums.
  - 7.—The air admittance valve shall be rated for the size of the vent to which the valve is connected
  - 8.—Each plumbing system shall be vented by one or more vent pipes extending outdoors to the open air, and the aggregate cross sectional area of which shall be not less than that of the largest required building sewer, as stated in 904.1 of the Uniform Plumbing Code.
  - 9.—Air admittance valves shall not be used to vent sumps or tanks except where the vent system for the sump or tank has been designed by an engineer.
- A permanent, visible label shall be attached to the panel, enclosure, or trap of the fixture being served stating "AIR ADMITTANCE VALVE INSTALLED".

Table 1002.2 of the Uniform Plumbing Code is amended to read as follows:

Table 1002.2 Horizontal Lengths of Trap Arms  
(Except for water closets and similar fixtures)\*

<b>TRAP ARM PIPE DIAMETER (inches)</b>	<b>DISTANCE TRAP TO VENT MINIMUM (inches)</b>	<b>LENGTH MAXIMUM (inches)</b>
1-1/4	2-1/2	30
1-1/2	3	42
2	4	72
3	6	72
4	8	120
Exceeding 4	2 x Diameter	120

For SI units: 1 inch= 25.4 mm

Provided that the distance for floor drains shall be within fifteen (15) feet of a ventilated line and the distance for bathtubs with one and one half (1 ½) inch waste shall be within five (5) feet of a vent.

For trap arms three (3) inches in diameter and larger, the change of direction shall not exceed one hundred and thirty five (135) degrees without the use of a cleanout.

\*The developed length between the trap of a water closet or similar fixture (measured from the top of the closet ring (flange) to inner edge of vent) and its vent shall not exceed six (6) feet.

Section 1014.0 Grease Interceptors shall be amended to read as follows:

1014.0 Grease Interceptors. In addition to the requirements of 1014.1 General through and including 1014.3 Gravity Grease Interceptors below, and including their subparagraphs and subsections, all grease interceptors shall comply with Chapter 15, Article 4 of the Code of the City of Haysville.

Section 1015.0 FOG (Fats, Oils, and Greases) Disposal System shall be amended to read as follows:

1015.0 FOG (Fats, Oils, and Greases) Disposal System. In addition to the requirements of 1015.1 Purpose through and including 1015.4 Performance below, all FOG disposal systems shall comply with Chapter 15, Article 4 of the code of the City of Haysville.

~~Section 1016.0 Sand Interceptors shall be amended to read as follows:~~

~~1016.0 Sand Interceptors. In addition to the requirements of 1016.1 Discharge through and including 1016.4 Separate Use below, all sand interceptors shall comply with Article 3— Sewer Regulations in Chapter XV of the Code of the City of Haysville.~~

~~Section 1017.0 Oil and Flammable Liquid Interceptors shall be amended to read as follows:~~

~~1017.0 Oil and Flammable Liquid Interceptors. In addition to the requirements of 1017.1 Interceptors required through and including 1014.2 Design of Interceptors below, all oil and flammable liquid interceptors shall comply with Chapter 15, Article 4 of the code of the City of Haysville.~~

~~Section 1203.3.1 of the Uniform Plumbing Code is amended to read as follows:~~

~~1203.3.1 Rough Piping Inspection. A rough piping inspection shall be made after all gas piping authorized by the permit has been installed, and before any such piping has been covered or concealed, or any fixture or appliance has been attached thereto. This inspection shall include a determination that the gas piping size, material and installation meet the requirements of this Code.~~

~~When installing any gas opening for a future gas burning appliance in residential gas piping systems, it shall be sized and located according to the following requirements:~~

~~The future appliance shall be assigned a minimum fifty five thousand (55,000) BTU value for sizing the gas distribution piping system;~~

- ~~1. For future solid fuel burning fireplaces, the gas opening shall be run to within four (4) feet of the fire box and be controlled by an accessible approved shut off valve outside the hearth and be properly capped or plugged;~~
- ~~2. For future gas fired appliances, the gas opening shall be run to within three (3) feet of the appliance and be controlled by a readily accessible approved shut off valve outside the hearth and be properly capped or plugged;~~
- ~~3. The approved required shut off valve shall be outside of each appliance or fireplace and ahead of the union connection and in addition to any valve on the appliance;~~
- ~~4. When creating a new opening all gas piping must be tested in accordance with this Code.~~
- ~~5. When extending an existing gas opening, only that branch must be tested in accordance with this Code. When making a gas opening at the meter loop, only that branch must be tested in accordance with this Code.~~

~~Exception:~~

~~When approved by the administrative authority, above procedures may be waived and a soap test administered.~~

~~Section 1208.5.3.4 of the Uniform Plumbing Code is amended to read as follows:~~

~~1208.5.3.4 – Corrugated Stainless Steel. Corrugated stainless steel tubing shall be tested and listed in accordance with the construction, installation, and performance requirements of CSA LC-1. [NFPA 54:5.6.3.4]. In addition, corrugated stainless steel tubing shall be coated with an electrically conductive jacket compliant with the listing standard of ANSI LC 1/CSA 6.26–2014.~~

~~Section 1210.1.5 Maximum Design Operating Pressure is hereby deleted.~~

~~Section 1210.2 of the Uniform Plumbing Code is amended to read as follows:~~

~~1210.2 Installation of Gas Piping. All exposed piping installed outdoors shall be elevated not less than three and one half (3 1/2) inches above grade.~~

~~Gas piping shall enter or exit the structure above the finish grade, and threaded steel gas piping shall be installed with a swing joint located where the gas piping enters or exits the structure. A “swing joint” means a joint in a threaded pipeline which permits motion in the line in a plane normal to the direction of one part of the line.~~

~~Where installed across roof surfaces, gas piping shall be elevated not less than three and one half (3 1/2) inches above the roof surface. Piping installed above ground, outdoors, and installed across the surface of roofs shall be securely supported and located where it will be protected from physical damage. Where passing through an outside wall, the piping shall also be protected against corrosion by coating or wrapping with an inert material approved for such applications. The piping shall be sealed around its circumference at the point of the exterior penetration to prevent the entry of water, insects, and rodents. Where piping is encased in a protective pipe sleeve the annular space between the gas piping and the sleeve shall be sealed at the wall to prevent the entry of water, insects, or rodents. [NFPA 54: 6.2.1]~~

~~Section 1211.2 of the Uniform Plumbing Code, is amended to read as follows:~~

~~1211.2 Bonding of CSST Gas Piping. CSST gas piping systems shall be bonded to the electrical service grounding electrode system. The bonding jumper shall connect to a metallic pipe or fitting between the point of delivery and the first downstream CSST fitting. The bonding jumper shall be not smaller than 6 AWG copper wire or equivalent. Gas piping systems that contain one or more segments of CSST shall be bonded in accordance with this section. [NFPA 54–12:7.13.2].~~

~~Exception:~~

~~This bonding requirement may be eliminated if the CSST is compliant with the listing standard of ANSI LC 1/CSA 6.26—2014, and the manufacturer’s installation instructions for the specific product states that additional bonding is not required.~~

~~Section 1212.10.1 of the Uniform Plumbing Code, is hereby created and shall read as follows:~~

~~1212.10.1 Installation—LPG. In areas where natural gas is available for use as a fuel gas, it shall be used as the primary source for fuel gas for R-1, R-2, R-3, and R-4 type occupancy.~~

~~Section 1212.10.2 of the Uniform Plumbing Code is hereby created and shall read as follows:~~



~~1212.10.2 Equipment Burning LPG. Equipment burning liquefied petroleum gas (LPG) or liquid fuel shall not be located in a pit, an under floor space, below grade or similar location where vapors or fuel might unsafely collect unless an approved method for the safe collection, removal and containment or disposal of the vapors or fuel is provided.~~

~~Exception:~~

~~Equipment burning liquefied petroleum gas (LPG) that is equipped with an automatically controlled gas valve may be installed below grade of a R-1, R-2, R-3, or R-4 type occupancy, provided that each area where said appliance(s) are located is equipped with a listed, labeled and approved liquefied petroleum gas detection alarm. Detectors shall sound an alarm audible in all areas of the structure and be installed per manufacturers installation instructions.~~

~~Section 1212.10.3 of the Uniform Plumbing Code, is hereby created and shall read as follows:~~

~~1212.10.3 Sump Pump—LPG. Only submersible type sump pumps will be acceptable for structures with LPG service.~~

~~Section 1212.10.4 of the Uniform Plumbing Code, is hereby created and shall read as follows:~~

~~1212.10.4 Log Lighter Valve—LPG. No LPG log lighter valve shall be allowed to be installed below grade, but they shall be allowed on the main floor with a maximum 50 gallon LPG tank no closer than three (3) feet to a structure. LPG tank must be secured. Valves and fittings must be listed for LPG.~~

(Ord. 1392, Sec. 1; Ord. 1684; Code 2022; [Code 2024](#))

#### **4-604. Enforcement.**

Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the Director of Public Works. Prosecution of any violations of this code shall be in the Haysville Municipal Court, and shall be in conformance with the City's general penalty clause set forth in Chapter 1, Section 1-121 of this Code. The City hereby authorizes the building official to enforce such rules and regulations as are necessary to carry out the purpose(s) of this Code.

#### **4-605. Violations and penalties.**

Any person who shall violate the provision of this code or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be prosecuted as set forth as set forth above. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.

(Code 2011)

#### **4-606. Penalty clause not exclusive.**

The imposition of the penalties herein prescribed shall not preclude the City from instituting an appropriate action to restrain, correct, or abate a violation of this Article, and specific authority for such is hereby granted to take any action or imposing any penalty allowed by State law, this code, or this Article.

(Code 2011)

**4-607. Liability.**

Requirements of this code and Article shall not be construed as imposing on the City, its officers, agents, or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.

(Code 2011)

**4-608. Severability.**

If any part or parts of this Article shall be held to be invalid such invalidity shall not affect the validity of the remaining part of this Article.

(Code 2011)

## **Article 7. Drain Layers**

**4-701. Applicability of uniform code.**

The Plumbing and Gas Fitting Code, incorporated in Article 6 of this chapter and all water, sewer, and wastewater regulations established in Chapter 15 of the Haysville Municipal Code shall be applicable to drain layers in the city.

(Code 1984; Ord. 651; Code 2003)

**4-702. Board of appeals; drain layers.**

In order to hear and decide appeals of orders, the decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the city. The building official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official. The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

(Code 2003)

**4-703. Drain layer inspector; authority and appeals.**

The duties for the drain layer inspector shall be as follows:

(a) There shall be designated a qualified officer or employee to be the drain layer inspector of the city for the purpose of this article. It shall be the duty of the drain layer inspector to inspect all drain laying done in the city for which a permit is required. He or she shall cooperate with the board of health of the county in performance of any duty imposed upon such board by the health laws of the city.

(b) The drain layer inspector shall keep a record of inspections made by him or her and in connection therewith a record of orders of approval or disapproval of any drain laying work. He or she shall inspect all buildings being erected, altered, or repaired with regard to drain laying therein to see that all drain laying

work conforms to the plumbing regulations of the city. The inspector shall have power to reject any drain laying if the same is not done in accordance with such regulations. He or she shall be authorized to enter upon premises for all such purposes to perform the duty imposed upon him or her and to make application to a court of competent jurisdiction for an order authorizing such entry if it shall be denied. The owner of any building, the drain laying of which has been rejected by the inspector and who may feel aggrieved respecting such order, may by agent or personally appeal to the board of appeals to have such order reviewed and the decision of that board can be appealed to the governing body for review. The decision of the governing body shall be final when the matter shall have been heard by it.

(Code 1971, Sec. 4-408; Code 1984; Code 2003)

#### **4-704. Inspections.**

All inspection work required herein to be performed by any officer or employee of the city shall be charged at the rate established by the governing body. All such inspection fees and charges shall be paid to the office of the city clerk and credited to the city general operating fund. Re-inspection fees are as set out in Chapter 17.

(Code 1984; Code 2003)

#### **4-705. Re-inspection/non-business hours; fee.**

The drain laying inspector shall make a thorough re-inspection of all drain laying whenever deemed advisable, within or on any building or premises within the city. When drain laying is found to be in a dangerous and unsafe condition and in noncompliance with this article, the person, firm, entity or corporation owning, using or operating the same shall be notified in writing and shall make the necessary repairs and changes required to place such drain laying in compliance with this article within the time specified in the notice. Upon failure to comply with the written notice, the drain laying inspector is hereby authorized to notify the utility company supplying water to such building or premises, to cease service and to hold such service off until instructed by the drain laying inspector that service may be restored. Re-inspection fees are as set out in Chapter 17.

(Code 1971, Sec. 4-215; Code 2003)

#### **4-706. Apprentice drain layers.**

Apprentice drain layers shall be permitted to work when accompanied by and are under the control and supervision of a master or journeyman drain layer.

(Code 1984; Code 2003)

#### **4-707. Certificate; renewal.**

All drain layer certificates shall be renewable annually on January 1. Renewal fees shall be paid to the city clerk. Applicants for certificates not renewed within sixty (60) days must show proof of block certification before certificate is renewed. The fee shall be as set out in Chapter 17.

(Ord. 686; Code 2007)

#### **4-708. Insurance requirement.**

It shall be unlawful for any drain layer contractor to conduct business within the city unless such contractor first provides documentation in the nature of proof of insurance showing that such contractor is

covered with liability insurance in the minimum amount of \$500,000 with the city named as an additional insured. All such documentation shall state that the city shall be given at least thirty (30) days advanced written notice of any cancellation or material change in coverage of such insurance. If any person, firm, company, corporation or other entity shall conduct business within the city without first procuring and maintaining insurance coverage in accordance with this section, such person, firm, company, corporation or other entity shall be deemed guilty of a misdemeanor and punished by fine and/or suspension or revocation of the contractor's license.

(Code 1984; Code 2003)

#### **4-709. License; drain layer.**

Any person engaging in or desiring to engage in the business of laying any private sewer or drain to be connected with the city sewer or private sewer in the city, or the repairing or relaying of any existing private sewer or drain in the city shall before obtaining any permit or transacting any business, procure a license from the city. A master drain layer certificate issued by a city of a larger class and in good standing shall be recognized by the city of Haysville. The license shall be renewable annually on January 1 by applying to the city clerk. No license shall be transferred from one person to another. Fees shall be paid to the city clerk. License or certificate fees shall be as stated in the approved schedule of fees. The fees shall be as set out in Chapter 17.

A drain layer's license may be issued to any person, firm, copartner ship, corporation or other entity in which at least one (1) active member or officer has been qualified as and has a master drain layer's certificate. A separate license shall be issued for each place where business is conducted.

(Ord. 395, Secs. 1:2; Code 1984; Code 2003; Code 2007)

#### **4-710. Suspension.**

The board of appeals is hereby authorized to cancel and recall, or suspend for a period not exceeding twelve (12) months, the certificate of any master or journeyman drain layer and the license of any master drain layer for any one of the following reasons:

- (a) Abandonment of any contract without legal cause;
- (b) Diversion of funds or property received for the performance or completion of a specific contract, and their application or use of any other contract, obligation or purpose, or the failure, neglect or refusal to use such funds or property for the performance or completion of such contract;
- (c) Misrepresentation of any material fact by the applicant in obtaining his or her certificate;
- (d) Failure without just cause to fully satisfy all claims for labor and/or materials used in the performance of any work for which he or she has been engaged and/or materials used in the performance of any work for which he or she has been engaged and for which he or she has been paid;
- (e) Fraudulent use of his or her license to obtain permits for another;
- (f) Wantonness, recklessness, carelessness or negligence in providing reasonable safety measures for the protection of workers and/or the general public;
- (g) Unreasonable delay in the performance or the fulfilling of any contract;

- (h) Failure, neglect or refusal to comply with any lawful order of the drain layer inspector;
- (i) Failure, neglect or refusal to comply with all state, local and city laws relating to drain laying work
- (j) Cancellation, recall, or suspension of a comparable certificate or license issued by another jurisdiction for any of the above described acts.

(Code 1971, Sec.4-320; Code 1984; Code 2003)

#### **4-711. Suspension; appeal.**

Should any master or journeyman drain layer feel that his or her certificate has been wrongfully canceled and recalled, or suspended as provided in section 4-710 hereof; or should any master drain layer feel that his or her license has been wrongfully canceled and recalled or suspended as provided in section 4-710, he or she may within ten (10) days from the date of such cancellation and recall or suspension appeal to the governing body by filing with the city clerk a written notice of appeal. The city clerk shall place the matter on the agenda of the governing body for the next regular meeting of the governing body. At the time of that meeting of the governing body, the appellant shall be given the opportunity for a full hearing. The governing body may in this section reverse, modify or affirm the existing cancellation and recall, or suspension.

Should there be no appeal as provided herein the existing cancellation and recall, or suspension shall be final and not appealable.

(Code 1971, Sec. 4-321; Code 1984; Code 2003)

#### **4-712. Advertising.**

(a) It shall be unlawful for any person, firm, company, corporation or other entity to advertise as a drain layer contractor unless, at the time such advertisement occurs, such person, firm, company, corporation or other entity has a then valid plumbing contractor's license.

(b) Any advertisement by such person, firm, company, corporation or other entity to advertise as a drain layer contractor which is placed or published in any publication or other print medium which is circulated, displayed or distributed within the city or which is placed upon vehicles or is broadcast by radio or television or any other means to persons within the city, shall include the full name of the licensed person, firm, company, corporation or other entity and the license number assigned by any office of any municipality having inspection control over any such person, firm, company, corporation or other entity.

(c) As used herein, the words "advertise" or "advertisement" shall include, but not be limited to, a business card, contract bid proposal form, printed letterhead, or any other printed or written material designed to inform persons of the services offered by the advertising person, firm, company, corporation or other entity and meant to solicit business from such persons or any broadcast statement designed to inform persons of the services offered by the advertising person, firm, company, corporation or other entity and to solicit business from such persons. Such words are intended to include telephone directory display ads but not basic white and yellow page telephone listings.

(Ord. 713; Code 2003)

**4-713. Fees: general operating fund.**

All fees, permits, licenses, etc. required by this article shall be paid to the city clerk and shall be credited to the city general operating fund.

(Code 1971, Sec. 4-323; Code 1984; Code 2003)

**4-714. Penalty.**

Any person who shall within the city limits engage in or work at the trade of drain laying in violation of any provision of this article shall be fined in accordance with the general penalty provisions of section 1-121 of this code. Each day the violation is committed or continued shall constitute a separate offense.

(Code 1984; Code 2003)

## Article 8. Mechanical Code

**4-801. Adoption of the international mechanical code, ~~2021~~2018 edition.**

There is hereby adopted by reference by the City of Haysville, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the International Mechanical Code, as published by the International Code Council, Inc. 2021 Edition, excluding sections 301.2, 301.3, 507.1.1.1, 802.8, 1101.9, and 1102.3, is hereby adopted and incorporated herein by reference, subject to such amendments thereto as are set forth hereinafter. All provisions within the city code of the City of Haysville, prior to the passage of the resolution and ordinance adopting the 2021 International Mechanical code shall remain unchanged unless otherwise indicated within such resolution and ordinance. These regulations shall be known as the Mechanical Code for the City of Haysville, hereinafter referred to as "this Code".~~2018 Edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 708 Falls Church, Virginia, 22041, excluding appendix B, and sections 301.2, 301.3, 501.3.1.1, 802.8, and 1101.10, as such Mechanical Code was adopted and amended by Resolution # 106 2015 of the Board of County Commissioners of Sedgwick County, Kansas, of May 20, 2015, and such is hereby incorporated herein and made a part of this Code as though set forth at length herein, all as subsequently set forth within the Unified Building and Trade Code as adopted within Article 12 of this Chapter, including all fee schedules unless otherwise set forth within Chapter 17 of this Code. This Standard Code and all Amendments as set forth herein and within the aforementioned Resolution of the Sedgwick County Board of Commissioners, as subsequently incorporated into the Unified Building and Trade Code shall henceforth be known as the Mechanical Code of the City of Haysville.~~

(Code 2022; Code 2024)

**4-802. Availability of copies.**

One copy of said code along with the amendments set forth in that Resolution of the Sedgwick County Commission as described in 4-801 above, have been and are now filed in the office of the City Clerk and the said codes are hereby adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq.

#### 4-803. Amendments.

SCOPE. Section 101.2 of the International Mechanical Code shall be amended to read as follows: This Code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This Code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This Code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. The installation of fuel gas equipment, fuel gas fired appliances and gas-fired appliance venting systems shall be regulated by the currently adopted Uniform Plumbing Code to the extent it is incorporated by the 2021 International Mechanical Code.

Exception: Detached one and two- family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall be governed by Article 5, Section 4 of the Unified Building and Trade Code, in correlation to the City of Haysville City Code.

ELECTRICAL. Section 101.2.3 of the International Mechanical Code shall be created to read as follows: The provisions of Chapter 4 of this Code shall apply to the installation of electrical systems, including alterations, repairs, replacement equipment, appliances, fixtures, fittings and appurtenances thereto.

GAS. Section 101.2.4 of the International Mechanical Code shall be created to read as follows: The provisions of Chapter 4 of this Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this Code. These requirements apply to gas piping systems extending from point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

PLUMBING. Section 101.2.5 of the International Mechanical Code shall be created to read as follows: The provisions of Chapter 4 of this Code shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, fixtures and appurtenances, and where connected to water or sewage systems and all aspects of a medical gas system.

FIRE PREVENTION. Section 101.2.6 of the International Mechanical Code shall be created to read as follows: The provisions of Chapter 7 of the City of Haysville City Code shall otherwise apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of alarm systems and fire hazards in the structure or on the premises.

REFERENCED CODES AND STANDARDS. Section 102.8 of the International Mechanical Code shall be created to read as follows: The codes and standards referenced herein shall be those that are listed in Chapter 15, excluding all references to the 2021 International Energy Conservation Code, and such referenced codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in sections 102.8.1 and 102.8.2.

INVESTIGATION FEE. See Chapter 17 of this Code.

PERMIT FEE. See Chapter 17 of this Code.

CORRECTIONS AND RE-INSPECTIONS. Section 108.3.3 of the International Mechanical Code is amended to read as follows: Corrections shall be completed and work rescheduled for inspection within thirty (30) days from the date of the correction notice. Corrections not completed within the thirty (30) days shall be liable for the violation penalties set forth in Chapter 17 of this Code. Access shall be provided for re-inspection by the property owner, licensed contractor, or their designee.

ELECTRICAL CONTROLS. Section 301.10 of the International Mechanical Code shall be amended to read as follows: Electrical wiring, controls, and connection to equipment and appliances regulated by this Code shall be in accordance with Chapter 4 of this Code.

PLUMBING CONNECTIONS. Section 301.11 of the International Mechanical Code, as adopted by reference herein, shall be amended to read as follows: Potable water supply, building drainage system connections to equipment, and appliances regulated by this Code shall be in accordance with Chapter 4 of this Code.

PROHIBITED LOCATIONS. Section 303.3 of the International Mechanical Code, as adopted by reference herein, shall be amended to read as follows:

Fuel fired appliances shall not be located in, or obtain combustion air from, any of the following rooms or spaces:

1. Sleeping rooms,

2. Bathrooms, Storage closets, Surgical rooms.

Exception: This section shall not apply to the following appliances:

1. Direct-vent appliances that obtain all combustion air directly from the outdoors. 2. Solid fuel appliances, provided that the room is not a confined space and the building is not of unusually tight construction.

3. Appliances installed in a dedicated enclosure in which all combustion is taken directly from the outdoors or other approved areas. Access to such enclosure shall be through a solid door, equipped with an approved self-closing device, and weather-stripped in accordance with the exterior door and leakage requirements of the International Energy Conservation Code.

CLEARANCES FROM GRADE. Section 304.10 of the International Mechanical Code, as adopted by reference herein, shall be amended to read as follows: Equipment and appliances installed at grade level shall be supported on a level concrete slab or other approved material extending above adjoining grade or shall be suspended a minimum of 6 inches (152 mm) above adjoining grade. Supports for heat pumps shall be at least 3" and conform to the manufactures specifications.

GUARDS. Section 304.11 of the International Mechanical Code, as adopted by reference herein, shall be amended to read as follows: Guards shall be provided where various components that require service and roof hatch openings are located within 10 feet (3048 mm) of a roof edge or open side of a walking



surface and such edge or open side is located more than 30 inches (762 mm) beyond each end of components that require service and each end of the roof hatch parallel to the roof edge. The top guard shall be located not less than 42 inches (1067 mm) above the elevated surface adjacent to the guard. The guard shall be constructed so as to prevent the passage of a 21-inch-diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the currently adopted International Building Code.

Exception: Guards are not required where fall arrest/anchorage connector devices that comply with ANSI/ASSP Z359.1 are approved.

EQUIPMENT AND APPLIANCES ON ROOFS OR ELEVATED STRUCTURES. Section 306.5 of the International Mechanical Code is amended to read as follows: Where equipment and appliances requiring access are installed on roofs or elevated structures, at a height exceeding 16 feet (4877 mm), such access shall be provided by a permanent approved means of access, the extent of which shall be a minimum eight (8) feet above grade to the equipment and appliances' level service space. Such access shall not require climbing over obstructions greater than 30 inches (762 mm) high or walking on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope).

Permanent ladders installed to provide the required access shall comply with the following minimum design criteria:

1. The side railing shall extend above the parapet or roof edge not less than 30 inches (762 mm).
2. Ladders shall have a rung spacing not to exceed 14 inches (356 mm) on center.
3. Ladders shall have a toe spacing not less than 6 inches (152 mm) deep.
4. There shall be a minimum of 18 inches (457 mm) between rails.
5. Rungs shall have a minimum 0.75-inch (19 mm) diameter and be capable of withstanding 300- pound (136.1 kg) load.
6. Ladders over 30 feet (9144 mm) in height shall be provided with offset sections and landings capable of withstanding 100 pounds (488.2 kg/m<sup>2</sup>) per square foot.
7. Ladders shall be protected against corrosion by approved means. Catwalks installed to provide the required access shall be not less than 24 inches (610 mm) wide and shall have railings as required for service platforms.

Exception: This section does not apply to Group R-3 occupancies.

AUXILIARY AND SECONDARY DRAIN SYSTEMS. Section 307.2.3 of the International Mechanical Code is amended to read as follows: In addition to the requirements of Section 307.2.1, where damage to any building components could occur as a result of overflow from the equipment primary condensate removal system, one of the following methods shall be provided for each cooling coil or fuel fired appliance that produces condensate and is located above a finished ceiling or furred space:

1) An auxiliary drain pan with a separate drain shall be provided under the coils on which condensation will occur. The auxiliary drain pan shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the primary drain. The pan shall have a minimum depth of 1 ½ inches (38 mm), shall not be less than the unit or coil dimensions in width and length and shall be constructed of corrosion resistant material. Galvanized sheetsteel pans shall have a minimum thickness of not less than 0.0236 inch (0.6010 mm) (No. 24 gage). Nonmetallic pans shall have a minimum thickness of not less than 0.0625 inch (1.6 mm).

2) A separate overflow drain line shall be connected to the drain pan provided with the equipment. Such overflow drain shall discharge to a conspicuous point of disposal to alert the occupants in the event of a stoppage in the primary drain. The overflow drain line shall connect to the drain pan at a higher level than the primary drain connection.

3) An auxiliary drain pan without a separate drain line shall be provided under coils on which condensate will occur. Such pan shall be equipped with a water-level detection device conforming to UL 508 that will shut off the equipment served prior to overflow of the pan. The auxiliary drain pan shall be constructed in accordance with Item 1 of this section.

4) A water-level detection device conforming to UL 508 shall be provided that will shut off the equipment served in the event that the primary drain is blocked. The device shall be installed in the primary drain, the overflow drain line, or in the equipment-supplied drain pan, located at a point higher than the primary drain line connection and below the overflow rim of such pan.

Exception: Fuel fired appliances that automatically shut down operation in the event of a stoppage in the condensate drainage system.

VENTILATION REQUIRED. Section 401.2 of the International Mechanical Code is amended to read as follows: Every occupied space shall be ventilated by natural means in accordance with Section 402 or by mechanical means in accordance with Section 403.

Exception: ASHRAE Standard 62.1-1997 may be substituted for the ventilation requirements of chapter 4 of the 2021 International Mechanical Code.

DUCT INSTALLATION. Sec. 504.9.2 – Duct Installation is created to read as follows: Exhaust ducts shall be supported at intervals not to exceed 12 feet (3658 mm) vertically or 6 feet (1828.8 mm) horizontally and shall be secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow.

Exhaust duct joints shall be sealed accordingly. Exhaust ducts shall not be connected with sheetmetal screws or fastening means which extend into the duct. All joints and seams of that portion of supply and/or return ductwork installed outside of the conditioned envelope shall be made substantially airtight by means of tapes, mastics, gaskets, and other approved closure systems, commercially available and specially designed for sealing. "Duct Tape" shall not be an acceptable method. Closure systems used with rigid fibrous glass ducts shall comply with UL 181A and shall be marked "181A-P" for pressure-sensitive tape, "181 A-M" for mastic or "181 A-H" for heat-sensitive tape. Closure systems used with flexible air ducts and flexible air connectors shall comply with UL 181B and shall be marked "181B-FX" for pressure sensitive tape or "181B-M" for mastic.

Duct connections to flanges of air distribution system equipment or sheet metal fittings shall be mechanically fastened. Mechanical fasteners for use with flexible nonmetallic air ducts shall comply with UL 181B and shall be marked 181B-C. Crimp joints for round metal ducts shall have a contact lap of at least 1½ inches (38 mm) and shall be mechanically fastened by means of at least three (3) sheet-metal screws or rivets equally spaced around the joint.

Exception: Low pressure systems

SPECIFIED LENGTH. Sec. 504.8.4.1 – Specified Length is created to read as follows: The maximum length of the exhaust duct shall be 45 feet (13716mm) from the connection to the transition duct from the dryer to the outlet terminal. Where fittings are used, the maximum length of the exhaust duct shall be reduced in accordance with Table M1502.4.5.1 of the 2018 International Mechanical Code. The maximum length of the exhaust duct does not include the transition duct.

GREASE DUCT TEST. Section 506.3.2.5 of the International Mechanical Code is amended to read as follows: Prior to the use or concealment of any portion of a grease duct system, a leakage test shall be performed in the presence of the official. Ducts shall be considered to be concealed where installed in shafts or covered by coatings or wraps that prevent the ductwork from being visually inspected on all sides. The permit holder shall be responsible to provide the necessary equipment and perform the grease duct leakage test. A light test or an approved equivalent test method shall be performed to determine that all welded and brazed joints are liquid tight. A light test shall be performed by passing a halogen lamp having a power of not less than 100 watts through the entire section of the ductwork to be tested. The lamp shall be open so as to emit light equally in all directions perpendicular to the duct walls. A test shall be performed for the entire duct system, including the hood-to-duct connection. The ductwork shall be permitted to be tested in sections provided that every joint is tested. For listed factory-built grease ducts, this test shall be limited to duct joints assembled in the field and shall exclude factory welds.

GREASE DUCT ENCLOSURE. Section 506.3.11 of the International Mechanical Code is amended to read as follows: Commercial kitchen grease ducts constructed in accordance with Section 506.3.1 shall be permitted to be enclosed in accordance with the currently adopted International Building Code requirements for shaft construction. Such grease duct systems and type one hoods shall have a clearance to combustible construction of not less than 18 inches (457 mm), and shall have a clearance to noncombustible construction and gypsum wallboard attached to noncombustible structures of not less than 3 inches (76 mm). Duct enclosures shall be sealed around the duct at the point of penetration and vented to the outside of the building through the use of weather-protected openings.

Exceptions:

1) The shaft enclosure provisions of this section shall not be required where a duct penetration is protected with a through-penetration fire stop system classified in accordance with ASTM E 814 and having an "F" and "T" rating equal to the fire-resistance rating of the assembly being penetrated and where the surface of the duct is continuously covered on all sides from the point at which the duct penetrates a ceiling, wall, or floor to the outlet terminal with a classified and labeled material, system, method of construction or product specifically evaluated for such purpose, in accordance with ASTM E 2336. Exposed duct wrap systems shall be protected where subject to physical damage.

2) The shaft enclosure provisions of this section shall not be required where a duct penetration is protected with a through-penetration fire stop system classified in accordance with ASTM E 814 and having an "F" and "T" rating equal to the fire resistance rating of the assembly being penetrated and where a prefabricated grease duct enclosure assembly is protected on all sides from the point at which the duct penetrates a ceiling, wall, or floor to the outlet terminal with a classified and labeled prefabricated system specifically evaluated for such purposes in accordance with UL 2221.

3) A duct enclosure shall not be required for a grease duct that penetrates only a non fire-resistance-rated roof/ceiling assembly.

OPERATION. Section 507.1.1 of the International Mechanical Code, as adopted by reference herein, shall be amended to read as follows:

Type 1 hood systems shall be designed and installed to automatically activate the exhaust fan whenever cooking operations occur. The activation of the exhaust fan shall occur through an interlock with the cooking appliances, by means of heat sensors or by means of other approved methods. The system shall be designed by a registered design professional and submitted for plan review with the complete construction document package.

CORRIDORS. Section [BF] 601.2.1 of the International Mechanical Code, as adopted by reference herein, shall be created to read as follows:

A corridor shall not be used as a plenum or integral part of a duct system to convey air to or from one part of a building to another if the corridor is required to be of fire-resistive construction by the Code. However, air may be supplied to such a corridor for the purpose of comfort conditioning, ventilation, exhausting or other reasons and may be returned or exhausted provided all such supply, return or exhaust openings be protected as required by other parts of this Code and not be in violation of this provision.

Exception: Make up air for exhaust from rest rooms and janitors closets opening on to and adjacent to a corridor of fire resistant construction, may be transferred from the corridor provided such transfer means are protected in the manner prescribed by other parts of this Code and such corridor is supplied directly, or through the system supplying the corridor, with outdoor air at a rate greater than the rate of makeup air taken from the corridor.

METALLIC DUCTS. Section 603.4 of the International Mechanical Code is amended to read as follows: All metallic ducts shall be constructed as specified in the SMACNA HVAC Duct Construction Standards - Metal and Flexible.

RETURN AIR SYSTEMS. Section 606.2.1 of the International Mechanical Code, as adopted by reference herein, shall be amended to read as follows:

Smoke detectors shall be installed in the return or the supply of air systems with a design capacity greater than 2,000 cfm (0.9 m<sup>3</sup>/s). On the return side it shall be located in the return air duct or plenum upstream of any filters, exhaust air connections, outdoor air connections, or decontamination equipment and appliances. On the supply side the smoke detector shall be located before the first branch or take off.

Exception: Smoke detectors are not required in the return or supply systems where all portions of the building served by the air distribution system are protected by area smoke detectors connected to a fire alarm system, approved by fire department, and the area smoke detection system shall comply with Section 606.4.

HYDRONIC PIPING—SCOPE. Section 1201.1 of the International Mechanical Code, as adopted by reference herein, shall be amended to read as follows: The provisions of this chapter shall govern the construction, installation, alteration and repair of hydronic piping systems. This chapter shall apply to hydronic piping systems that are part of heating, ventilation and air-conditioning systems. Such piping systems shall include steam, hot water, chilled water, steam condensate and ground source heat pump loop systems. Potable cold and hot water distribution systems shall be installed in accordance with Chapter 4 of this Code.

#### CLASSIFICATIONS.

Class "A-C" (air conditioning and warm air heating) This class includes air handling equipment and air distributions, chilled water systems, warm air heating systems whereby heating is accomplished by distributing heated air by forced or gravity circulation or by radiation, including controls and other items pertaining thereto.

Class "RF" (refrigeration) - This class includes refrigeration systems and refrigeration equipment of all types.

Class "Journeyman sheet metal installer" is a classification for any individual working for a licensed contractor as defined in Sec. 1.250 and who is duly certified as herein set forth to engage in such occupation.

Journeyman sheet metal installer is limited to perform the following types of installations

1) The placement and installation of the furnace, air conditioning, or other air handling equipment, this does not include any connections of line voltage electricity, fuel gas piping or refrigeration piping;

2) The installation of the complete air distribution system as defined in this code;

3) The installation of the products of combustion venting systems as defined in this Code.

Exception 1: "Journeyman residential mechanic" is a limited classification for an individual working for a contractor of a class as set forth in Sec. 1.250 and who is duly certified as herein set forth to engage in such occupation.

Journeyman residential mechanic is limited to perform the following types of installations:

1) One and two family residential new construction only;

2) The placement and installation of the furnace, air conditioning or other air handling equipment that pertains to residential use. This does not include gas piping or line voltage electricity.

DEFINITIONS. Unless otherwise specified, the following terms, as used in this chapter, mean as follows: 'Apprentice' means an individual who works as an employee in training under the direct supervision of a Journeyman or Master. An Apprentice is not a certified individual.

'Board' means the board of appeals appointed for air conditioning, refrigeration, warm air heating and boilers. Their purpose is reviewing code interpretations taken by the building code enforcement division, granting or denying variances requested from the code, other matters pertaining to mechanical, reviewing license applications and license suspensions and revocation.

'Code' means the International Mechanical Code as adopted by the MABCD, as the context of this Article may require.

'Direct supervision' means that the apprentice is limited to the same structure and/or building site as the Journeyman or Master, except in the case of one- and two-family residential development, where the apprentice may be on the job site within 100 feet of where the Journeyman or Master is working.

'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 year of the requirement may be satisfied by trade related schooling. Schooling shall consist of a minimum of 240 hours classroom training.

'Journeyman' means an individual working for a licensed contractor as defined in Sec. 1.250 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: A Journeyman is responsible for the supervision of any apprentice assigned to work with him.

'Licensed contractor' means a person, firm, partnership, corporation, limited liability company, association or combination thereof, who undertakes or offers to undertake for another, for hire, the planning, laying out, supervising and installing or making additions, alterations, and repairs in the installation of mechanical heating, ventilation, refrigeration and air conditioning systems.

'Licensed trade' or 'trade' means the mechanical, electrical, plumbing or gas fitting trade, as the context of this article may require.

'Master' means an individual that holds a Master certificate issued pursuant to this article evidencing such person to be qualified to lay out, install, maintain and repair work in his area of expertise. A Master is responsible for the supervision of any apprentice assigned to work with him.

'Qualified Master' means an individual who holds a Master certificate issued pursuant to this article evidencing such person to be qualified to control and have authority of all technical work performed under the authority of the licensed contractor's enterprise, and assures quality control and is responsible for complying with all applicable laws, codes and regulations. An individual shall not be the Qualified Master for more than one licensed contractors enterprise unless such individual receives approval from the Director of the MABCD or an authorized representative thereof.

APPRENTICE LIMITATIONS.

a) Apprentices shall be permitted to work when accompanied by and under the direct supervision of a Master or Journeyman, who shall be responsible for the mechanical work performed by the Apprentice. At any given time, there shall be a maximum of two Apprentices per one Master or one Journeyman for all one or two-family dwelling residential job sites. There shall be a maximum of three Apprentices per one Master or one Journeyman for all triplex or greater density residential job sites or commercial job sites. The on-site Master or Journeyman shall be responsible for maintaining the ratio of Master/Journeyman to Apprentices as required by this section. If an Apprentice works without the required supervision, both the Qualified Master, and the Apprentice may be held responsible for violation of this section.

b) It shall be unlawful for any Qualified Master, to allow or permit an uncertified individual to engage in the business of erecting, installing, altering, repairing, servicing or maintaining air conditioning, warm air heating or refrigeration.

SCOPE within the currently adopted International Residential Code.

Section M1201.1 of the International Residential Code is amended to read as follows: The provisions of Chapters 12 through 24 of the 2021 International Residential Code excluding sections M1308.2.1, M1308.2.2, M1308.2.3, M1411.9, M1504.2, and Chapter 20, shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and used to control environmental conditions within buildings. These Chapters shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed in this Code.

APPLIANCES CLEARANCE. Section M1306.1 of the International Residential Code is amended to read as follows: Appliances shall be installed with the clearances from unprotected combustibles as indicated on the appliance label and in the manufacturer's installation instructions. Standard Installation Clearances for Unlisted Heat-Producing Appliances shall be in accordance with Table 3-1 as follows:

Table 3-1 shall be created as follows:

TABLE 3-1 - Standard Installation Clearances in Inches for Unlisted Heat-Producing Appliances See Section 304.0.

<u>RESIDENTIAL-TYPE APPLIANCES</u>	<u>FUEL</u>	<u>APPLIANCE</u>	<u>FROM TOP AND SIDES OF WARM-AIR BONNET OR PLENUM</u>	<u>FROM FRONT</u>	<u>FROM BACK</u>	<u>FROM SIDES</u>
<u>BOILERS AND WATER HEATERS<sup>11</sup></u>						
<u>Steam Boilers 15psi (103.4</u>	<u>Automatic</u>	<u>6</u>		<u>24</u>	<u>6</u>	<u>6</u>

<u>kPa)</u> <u>Water Boilers - 250°F</u> <u>(121°C)</u> <u>Water Heaters - 200°F</u> <u>(93°C)</u> <u>All water walled</u> <u>or jacketed</u>		<u>oil or</u> <u>comb.</u> <u>gas-oil</u>					
-	-	<u>Automati</u> <u>c</u> <u>Gas</u>	<u>6</u>	-	<u>18</u>	<u>6</u>	<u>6</u>
-	-	<u>Solid</u>	<u>6</u>	-	<u>24</u>	<u>6</u>	<u>6</u>
<u>FURNACES</u>	<u>CENTRA</u> <u>L OR</u> <u>HEATER</u> <u>S''</u>						
<u>Electric Central Warm-</u> <u>Air Furnaces Gravity,</u> <u>Upflow, Downflow,</u> <u>Horizontal and Duct</u> <u>Warm Air</u> <u>- 250°F (121°C)</u> <u>max.</u>		<u>Automati</u> <u>c</u> <u>oil or</u> <u>comb.</u> <u>gas-oil</u>	<u>62</u>	<u>62</u>	<u>24</u>	<u>6</u>	<u>6</u>
-	-	<u>Automati</u> <u>c gas</u>	<u>62</u>	<u>62</u>	<u>18</u>	<u>6</u>	<u>6</u>
-	-	<u>Solid</u>	<u>182</u>	<u>182</u>	<u>48</u>	<u>18</u>	<u>18</u>
-	-	<u>Electric</u>	<u>62</u>	<u>62</u>	<u>18</u>	<u>6</u>	<u>6</u>
<u>FURNACES</u>	<u>FLOOR</u>						
<u>For Mounting in</u> <u>Combustible Floors</u>		<u>Automati</u> <u>c</u> <u>oil or</u> <u>comb.</u> <u>gas-oil</u>	<u>36</u>	-	<u>12</u>	<u>12</u>	<u>12</u>
-	-	<u>Automati</u> <u>c gas</u>	<u>36</u>	-	<u>12</u>	<u>12</u>	<u>12</u>
<u>HEAT EXCHANGERS</u>							
<u>Steam-15 psi (103.4 kPa)</u> <u>max. Hot Water</u> <u>- 250° (121°C)</u> <u>max.</u>		<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>ROOM HEATERS'</u>							
<u>Circulating Type.</u>		<u>Oil or</u> <u>Solid</u>	<u>36</u>	-	<u>24</u>	<u>12</u>	<u>12</u>
-	-	<u>Gas</u>	<u>36</u>	-	<u>24</u>	<u>12</u>	<u>12</u>



-	-	<u>Oil or Solid</u>	<u>36</u>	-	<u>36</u>	<u>36</u>	<u>36</u>
<u>Radiant or Other Type</u>	-	<u>Gas</u>	<u>36</u>	-	<u>36</u>	<u>18</u>	<u>18</u>
-	-	<u>Gas with double metal or ceramic back</u>	<u>36</u>	-	<u>36</u>	<u>12</u>	<u>18</u>
<u>Fireplace Stove</u>	-	<u>Solid</u>	<u>485</u>	-	<u>54</u>	<u>485</u>	<u>485</u>
<u>RADIATORS</u>							
<u>Steam or Hot Water<sup>6</sup></u>	-	-	<u>36</u>	-	<u>6</u>	<u>6</u>	<u>6</u>
<u>RANGES -COOKING STOVES</u>							
-	-	-	-	-	-	<u>Firing Side</u>	<u>Opp. Side</u>
-	-	<u>Oil</u>	<u>307</u>	-	<u>9</u>	<u>24</u>	<u>18</u>
-	-	<u>Gas</u>	<u>307</u>	-	<u>6</u>	<u>6</u>	<u>6</u>
-	-	<u>Solid Clay-Lined</u>	<u>307</u>	-	<u>24</u>	<u>24</u>	<u>18</u>
-	-	<u>Firepot</u>	<u>307</u>	-	<u>36</u>	<u>36</u>	<u>18</u>
-	-	<u>Electric</u>	<u>307</u>	-	<u>6</u>	<u>6</u>	<u>6</u>
<u>INCINERATORS</u>							
<u>Domestic Types</u>	-	-	<u>368</u>	-	<u>48</u>	<u>36</u>	<u>36</u>
<u>COMMERCIAL INDUSTRIAL-TYPE APPLIANCES ANY AND ALL PHYSICAL SIZES EXCEPT AS NOTED<sup>11</sup></u>							
-	-	<u>FUEL</u>	<u>ABOVE TOP OF CASING OR APPLIANCE</u>	<u>FROM TOP AND SIDES OF WARM-AIR BONNET OR PLENUM</u>	<u>FROM FRONT</u>	<u>FROM BACK<sup>9</sup></u>	<u>FROM SIDE<sup>9</sup></u>
<u>BOILERS AND WATER HEATERS</u>							
<u>100 cu. ft. (2.832 m<sup>3</sup>) or Less</u>	-	<u>All fuels</u>	<u>18</u>	-	<u>48</u>	<u>18</u>	<u>18</u>

<u>Steam, any pressure of 50 psi (345 kPa) or less Any size</u>		<u>All fuels</u>	<u>18</u>		<u>48</u>		<u>18</u>	<u>18</u>
<u>UNIT HEATERS</u>								
<u>Floor Mounted or Suspended any size</u>		<u>Steam or hot Water</u>	<u>1</u>				<u>1</u>	<u>1</u>

Footnotes for Table 3-1

1) The minimum dimension shall be that necessary for servicing the appliance, including access for cleaning and normal care, tube removal, etc.

2) For a listed oil, combination gas-oil, gas, or electric furnace, this dimension may be two (2) inches (51 mm) if the furnace limit control cannot be set higher than 250°F (121°C), or this dimension may be one (1) inch (25.4 mm) if the limit control cannot be set higher than 200°F (93°C), or the appliance shall be marked to indicate that the outlet air temperature cannot exceed 200°F (93°C).

3) The dimension may be six (6) inches (152 mm) for an automatically stoker-fired forced- warm air furnace equipped with 250°F (121°C) limit control and with barometric draft control operated by draft intensity and permanently set to limit draft to a maximum intensity of 0.13 inch (3.3mm) water gauge.

4) Unlisted appliances shall be installed on noncombustible floors and may be installed on protected combustible floors. Heating appliances approved for installation on protected combustible flooring shall be so constructed that flame and hot gases do not come in contact with the appliance base. Protection for combustible floors shall consist of four (4) inch (102 mm) hollow masonry covered with sheet metal at least 0.021 inch (0.53 mm) thick (No. 24 manufacturer's standard gauge). Masonry shall be permanently fastened in place in an approved manner with the ends unsealed and joints matched so as to provide free circulation of air through the masonry. Floor protection shall extend twelve (12) inches (305 mm) at the sides and rear of the appliance, except that at least eighteen (18) inches (457 mm) shall be required on the appliance-opening side or sides measured horizontally from the edges of the opening.

5) The forty-eight (48) inch (1219 mm) clearance may be reduced to thirty-six (36) inches (915 mm) when protection equivalent to that provided by (a)—(g) of Table 3-2 is applied to the combustible construction.

6) Steam pipes and hot water heating pipes shall be installed with a clearance of at least one (1) inch (25 mm) to all combustible construction or material, except that at the points where pipes carrying steam at not over fifteen (15) pounds gauge pressure (103.4 kPa) or hot water that emerges from a floor, wall, or ceiling, the clearance at the opening through the finished floorboards or wall- ceiling boards may be reduced to not less than one-half (½) inch (12.7 mm). Each such opening shall be covered with a plate of noncombustible material. Such pipes passing through stock shelving shall be covered with not less than one (1) inch (25.4 mm) of approved insulation. Wood boxes or casing enclosing uninsulated steam or hot water heating pipes or wooden covers to recesses in walls in which such uninsulated pipes are placed shall be lined with metal or insulating millboard. Where the temperature of the boiler piping does not

exceed 160°F (71°C), the provisions of this table shall not apply. Coverings or insulation used on steam or hot water pipes shall be of material suitable for the operating temperature of the system. The insulation or jackets shall be of noncombustible materials, or the insulation or jackets and lap seal adhesives shall be tested as a composite product. Such composite product shall have a flame-spread rating of not more than twenty-five (25) and a smoke-developed rating not to exceed fifty (50) when tested in accordance with UBC Standard No. 42-1.

7) Thirty (30) inches to combustible material or metal cabinets, or if the underside of such combustible material or metal cabinet is protected with insulating millboard at least one-quarter (¼) inch (6.4 mm) thick covered with sheet metal of not less than 0.013 inch (0.33 mm) (No. 28 gauge), the distance may be reduced to twenty-four (24) inches (610 mm).

8) Clearance above charging door shall be at least forty-eight (48) inches (1,219 mm).

9) If the appliance is encased in brick, the eighteen (18) inch (457 mm) clearance above and at the sides and rear may be reduced to twelve (12) inches (305 mm).

10) If the appliance is encased in brick, the clearance above may be reduced to thirty-six (36) inches (914 mm) and at the sides and rear may be reduced to eighteen (18) inches (457 mm).

11) A central heating boiler or furnace shall be installed in accordance with the manufacturer's instructions and shall be installed on a floor of noncombustible construction with noncombustible flooring and surface finish and with no combustible material against the underside thereof, or on fire-resistant slabs or arches having no combustible material against TOC 246 the underside thereof.

#### Exception

1: Appliances listed for installation on a combustible floor.

2: Installation on a floor protected in an approved manner. [NFPA 54:9.3.3]"

PROTECTION AGAINST PHYSICAL DAMAGE. Section M1308.2 of the International Residential Code is amended to read as follows: In concealed locations where piping, other than cast-iron or galvanized steel, is installed through holes or notches in studs, joist, rafters, or similar members less than 1.5 inches (38mm) from the nearest edge of the member, the pipe shall be protected by shield plates. Protective steel shield plates having a minimum thickness of 0.0575-inch (1.463 mm) (No. 16 Gage), shall cover the area of the pipe where the member is notched or bored and shall extend a minimum of 2 inches (51 mm) above sole plates and below top plates.

LOCATION. Section M1408.3 of the International Residential Code is amended to read as follows: Vented Floor Furnaces. Location of floor furnaces shall conform to the following requirements:

1) Floor registers of floor furnaces shall be installed not less than six (6) inches (152 mm) from a wall.

2) Wall registers of floor furnaces shall be installed not less than six (6) inches (152 mm) from the adjoining wall at inside corners.

3) The furnace register shall be located not less than twelve (12) inches (305 mm) from doors in any position, draperies or similar combustible objects.

4) The furnace register shall be located at least five (5) feet (1524 mm) below any projecting combustible materials.

5) The floor furnace burner assembly shall not project into an occupied under-floor area.

6) The floor furnace shall not be installed in concrete floor construction built on grade.

7) The floor furnace shall not be installed where a door can swing within twelve (12) inches (305 mm) of the grille opening.

8) Replacement of floor furnaces with the same or lesser B.T.U. rating may be installed in the same location with prior approval by the building official."

INSTALLATION. Section M1409.3 of the International Residential Code is amended to read as follows: Vented wall furnace installations shall conform to the following requirements:

1) Required wall thicknesses shall be in accordance with the manufacturer's installation instructions.

2) Ducts shall not be attached to a wall furnace. Casing extensions or boots shall be installed only when listed as part of a listed and labeled appliance. TOC 247

3) A manual shut off valve shall be installed ahead of all controls.

4) The wall cavity directly above the wall furnace shall be ventilated by a twenty-six (26) gauge (0.016 inch) (0.4 mm) metal thimble into attic; or, an eight (8) inch (203 mm) by fourteen (14) (356 mm) inch metal grill a minimum of twelve (12) inches (305 mm) below the ceiling."

AUXILIARY AND SECONDARY DRAIN SYSTEMS. Section M1411.3.1 of the International Residential Code is amended to read as follows: In addition to the requirements of Section M1411.3, a secondary drain or auxiliary drain pan shall be required for each cooling or evaporator coil when located above finished ceilings or furred spaces. Such piping shall maintain a minimum horizontal slope in the direction of discharge of not less than 1/8 vertical in twelve (12) units horizontal (1-percent slope). Drain piping shall be a minimum of ¾-inch (19 mm) nominal pipe size. One of the following methods shall be used:

1) An auxiliary drain pan with a separate drain shall be installed under the coils on which condensation will occur. The auxiliary pan drain shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the primary drain. The pan shall have a minimum depth of 1.5 inches (38 mm), shall not be less than three (3) inches (76 mm) larger than the unit or the coil dimensions in width and length and shall be constructed of corrosion resistant material. Metallic pans shall have a minimum thickness of not less than 0.0276-inch (0.7 mm) galvanized sheet metal. Nonmetallic pans shall have a minimum thickness of not less than 0.0625 inch (1.6 mm).

2) A separate overflow drain line shall be connected to the drain pan provided with the equipment. This overflow drain shall discharge to a conspicuous point of disposal to alert occupants in the event of a

stoppage of the primary drain. The overflow drain line shall connect to the drain pan at a higher level than the primary drain connection.

3) An auxiliary drain pan without a separate drain line shall be installed under the coils on which condensate will occur. This pan shall be equipped with a water level detection device conforming to UL 508 that will shut off the equipment served prior to overflow of the pan. The auxiliary drain pan shall be constructed in accordance with Item 1 of this section.

4) A water level detection device conforming to UL 508 shall be provided that will shut off the equipment served in the event that the primary drain is blocked. The device shall be installed in the primary drain line, the overflow drain line or the equipment-supplied drain pan, located at a point higher than the primary drain line connection and below the overflow rim of such pan."

AUXILIARY DRAIN PAN. Section M1411.5 of the International Residential Code is amended to read as follows: Category IV condensing appliances shall have an auxiliary drain pan when located above finished ceilings or furred spaces. These pans shall be installed in accordance with the applicable provisions of Section M1411.3.1. Exception: Fuel-fired appliances that automatically shut down operation in the event of a stoppage in the condensate drainage system.

BATHROOM EXHAUST. Section M1501.1 of the International Residential Code is amended to read as follows: Outdoor Discharge. The air removed by mechanical exhaust systems shall be discharged to the outdoors in accordance with Section M1506.2.

Exceptions:

1) Whole house ventilation-type attic fans that discharge into the attic space of dwelling units having private attics shall be permitted.

2) Ventilation air from one or two family residential bathrooms or toilet rooms may be exhausted into a properly ventilated attic when all of the following are met:

1. The duct(s) conveying exhaust into the attic shall terminate a minimum of thirty-six (36) inches above the top of the ceiling framing members, and shall not discharge upon any building element.

2. Attics into which bath and/or toilet room exhausts are discharged must be properly ventilated, in accordance with Section R806, and shall not discharge into an unvented attic assembly.

3. The exhaust duct(s) shall terminate above the top of the attic insulation with a "goose-neck" installed to prevent infiltration of insulating material into the duct.

4. All exhaust duct(s) run above the insulation inside of attics shall be insulated.

DUCT INSTALLATION. Section M1502.4.2 of the International Residential Code is amended to read as follows: Exhaust ducts shall be supported at intervals not to exceed 12 feet (3658 mm) vertically or 6 feet (1828.8 mm) horizontally and shall be secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Exhaust duct joints shall be sealed.

SPECIFIED LENGTH. Section M1502.4.6.1 of the International Residential Code is amended to read as follows: The maximum length of the exhaust duct shall be 45 feet (13716mm) from the connection to the transition duct from the dryer to the outlet terminal. Where fittings are used, the maximum length of the exhaust duct shall be reduced in accordance with Table M1502.4.5.1 of the International Residential Code. The maximum length of the exhaust duct does not include the transition duct."

VERTICAL CLEARANCE. Section M1503.1.5 of the International Residential Code is created to read as follows: Domestic cooking appliances either built-in or freestanding shall have a vertical clearance above the cooking top of not less than thirty (30) inches (760 mm) to combustible material or metal cabinets. A minimum clearance of twenty-four (24) inches (610 mm) is permitted when one of the following is installed:

1. The underside of the combustible material or metal cabinet above the cooking top is protected with not less than ¼ inch (6.4 mm) insulating millboard covered with sheet metal not less than 0.0122 inch (0.3 mm) thick.

2. A metal ventilating hood of sheet metal not less than 0.0122 inch (0.3 mm) thick is installed above the cooking top with a clearance of not less than ¼ inch (6.4 mm) between the hood and the underside of the combustible material or metal cabinet, and the hood is at least as wide as the appliance and is centered over the appliance.

3. A listed cooking appliance or microwave oven is installed over a listed cooking appliance and will conform to the terms of the upper appliance's listing and the manufacturers' instructions."

OVERHEAD EXHAUST HOODS. Section M1503.2.1 of the International Residential Code is amended to read as follows: Domestic open-top broiler units shall be provided with a metal exhaust hood, not less than twenty eight (28) gauge, with ¼ inch (6 mm) between the hood and the underside of combustible material or cabinets. A clearance of at least thirty (30) inches (760 mm) shall be maintained between the cooking surface and the combustible material or cabinet. The hood shall be at least as wide as the broiler unit and shall extend over the entire unit. Such exhaust hood shall discharge to the outdoors and shall be equipped with a backdraft damper or other means to control infiltration/exfiltration when not in operation. Broiler units incorporating an integral exhaust system, and listed and labeled for use without an exhaust hood, need not be provided with an exhaust hood.

RECIRCULATION OF AIR. Section M1505.2 of the International Residential code is amended to read as follows: Exhaust air from bathrooms and toilet rooms shall not be recirculated within a residence or to another dwelling unit and shall be exhausted directly to the outdoors. Exhaust air from bathrooms and toilet rooms may discharge into an attic when the following are met:

1. The duct(s) conveying exhaust into the attic shall terminate a minimum of thirty-six (36) inches above the top of the ceiling framing members, and shall not discharge upon any building element.

2. Attics into which bath and/or toilet room exhausts are discharged must be properly ventilated, in accordance with Section R806, and shall not discharge into an unvented attic assembly.

3. The exhaust duct(s) shall terminate above the top of the attic insulation with a "goose-neck" installed to prevent infiltration of insulating material into the duct. Exhaust duct(s) run above the insulation

inside of attics shall be insulated. Sec. 5.4.135. – Table 1601.1.1(2). Sec. 5.4.135 is hereby created to read as follows: Section M1601.1.1(2). Table 1601.1.1(2). Gauges for metal ducts and plenums used for heating or cooling shall meet current SMACNA HVAC Duct Construction Standards.

DUCT INSULATION MATERIALS. Sec. M1601.3 of the International Residential Code is amended to read as follows: Duct insulation materials shall conform to the following requirements:

1. Duct coverings and linings, including adhesives where used, shall have a flame spread index not higher than twenty-five (25), and a smoke-developed index not over fifty (50) when tested in accordance with ASTM E 84, using the specimen preparation and mounting procedures of ASTM E 2231.

2. Duct coverings and linings shall not flame, glow, smolder or smoke when tested in accordance with ASTM C 411 at the temperature to which they are exposed in service. The test temperature shall not fall below 250°F (121°C).

3. External duct insulation and factory-insulated flexible ducts shall be legibly printed or identified at intervals not longer than thirty-six (36) inches (914 mm) with the name of the manufacturer; the thermal resistance R-value at the specified installed thickness; and the flame spread and smoke-developed indexes of the composite materials. All duct insulation product R- values shall be based on insulation only, excluding air films, vapor retarders or other duct components, and shall be based on tested C-values at 75°F (24°C) mean temperature at the installed thickness, in accordance with recognized industry procedures. The installed thickness of duct insulation used to determine its R-value shall be determined as follows:

a) For duct board, duct liner and factory-made rigid ducts not normally subjected to compression, the nominal insulation thickness shall be used.

b) For duct wrap, the installed thickness shall be assumed to be seventy-five (75) percent (25- percent compression) of nominal thickness.

c) For factory-made flexible air ducts, the installed thickness shall be determined by dividing the difference between the actual outside diameter and nominal inside diameter by two.

d) Duct insulation shall conform to the requirements of the Table of R-Values of Duct Insulation.

JOINTS AND SEAMS. Sec. M1601.4.1 of the International Residential Code is amended to read as follows: All joints and seams of that portion of supply and/or return ductwork installed outside of the conditioned envelope shall be made substantially airtight by means of tapes, mastics, gaskets, and other approved closure systems, commercially available and specially designed for sealing. "Duct Tape" shall not be an acceptable method. Closure systems used with rigid fibrous glass ducts shall comply with UL 181A and shall be marked "181A-P" for pressure-sensitive tape, "181 A-M" for mastic or "181 A-H" for heat-sensitive tape. Closure systems used with flexible air ducts and flexible air connectors shall comply with UL 181B and shall be marked "181B-FX" for pressure sensitive tape or "181B-M" for mastic. Duct connections to flanges of air distribution system equipment or sheet metal fittings shall be mechanically fastened. Mechanical fasteners for use with flexible nonmetallic air ducts shall comply with UL 181B and shall be marked 181B-C. Crimp joints for round metal ducts shall have a contact lap of at least 1½ inches

(38 mm) and shall be mechanically fastened by means of at least three (3) sheet-metal screws or rivets equally spaced around the joint.

Exception: Low pressure systems.

RETURN AIR. Section M1602.1 of the International Residential Code is amended to read as follows: Return air shall be taken from inside the dwelling. Dilution of return air with outdoor air shall be permitted. In new dwellings and additions to existing one and two family dwellings where a new separate heating and/or cooling system is being added to serve, but not necessarily limited to only serve the new addition, an outside air duct shall be connected to the main return air duct, prior to the filter, of each heating and/or cooling system for the habitable space served. Duct size shall be based on the square footage of habitable space served as follows:

1. 1500 sq. ft. or less: 4 inch diameter or 12.6 square inches.

2. 1501 sq. ft. to 2000 sq. ft.: 5 inch diameter or 19.6 square inches.

3. 2001 sq. ft. and larger: 6 inch diameter or 28.3 square inches. All areas listed exclude finished basement area. The outside air duct shall be provided with a ¼ inch wire mesh inlet screen. The outside air duct shall not draw air from contaminated sources.

PROHIBITED SOURCES. Section M1701.5 of the International Residential Code is created to read as follows: Combustion air ducts and openings shall not connect appliance enclosures with space in which the operation of a fan may adversely affect the flow of combustion air. Combustion air shall not be obtained from an area in which flammable vapors present a hazard. Fuel-fired appliances shall not obtain combustion air from any of the following rooms or spaces:

1. Sleeping rooms.

2. Bathrooms.

3. Toilet rooms.

Exceptions: The following appliances shall be permitted to obtain combustion air from sleeping rooms, bathrooms and toilet rooms: 1. Solid fuel-fired appliances provided that the room is not a confined space and the building is not of unusually tight construction. 2. Replacement of fuel-fired appliances installed in toilet rooms if approved by the building official.

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Section 101.2 of the International Mechanical Code, as adopted by reference herein, shall be amended to read as follows:

This Code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This Code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. The installation of fuel gas equipment, fuel gas fired



~~appliances and gas-fired appliance venting systems shall be regulated by the International Fuel Gas Code.~~

~~Exception: Detached one and two family dwellings not more than three stories high with separate means of egress and their accessory structures shall comply with the 2018 International Residential Code. Official publication of amendments shall be by publication in the official codebook of the City of Haysville, pursuant to K.S.A. 12-3009, et seq.~~

~~(Code 2022; Code 2024)~~

#### **4-804. Violations and penalties.**

Any person who shall violate the provision of this code or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be prosecuted as set forth in Section 108 et seq. of the International Mechanical Code as amended. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.

(Code 2011)

#### **4-805. Penalty clause not exclusive.**

The imposition of the penalties herein prescribed shall not preclude the City from instituting an appropriate action to restrain, correct, or abate a violation of this Article, and specific authority for such is hereby granted to take any action or imposing any penalty allowed by State law, this code, or this Article.

(Code 2011)

#### **4-806. Enforcement.**

Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the Director of Public Works. Prosecution of any violations of this code shall be in the Haysville Municipal Court, and shall be in conformance with the City's general penalty clause set forth in Chapter 1, Section 1-121 of this Code. The City hereby authorizes the building official to enforce such rules and regulations as are necessary to carry out the purpose(s) of this Code.

#### **4-807. Liability.**

Requirements of this code and Article shall not be construed as imposing on the City, its officers, agents, or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.

(Code 2011)

#### **4-808. Severability.**

If any part or parts of this Article shall be held to be invalid such invalidity shall not affect the validity of the remaining part of this Article.

(Code 2011)

## Article 9. Private Swimming Pools

### 4-901. Definitions.

For the purpose for this article, certain terms are herewith defined as follows:

(a) Private: Shall mean not open to the public, not publicly owned, or not otherwise regulated by the state of Kansas, either by statute, rule or regulation, or by the city.

(b) Swimming Pool shall mean any artificially constructed, permanent or portable pool capable of being used for swimming or bathing, having or having the capability of a depth of two (2) feet or more at any point.

(Ord. 437, Sec.1; Code 2004; [Code 2024](#))

### 4-902. Permit required.

It shall be unlawful to construct or establish a private swimming pool without having obtained a permit therefore in the manner hereinafter specified. The fee shall be as set out in Chapter 17.

(Ord. 437, Sec. 2; Code 2003; Code 2007)

### 4-903. Application for permit; plans required; approval.

Application for construction on and maintenance of a private swimming pool shall be made to the building inspector by the owner of the property or by the contractor who is to construct the swimming pool. The application shall be accompanied by duplicate sets of plans, specifications and plot plans of the property. The plot plan shall also show the location, height and type of all existing fences or walls on the boundary line to the property, together with the type and height of such fencing or enclosure as may be required in this article. No permit for a private swimming pool shall be issued by the building inspector until the required plans, specifications and plot plans have been approved by the health office and such approval has been properly certified on the plans.

(Ord. 437, Sec. 3; Code 2003)

### 4-904. Material to be waterproof; easily cleaned.

All materials used in the construction of a private swimming pool shall be waterproof and easily cleaned.

(Ord. 437, Sec.4; Code 2003)

### 4-905. Construction and design generally.

Construction and design of private swimming pools shall be such that they may be maintained and operated in compliance with existing health codes and regulations at all times.

(Ord. 437, Sec. 5; Code 2003)

### 4-906. Recirculation, filtration systems required.

All private swimming pools shall be equipped with recirculation and filtration systems of such type and size as is deemed adequate by the health officer.

(Ord. 437, Sec. 6; Code 2003)

**4-907. Maintenance generally.**

The owner of every private swimming pool shall be responsible for maintaining the pool in good, sanitary condition, shall operate and maintain the pool in compliance with existing health codes and regulations, and shall prevent breaks in the pool or water from the pool overflowing onto adjacent public or private property.

(Ord. 437, Sec. 7; Code 2003)

**4-908. Source of water supply.**

No source of water other than that secured from the city water distribution system or private well shall be used in private residential swimming pools. Water shall not be taken directly from any fire hydrant without special permission from the Metropolitan Area Building and Construction Department Fire Chief and the public works director of the city.

(Ord. 437, Sec. 8; Code 2003)

**4-909. Backflow protection required.**

All water inlet pipes shall be equipped with backflow protection.

(Ord. 437, Sec. 9; Code 2003)

**4-910. Discharge system.**

All private swimming pools hereafter constructed within the city shall be provided with a nonpermanent drainage or connection or system to either a street or other drainage area, which shall be approved by the building inspector. In no way shall the term "other drainage area" be construed to mean a sanitary sewer.

(Ord. 437, Sec. 10; Code 2003)

**4-911. Compliance with plumbing code.**

All pipings, drains and water purification equipment shall be installed in accordance with the provisions of the plumbing code of the city.

(Ord. 437, Sec.11; Code 2003)

**4-912. Lighting.**

No artificial lighting shall be maintained or operated in connection with a private swimming pool in such a manner as to be a nuisance or annoyance to the neighborhood property.

(Ord. 437, Sec. 12; Code 2003)

**4-913. Compliance with electrical code.**

All electrical installations provided or installed in conjunction with private swimming pools shall be installed in conformance with the electrical code of the city.

(Ord. 437, Sec. 13; Code 2003)

#### 4-914. Location of current carrying conductors.

Open current carrying conductors and service cables shall not pass over a swimming pool or within eighteen (~~15+8~~) feet of the edge of the pool, diving platform, observation stands or anchored rafts. Underground service shall have a minimum clearance of five (5) feet from any part of a swimming pool.

(Ord. 437, Sec. 14; Code 2003)

#### 4-915. Grounding of metal fences, railing.

All metal fences, enclosures or railing near or adjacent to private residential swimming pools which might become electrically alive as a result of contact with broken overhead conductors, or from any other cause, shall be effectively grounded.

(Ord. 437 Sec. 15; Code 2003)

#### 4-916. Location of pools.

Outside or open air private swimming pools shall be located not less than five (5) feet from the side or rear property line and not less than fifteen (15) feet from the property line on the street side of the corner lots. No pool shall be located closer than twenty (20) feet to the principal building on an adjoining lot nor closer than sixty (60) feet to the front property line. ~~No pool shall be located in an easement.~~ A pool or structure including below grade substructure, may not be located in an easement and may not block drainage.

(Ord. 437, Sec. 16; Code 2003; Code 2022; [Code 2024](#))

#### 4-917. Enclosure of pools.

Every private swimming pool shall be completely surrounded by a fence or wall not less than four (4) feet in height which shall be of a type not readily climbed or broached by children. Except for gate and dwelling door openings, no pool enclosure shall have any opening that will allow a four (4) inch sphere to pass through. The gates shall be of a self-closing and latching type with the latch on the inside of the gate, not readily accessible for children to open except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

Approved enclosures for private swimming pools are:

- (a) Solid masonry fencing.
- (b) Solid wood fencing with all cross beams or members on the inside.
- (c) Chain link
- (d) Ornamental iron.

(e) Any other type determined to meet the requirements of this section. This determination to be made by the board of appeals, as established by the Existing Building Code, as adopted by the city of Haysville, with the recommendation of the building inspector.

(f) In lieu of the fencing specified above, a swimming or working pool may be protected and enclosed, when not under the supervision of an adult, by means of a power safety cover meeting the most recent specifications approved by the American Society for Testing and Materials for swimming pool covers under the fixed designation standard F 1346 (ASTM F 1346). Spa pools may be protected by a locked spa pool cover.

(Ord. 437, Sec. 17; Code 2003, Ord. 877)

#### **4-918. Safety equipment required.**

Each pool shall be furnished with safety equipment as required by the State Board of Health.

(Ord. 437, Sec. 18; Code 2003)

#### **4-919. Existing pools.**

When it is deemed necessary by the building inspector or the health officer, the owner of any pool which existed prior to the effective date of this article shall make such alterations or changes as are necessary to remove any nuisance or hazard which might cause injury or harm to the public or to the person or persons that use it. The owner shall be allowed twenty (20) days from the date of written notification to begin required changes and shall show complete compliance on or before sixty (60) days.

(Ord. 437, Sec. 19; Code 2003)

#### **4-920. Penalty.**

Any person who violates, disobeys, omits, neglects or refuses to comply with the provisions of this article shall be fined not more than twenty-five dollars (\$25) for each offense. Each day that a violation is continued shall constitute a separate offense.

(Ord. 437, Sec. 20; Code 2003)

## **Article 10. Underground Sprinkler Systems**

#### **4-1001. Permit required.**

It is unlawful to excavate, construct, or install an underground sprinkler (irrigation) system on public right-of-way located within the city and owned by or under control of the state of Kansas or any agency thereof without first obtaining a permit from the city.

(Ord. 687; Code 2003)

#### **4-1002. Application for sprinkler permit.**

(a) An application for a sprinkler permit shall be made on a form provided by the city and shall be accompanied by a drawing, plan or photograph of the proposed improvement. The application shall release the city, the Kansas Department of Transportation (KDOT), and any franchise holder of the city from and indemnify each of them against any and all damages which may be caused by reason of installation of such sprinkler system in the public right-of-way.

(b) Construction of such sprinkler systems shall comply with all applicable city codes and standards and with any other requirements prescribed by the city.

(c) No permit for any sprinkler system in any public right-of-way located along Broadway (U.S. Highway 81) shall be issued hereunder unless the application therefore is first reviewed and approved by the Kansas Department of Transportation. Any such application shall, when made by the owner of commercial or industrial property, be accompanied by a certificate of insurance naming the City of Haysville and the Kansas Department of Transportation as additional insureds.

(d) Each permit issued hereunder shall specify the location by address and shall authorize excavation, installation, and operation of the system in conformity with the approved plan, subject at all times to inspection by the city to determine compliance with city codes, standards and other requirements.

(d) Approval and disapproval of applications for permits hereunder shall be the responsibility of the public works director or his/her duly authorized designee.

(Ord. 687; Code 2003)

#### **4-1003. Permit fees.**

It shall be unlawful for any person, firm, company, corporation or other entity to do, or cause, or permit to be done, any underground sprinkler installation on any premises in the city without first obtaining a permit from the building inspector and paying fees according to Chapter 17.

(Ord. 687; Code 2003; Code 2007)

#### **4-1004. Right-of-way.**

It is unlawful for any persons to operate or maintain an underground sprinkler (irrigation) system in any public right-of-way within the city in a manner that creates unsafe conditions for vehicles driving on adjacent streets or highways. If any unsafe condition occurs, the city shall, in addition to other remedies available to it at law or in equity, have authority to:

(a) Order the owner or operator of the system to remove the system from the right-of-way or discontinue operating the system until it is repaired or the unsafe condition eliminated; or

(b) Cause the system to be repaired, removed or disconnected at the owner's/operator's expense when deemed necessary by the city to protect traffic safety or the public water supply.

(Ord. 687; Code 2003)

#### **4-1005. Penalty.**

Any person violating the provisions of this section shall be subject to prosecution in the Municipal Court of Haysville and, upon conviction, to the penalties provided under the Public Offense Code.

(Ord. 687; Code 2003)

#### **4-1006. Liability.**

The city shall not be liable to the owner/operator of any underground (irrigation) sprinkler system for any damage to that portion of such system located on public right-of-way when such damage is caused by or results in whole or in part from construction, reconstruction, repair or maintenance work, performed by city forces.

(Ord. 687; Code 2003)

## Article 11. Fences

### 4-1101. Construction, maintenance, replacement and repair of fences; permit required.

(a) No fence shall be constructed, built, maintained, repaired, or replaced except as provided for by this article.

(b) No person shall erect, construct, reconstruct or replace any fence without first obtaining a permit from the city, provided, that no permit shall be required for maintenance of a fence, including minor replacement of components, nor for construction of fence within the City by the City upon City owned property, easements, or reserves. In the case of a fence to be erected, constructed, reconstructed or replaced within a platted or dedicated public drainage or utility easement, such permit shall include an express disclaimer of liability for damage caused by city agents in connection with maintenance or inspection of such easement or any public improvements located thereon. Additionally, applicable city building and construction code regulations must be met for all fences:

- (1) Greater than 6' in height ([reference section 4, article 1103](#));
- (2) Constructed with concrete or masonry materials; or
- (3) Determined by the building inspector to create specific safety concerns.  
(Code 1984; Ord. 824; Code 2003; Code 2020; [Code 2024](#))

### 4-1102. Definitions.

As used in and for purposes of this article, the following terms shall have the meanings prescribed to them by this section. All other items, not specifically defined herein, shall be defined in conformance with the Zoning Code of this City.

- (a) Corner lot: Shall mean any lot or parcel of real property that meets all of the following:
- (1) Situated on a controlled or uncontrolled intersection of two (2) streets;
  - (2) Featuring a yard or similar open area, designated as the “front yard” situated between the principal structure located upon said lot or parcel in the street abutting said yard or open space from which said structure is assigned its street address; and
  - (3) Featuring another yard or similar open area designated as the “abutting yard” situated between the principal structure and abutting street from which said principal structure does not receive its street address.

(b) Enforcement Officer: For purposes of the article, the term “enforcement officer” shall mean the Public Works Director of the City, and any employee of the city designated by the Public Works Director to enforce the provisions of this article.

(c) Fence: A freestanding structure composed of metal, masonry, glass, concrete or wood, natural vegetation, or any combination thereof, resting on or partially buried in the ground and rising above ground level, and used for confinement, screening, landscaping, or partition purposes.

(d) Intersections:

(1) Controlled Intersection: Shall mean any intersection of two streets, the traffic right-of-way of which is assigned by a stop sign, yield sign, or other traffic sign or signal.

(2) Uncontrolled Intersections: Shall mean any intersection of two (2) streets, the traffic right-of-way of which is not assigned by a stop sign, yield sign, or other traffic sign or signal.

(e) Principal Use or Structure: The main use of land or structures as distinguished from a subordinate or accessory use.

(f) Residential lot: Shall mean any lot or parcel of real property located within any area zoned as “residential” within the corporate limits of the city.

(Ord. 824; Code 2003; Code 2020)

#### **4-1103. Maximum height of fences.**

No fence constructed, built, maintained, repaired, or replaced upon a lot shall exceed the maximum height established and prescribed by this section.

(a) Fences outside sight triangles. No fence located upon a lot and outside the boundaries of the applicable sight triangle shall exceed:

- (1) Six (6) feet in height in residentially zoned districts;
- (2) Eight (8) feet in height in commercially zoned districts;
- (3) Ten (10) feet in height in industrially zoned districts; or
- (4) As permitted within a final PUD.

(b) Fences encroaching sight triangles. No fence, any portion of which is located within the applicable sight triangle, shall exceed three (3) feet in height as measured from the highest curb located within the sight triangle to the finish height of said fence. The enforcing officer shall verify that any such fence complies with all provisions of this article. In areas without curbs, the enforcement officer may measure from the low edge of the road.

(c) Fences extending into the front plane of a principal structure on a residential lot which extends beyond the front plane of the principal structure, shall decrease, within a linearly measured distance of no more than eight (8) feet, from a maximum height of six (6) feet to a height of three (3) feet as applied to fence described in section 4-1106(a)(1) of this article, or four (4) feet as applied to the fence described in section 4-1106(a)(2-5) of this article.



(d) Fences extending into any abutting front yard setback on a residential lot may be allowed to be six (6) foot in height, to the property line, as long as there is no obstruction to any street intersection and/or sight triangle as described in this article.

(Ord. 824; Code 2003, Code 2005; Code 2020)

#### **4-1104. Encroachments upon street rights-of-way prohibited.**

No portion of any fence shall be built upon or otherwise extend onto or encroach upon any street right-of-way.

(Ord. 824; Code 2003)

#### **4-1105. Encroachments upon utility and other public easements restricted; removal of encroachments.**

No fence or portion thereof shall be located in any manner upon or within a utility or other public easement unless there is also located within the length of the fence located upon or within said easement at least one (1) gate of at least eight (8) feet in width. Any such fence or portion of a fence shall also afford working clearance of at least four (4) feet around any utility appurtenance including, but not limited to, pad mounted transformers, utility boxes or manholes, which may require access by any utility provider or persons or entities acting on their behalf. Notwithstanding any other provision of this section, any fence located upon utility or other public easements shall be dismantled or reassembled at the expense of the owner whenever the city or any duly franchised utility under the auspices of the city shall request the fence to be dismantled. In the event an emergency occurs and the owner of such fence cannot be immediately located, the city is hereby authorized to immediately dismantle such fence.

(Ord. 668; Ord. 824; Code 2003)

#### **4-1105a. Encroachments upon drainage easements or floodways.**

(a) A fence may be located within a platted or dedicated drainage easement if:

(1) The fence is constructed and maintained at an elevation which:

A. allows normal surface drainage without blockage by the fence; and

B. is approved by the city engineer or his or her designee;

(2) The fence does not divert or result in diversion of normal surface drainage flow from the normal drainage course; and

(3) The fence has removable panels or sections to provide for access by emergency or maintenance personnel and equipment at all times.

(b) The city shall not be liable for damage to or destruction of any fence or groundcover, including but not limited to grass, trees, and shrubs, located within a platted or dedicated drainage, street or utility easement, which are damaged or destroyed by any maintenance or inspections performed by or on behalf of the city within such easement.

(c) Nothing in this Article shall be construed to authorize erection, construction, reconstruction or replacement of a fence in any floodway designated as such by the Federal Emergency Management Agency.

(Code 2020)

**4-1106. Fence materials; certain features and materials prohibited.**

(a) Permitted fencing material. Fences may be constructed of:

- (1) Wood fence boards such that all portions of the fence are completely solid or no more than fifty percent open;
- (2) Ornamental iron, except that any decorative tops are subject to the approval of the enforcing officer, and except that no fence constructed of ornamental iron may be less than five (5) feet in height;
- (3) Woven wire or chain link, provided there shall be no exposed points, wires or prongs on the top of the fence;
- (4) Nylon, plastic or PVC material, provided such materials are designed for use as fencing, and no open space in fence constructed of such materials exceeds three fourths (3/4) of an inch; or
- (5) Masonry materials or concrete poured or placed in such fashion as to meet fence design requirements. Stacks of masonry materials or unopened containers of concrete shall not be deemed to be in compliance with this article.
- (6) Barbed wire fences are permitted on an industrially zoned lot atop a fence at least eight feet in height and oriented toward the interior of the property, when necessary to preclude entry into a hazardous location or facility or to protect the exterior storage of materials or equipment from vandalism or theft provided that the property is not located adjacent to residentially zoned or residentially used property.

(b) Prohibited features in materials. No fence or portion thereof shall be constructed of metal panels or carry any electrical charge. No fence or portion thereof located on any residential or commercially zoned lot shall contain any barbed wire or single barbs.

(c) All fences and walls shall be constructed with a finished surface facing outward from the property (e.g. in the case of a wooden fence, a “finished surface” means a surface of the fence where the pickets or slats are fully exposed to view.) The posts and support beams shall be on the inside of the finished surface.

(d) Fence design and construction in all areas developed pursuant to the standards set forth within a PUD or overlay zoning areas will be designed and constructed as provided within the provisions of the establishments of such PUD or overlay zone.

(Ord. 824; Code 2003; Code 2020)

**4-1107. Dangerous fences prohibited.**

No fence shall be constructed or maintained, or be designed, in such manner as to present a danger or hazard to any person, animal or abutting property owner’s boundaries.

(Ord. 824; Code 2003; Code 2020)

**4-1108. Applications, site plans and permits and fees therefor.**

(a) Applications and Permits. Any person or entity intending to construct a new fence or to replace twenty five percent (25%) of the total linear feet of any existing fence shall, before commencing said work, make application to the enforcing officer for a permit authorizing the work. Such applications shall be made on forms provided and approved by the enforcing officer and shall be accompanied by an application fee as set out in the approved schedule of fees, and no permit shall be issued until said fees are tendered and paid in full. Fees are pursuant to Chapter 17 of this code.

(b) Plans Required. All applications for fence permits shall be accompanied by a detailed site plan, to be completed by the person or entity seeking the permit, upon which shall be accurately depicted the location of the principal structure, proposed fence, all utilities serving the principal structure or located upon the lot, all utility easements located upon the lot, all setbacks affecting said lot and all rights-of-way and property lines of said lot. Applications for fences exceeding six (6) feet in height shall further be accompanied by a stamped set of engineering plans that conclusively demonstrate that the proposed construction shall not pose a danger to persons, vehicular traffic, and the public at large and further that the proposed construction is architecturally and structurally sound and safe.

(c) License Required. Any person or entity the services of which an applicant for a fence permit intends to procure to construct a fence shall hold any current valid trade, professional, business or contractor's license as may be required by other provisions of the city code of the city or other applicable law. Individuals may construct fences upon their own property without obtaining commercial, trade or business licenses, and may use non-commercial assistance if said individuals will not receive any type of compensation, whether monetary, in-kind, or in the form of goods or services, for said work.

(d) Review and Issuance; Reasons For Denial. The enforcing officer shall receive and review all applications required by this section and shall ensure that all proposed fences comply with the provisions of this article and any other applicable laws. The enforcing officer shall complete said review no later than two (2) full business days following receipt of an application; the computation of said period shall not include the day the application is received. In the event the enforcing officer denies an application, officer shall state in writing and with particularity the reason for said denial.

(Ord. 824; Code 2003; Code 2007; Code 2020)

**4-1109. Reserved.**

(Ord. 824; Code 2003; Code 2020)

**4-1110. Right of entry.**

The enforcing officer has the right of access and entry upon any public or private property, at any reasonable time to make inquiry and inspection to determine if a violation of this article exists, and to effect any other purpose of this article. The enforcing officer may also make application to any court of competent jurisdiction for an order granting access and/or entry upon any public or private property in the event such access or entry is denied.

(Ord. 824; Code 2003)

**4-1111. Notice of violation.**

Any person or entity found by the enforcing officer to be in violation of any provision of this article shall be served written notice of such violation. The enforcing officer shall cause notice to be served by certified mail, return receipt requested, or by personal service or, in the event the property or premises is

unoccupied and the owner thereof does not reside within the corporate limits of the city by mailing such notice by certified mail, return receipt requested, to the owner's last known address.

(Ord. 824; Code 2003; Code 2020)

#### **4-1112. Same; contents.**

The notice shall describe in writing the conditions constituting a violation of this article. The notice shall also inform the person or entity receiving such notice that:

(a) Such person or entity shall have such time, to be specified in the notice and not to exceed ten (10) days from the date specified in the notice, to remove and abate the violation from the property or premises;

(b) Such person or entity may, within the time specified in the notice and not to exceed the date specified therein within which said removal and abatement is required, request a hearing before the governing body as provided by section 4-1115 of this article.

(c) Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the enforcing officer before the governing body; and

(d) Failure to remove and abate the violation, or to request a hearing as provided herein, within the time allowed may result in prosecution as provided by section 4-1113 and/or removal and abatement of the violation by the city as provided by section 4-1114 of this article.

(Ord. 824; Code 2003)

#### **4-1113. Failure to comply; penalty.**

Should the person or entity receiving the notice provided for in sections 4-1111 and 4-1112 of this article fail to comply with such notice, or to request a hearing, the enforcing officer may file a complaint in the municipal court of the city against such person or entity alleging a violation of this article. Upon conviction of the violation of this article, such person or entity shall be fined an amount as established in Chapter 17 or be imprisoned not to exceed thirty (30) days or be both fined and imprisoned. Each day during or upon which a violation occurs or continues after notice has been served as provided in sections 4-1111 and 4-1112 shall constitute an additional or separate offense.

(Ord. 824; Code 2003; Code 2020)

#### **4-1114. Abatement by city; procedure.**

In the event a person or entity to whom notice has been served pursuant to sections 4-1111 and 4-1112 of this article fails to remove or abate the conditions constituting the violation, or to request a hearing before the governing body within the period specified in section 4-1112 of this article, the enforcing officer may seek to abate the alleged violation and such election may be in addition to, or an alternative to, prosecution and shall not preclude prosecution. In the event the enforcing officer makes such election to remove and abate, such officer shall proceed in the manner prescribed by this section, as follows:

(a) The enforcing officer shall present a resolution to the governing body for its consideration and authorizing such officer to abate or cause to have abated the conditions constituting the violation at the end of ten (10) days following passage of the resolution by the governing body. The resolution shall further

provide that the costs incurred by the city to remove and abate the violation shall be charged against the lot or parcel upon which the violation was located in accordance with state law.

(b) In the event the governing body adopts and passes the resolution, the enforcing officer shall cause a copy of said resolution to be served upon the person or entity violating this article and the owner of said lot or parcel. Service shall be effected by personal service or certified mail, return receipt requested.

(c) In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the enforcing officer and filed with the city clerk, and the serving of the resolution shall be made by publishing the same once each week for two (2) consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premises where such condition exists.

(d) Should the person or entity upon which service is attempted refuse to take delivery and return is made to the city indicating such refusal, the city clerk shall send to such person or entity, by first class mail, the notice previously sent and receipt by such person or entity shall be deemed to have occurred upon such mailing. The city clerk shall make and maintain records detailing the method and time of sending and receipt of such notice.

(Ord. 824; Code 2003; Code 2020)

#### **4-1115. Hearing.**

If a hearing is requested in writing and received by the City Clerk within the time period prescribed by section 4-1112 of this article, the governing body shall conduct a hearing as soon as may be practicable and the person or entity receiving notice shall be advised by the city clerk of the time and place of the hearing at least five (5) days in advance thereof. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the enforcing officer before the governing body.

(a) On the date fixed for hearing or any adjournment or continuation thereof, the governing body shall hear all evidence submitted by the person to whom notice of the violation was issued, and all evidence submitted by the city. Upon hearing such evidence, the governing body shall make findings by resolution. The hearing provided for in this section need not be conducted according to formal rules of evidence.

(b) If, after notice and hearing as provided for in this article, and upon hearing the evidence provided for in subsection a of this section, the governing body determines that a violation exists, it shall set forth in writing in the form of a resolution its findings of facts supporting such determination. The resolution shall also fix a reasonable period of time, to be determined by the governing body, within which the abatement of the violation shall be commenced, and a statement that if the person upon whom notice of the violation was served fails to commence said removal and abatement within the time period established by the resolution, or fails to diligently prosecute and pursue the same until the work is completed, the governing body shall cause the violation to be abated. The resolution provided for in this section shall be published once in the official city newspaper and the city clerk shall mail a copy of the resolution to the person or entity, and owner, in the same manner as provided for in section 4-1111 and 4-1112.

(Ord. 824; Code 2003; Code 2020)

#### **4-1116. Authorization to contract for services.**

If the person, entity or owner fails to remove and abate the violation as provided for in this article, and it becomes necessary for the enforcing officer to remove and abate such violation, such officer is hereby

authorized to contract for and obtain such services and equipment, public or private, the officer deems necessary and appropriate to complete the tasks enumerated herein, and the enforcing officer shall adhere to and comply with all applicable laws, regulations, ordinances and city policies concerning procurement of services and equipment.

(Ord. 824; Code 2003)

#### **4-1117. Site to be made safe.**

Upon removal and abatement of any violation pursuant to this article or otherwise, the person, entity or owner shall take any and all action necessary to leave the premises in a safe condition. In the event the owner fails to take such actions as are prescribed by this section, the enforcing officer may proceed to make the site safe.

(Ord. 824; Code 2003)

#### **4-1118. Assessment, funding and payment of costs.**

(a) The costs incurred by the city for any action undertaken by the enforcing officer pursuant to or incidental to this article shall be reported in detail and in writing by said officer to the city clerk. The city clerk shall keep an account of such costs, as well as any and all costs of notices, services and/or mailing of notices, and publication of notices, required by this article. The city clerk shall immediately cause the reportings and accountings required by this section to be entered in the appropriate city record and shall report the same to the governing body.

(b) The city clerk shall, within ten (10) days of the receipt of the enforcing officer's report of costs, give notice by restricted mail to the owner of the costs to be reported by subsection (a) of this section and such notice shall include a statement requiring payment of the costs to the city within thirty (30) days following receipt of the notice. Should the owner refuse to take delivery of the notice and return is made to the city indicating such refusal, the city clerk shall send to the owner, by first class mail, the notice previously sent and receipt by the owner shall be deemed to have occurred upon such mailing. The city clerk shall make and maintain records detailing the method and time of sending and receipt of such notice.

(c) Should the cost remain unpaid after thirty (30) days of the receipt of the notice by the owner, the city clerk may sell any salvage from the removal and abatement process and apply the proceeds of such sale to pay said costs. Any proceeds received which exceed said costs shall be remitted to the owner within thirty (30) days of conclusion of the sale.

(d) Should the proceeds of any sale held pursuant to section 4-1118(c) be insufficient to cover said costs, or if there exists no salvage, the city clerk shall, at the time required by law for the certification of other city taxes, certify the unpaid portion of said costs in conformance with State law for extensions of the same on the city tax rolls against the property upon which the structure was located.

(Ord. 824; Code 2003)

#### **4-1119. Disposition of moneys received.**

When and if paid, all moneys received under the provision of this article shall be credited to the general fund of the city.

(Ord. 824; Code 2003; Code 2020)

#### **4-1120. Immediate hazard.**

When in the governing body's opinion any fence in violation of this article is in such condition as to constitute an immediate hazard requiring immediate action to protect the public or adjacent property, the governing body may direct the enforcing officer to take immediate action, without delay, to protect the safety of persons and properties including, but not limited to, the erection of barricades; causing the property upon which the fence is located to be vacated, or causing the fence to be taken down, repaired, shored or otherwise made safe. Such action by the governing body and enforcing officer may be taken without prior notice or hearing of the owners, agents, lien holders, occupants, or other parties in interest. The costs of any action under this section shall be reported and documented, notice of costs shall be afforded, and the costs shall be assessed, in the same manner as provided in section 4-1111 of this article.

(Ord. 824; Code 2003)

#### **4-1121. Notice to owner.**

Notwithstanding any other provision of this article or of law, any and all notices required by this article shall also be served upon the owner of the premises or property upon which there exists a nuisance.

(Ord. 824)

#### **4-1122. Application of article to existing nonconforming fences.**

The provisions of this article shall not apply to any fence existing on the effective date of this article. The provisions of this article shall apply, however, to any such fence in the event any portion of said fence consisting of twenty five percent (25%) or more of the total linear feet of said nonconforming fence is repaired or replaced in any twelve (12) month period.

(Ord. 824; Code 2003)

#### **4-1123. Variances and exceptions.**

Any person or entity desiring to construct a fence which does not comply with the provisions of this article shall apply in writing, on forms provided by the city, to the board of appeals as established by the city building code. All applications for variances shall clearly state the reason(s) for which the variance is requested. Further, variance requests from the height provisions and restrictions shall further be accompanied by a stamped set of engineering plans that conclusively demonstrate that the proposed construction shall not pose a danger to persons, vehicular traffic, and the public at large and further that the proposed construction is architecturally and structurally sound and safe. In addition, a fee as established in Chapter 17 shall accompany applications for variance from the height provisions and restrictions. No variances from height provisions and restrictions shall be granted allowing the height of a fence to exceed ten (10) feet. The application for variance shall be delivered to the city who shall deliver the same to the board of appeals. The board of appeals shall convene a hearing to consider the application as soon as may be practicable, but in no event shall such hearing be scheduled later than ten (10) business days following the city's receipt of the application unless the applicant waives the ten (10) day period and agrees to scheduling a hearing at a later time. Upon convening the hearing, the board shall consider any evidence the applicant may offer to support the application and any evidence the city may have in support of or opposition to the application. The board may adjourn the hearing from time to time and from place to place as it may deem necessary. No later than ten (10) days following the conclusion of the hearing, the board shall make written findings concerning the application and a written determination thereof.

(Ord. 824; Ord. 824-A; Ord. 824-B; Code 2003; Code 2020)

#### 4-1124. Severability

In the event any section or part of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of the remaining sections or provisions and such remaining sections or provisions shall remain valid and enforceable.

(Ord. 824; Code 2003)

#### 4-1125. Penalty.

(a) It shall be unlawful for any person, firm, company, corporation or other entity to erect, construct, use, enlarge, alter, repair, move, convert, demolish, maintain, or grow any fence, bush, shrubbery, hedge or other foliage, or cause or permit the same to be done in violation of the requirements and restrictions in this chapter. Any fence, as described in this article, shall not be constructed prior to the issuance of a permit and submittal of any required documents or site plan.

(b) The fine for such violation shall be double the permit fee as established in Chapter 17. The payment of such penalty shall not exempt any person, firm, or corporation from compliance with all other provisions of this code or any other code, nor from any penalty prescribed by law. It shall be the responsibility of the offender to abate the violation as expeditiously as possible.

(Code 1971, Sec. 4-112; Code 1984; Ord. 807; Code 2003; Code 2020)

## Article 12. Demolition and Site Clearance

#### 4-1201. Compliance.

Any person, business or other entity demolishing, razing or removing and building or structure within the city limits of Haysville, Kansas, shall comply with the requirements of this article.

#### 4-1202. Permit.

No buildings or structure shall be demolished or razed from or upon any premises without first obtaining from the City of Haysville a permit pursuant to Section 4-103 of the Haysville Building Code. Notwithstanding the foregoing, if the building or structure to be demolished is less than 100 square feet in size, no permit shall be required.

#### 4-1203. Prior to obtaining a permit.

Prior to obtaining a permit, all public utilities shall be disconnected. The owner shall cause the sewer line to the building or structure to be capped and such capping shall be inspected and approved by the city. All such sewer lines shall be capped in an approved manner at a point between the connections to the sewer main and five (5) feet inside the property line nearest the sewer main where the building sewer connects. The owner shall cause all other utility services to be totally disconnected from the building or structure to be demolished prior to demolition. All power, gas and water lines shall be disconnected and capped by a representative of the utility provider. The city shall inspect and approve all disconnects prior to issuing the demolition permit. In addition, the individual responsible for the demolition shall provide the city with a map detailing the exact locations where the underground utilities were severed.

(Code 2024)

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#### **4-1204. Protection of the general public.**

When a building or structure to be demolished is adjacent to a public street or right of way, the owner or his authorized representative shall afford protection to the general public as may be required by other provisions of the Haysville Building Code or as appropriate to ensure public safety.

#### **4-1205. Protection of adjacent private property.**

Adequate protection of any adjacent property shall be provided and maintained during the demolition of any structure.

#### **4-1206. Removal and site clearance requirements.**

The following requirements will be met during and after the razing or demolition of any structure: in wrecking, demolishing, or razing of any structure, the work shall begin at the top thereof. Each story shall be completely razed or demolished, and materials therefrom completely removed before work on the next lower story is started. In those instances where demolishing of an unusual structure or building is undertaken or unusual circumstances exist, the city building inspector may by special permit in writing authorize deviation from the standard regulations for demolition in the interest of public safety and welfare. When the building has been wrecked, demolished, razed, removed from the site, or destroyed by fire, flood, or storm and no permit for new construction has been approved by the building official, the lot shall be filled, graded and maintained in conformity with the established street grades at curb level. No combustible material shall be used to fill any basement or excavation. Crawl space foundation walls shall be razed to at least (6) inches below final grade. Basement foundations shall be broken up and may be used to partially fill the basement. The top six (6) inches to finished grade on any type of foundation shall be fine dirt, free of large rocks and vegetation. All fill materials shall be compacted. The lot shall be maintained free from accumulation of rubbish and any unsafe or hazardous conditions dangerous to the life or health of the public. In event that a permit is issued for new construction, all excavation which is not completely filled shall be fenced with fencing adequate for the safety of the public.

#### **4-1207. Penalties.**

The building inspector, or other official authorized by the Director of Public Works may file a complaint in the municipal court of the city against any person that violates, neglects or refuses to comply with any provision of the code and upon conviction thereof be fined in a sum of \$100.00 for each offense. Each day that a violation is committed or continues to exist shall constitute a separate offense.

#### **4-1208. Abatement.**

In addition to or as an alternative to any penalties as provided for in this Section, The city, upon a determination by the governing body after an opportunity for a hearing as hereinafter provided with the applicant for the demolition permit and the landowner that a violation of this article has occurred, may go upon the property to abate and bring the property into compliance with the requirements of this article and assess the costs thereof against the property. The governing body upon receiving a written report from the building inspector or other public officer of a violation of the terms of this article shall by resolution fix a time and place at which the owner, the owner's agent and any lienholder of record may appear and show

cause regarding any such violations and why the city should not correct or abate the condition with all costs assessed to the landowner. The resolution setting forth said hearing shall be published once a week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail within three days after its first publication to each owner, agent, lienholder and occupant at the last known place of residence. If, after notice and hearing, the governing body determines that a violation of the ordinance has occurred, it shall state in writing its findings of fact on support of such determination and shall cause a resolution of its findings to be published once in the official city newspaper and a copy mailed to the owners, agents and lienholders of record in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within violation shall be corrected and a statement that if the owner of such property fails to commence the corrective work within the time stated of fails to diligently prosecute the same until the work is complete, the governing body will cause the demolition and property to be brought into compliance with the ordinance.

#### **4-1209. Appeals.**

Any person affected by any determination of the governing body under this Section may appeal such determination in the manner provided by K.S.A. 60-2101.

#### **4-1210. Assessment of costs.**

The cost to the city of any removal or demolition including making the site safe and in compliance with this article shall be reported to the city clerk. The city shall give notice to the owner of the property by registered mail of the cost of removing the structure and making the premises safe and secure. The notice shall also state that payment of the cost is due and payable within 30 days following receipt of the notice. If the costs remain unpaid after 30 days following receipt of notice, the city clerk may sell any salvage from the structure and apply the proceeds or any necessary portion thereof to pay the cost of removing the structure and making the site safe. Any proceeds in excess of that required to recover the costs shall be paid to the owner of the premises upon which the structure was located. If the proceeds of the sale of salvage are insufficient to recover the cost, or if there is no salvage, the city clerk shall, at the time of certifying other city taxes, certify the unpaid portion of the costs to the county clerk who shall extend the same on the tax roll of the county.

(Code 2019)

### **Article 13. International Existing Building Code, 2018 Edition**

**4-1301. Adoption of the International Existing Building Code. The International Existing Building Code, as published by the International Codes Council, Inc., 2018 Edition, is hereby adopted and incorporated herein by reference, subject to such amendments thereto as are set forth hereinafter. (Ord. 1048; Code 2022)**

#### **4-1302. Reserved.**

#### **4-1303. Availability of copies.**

**One copy of said code, along with the amendments set forth in that Sedgwick County Resolution as identified within 4-401 above, including a copy of the amendments described therein, have been and are**

now filed in the office of the City Clerk and the said code is adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq.

#### **4-1304. Violations and penalties.**

Any person who shall violate the provision of this code or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be prosecuted as set forth in Section 113.4 et seq. of the International Building Code as amended. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.

(Code 2011)

#### **4-1305. Penalty clause not exclusive.**

The imposition of the penalties herein prescribed shall not preclude the City from instituting an appropriate action to restrain, correct, or abate a violation of this Article, and specific authority for such is hereby granted to take any action or imposing any penalty allowed by State law, the Code of this City, or this Article.

(Code 2011)

#### **4-1306. Enforcement.**

Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the Director of Public Works. Prosecution of any violations of this code shall be in the Haysville Municipal Court, and shall be in conformance with the City's general penalty clause set forth in Chapter 1, Section 1-121 of this Code.

(Code 2011)

#### **4-1307. Liability.**

Requirements of this code and Article shall not be construed as imposing on the City, its officers, agents, or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.

(Code 2011)

#### **4-1308. Severability.**

If any part or parts of this Article shall be held to be invalid such invalidity shall not affect the validity of the remaining part of this Article.

#### **4-1309.- Amendments.**

Section 103.3. – Deputies. Section 103.3 of the International Existing Building Code, is amended to read as follows:

[A] 103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy

code official, the related technical officers, inspectors, plan examiner(s), and other employees having powers as delegated by the code official.

Section 105.1.1 deleted. Section 105.1.1 of the International Existing Building Code, is deleted.

Section 105.1.2 deleted. Section 105.1.2 of the International Existing Building Code, is deleted.

Section 105.2. – Work exempt from permit.

Section 105.2 of the International Existing Building Code, is amended to read as follows: 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

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

2. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

3. Temporary motion picture, television and theater stage sets and scenery.

4. Fabric awnings supported by an exterior wall that do not project more than 36 inches (915 mm) from the exterior wall and do not require additional support.

5. Movable cases, counters and partitions not over 69 inches (1753 mm) in height.

6. (a) One-story accessory structures classified as Group S or U occupancies provided the floor area is less than 100 square feet (9.29 m<sup>2</sup>). All detached accessory structures shall be tied down to the earth using anchoring methods approved elsewhere in this code.

(b) Playhouses or tree houses having single or multi-level floors with or without roofs.

7. Fences shall meet the requirements of Chapter 4, Article 11 of this code.

8. Oil derricks.

9. Retaining walls that are not over 30 inches (762 mm) in height measured from the lowest point of the adjoining grade to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A liquids.

10. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width is not greater than 2:1.

11. Swimming pools shall meet the requirements of Chapter 6, Article 9 of this code.

12. Swings and other playground equipment.

13. Interior platforms not over 200 square feet (19 m<sup>2</sup>) in area, nor more than 30 inches (762 mm) above the adjacent floor, within Type III and V construction only.

14. Exterior decks, curb ramps [maximum 6 inches (153 mm) vertical rise], stoops and porches not more than 30 inches (762 mm) above grade without overhead structures and not over any basement or story below.

15. Emergency board-up or securing of a building and installing temporary bracing after a fire, storm, vehicle damage or other disaster, which cause the building to be open or unsafe. The building owner or his/her agent may cause such work to be done provided the City of Haysville is notified on the following business day.

16. Repair or replacement roofing and/or siding materials not exceeding 400 square feet (37 m<sup>2</sup>) within any 12-month period.

17. Repair or replacement of interior gypsum wallboard on non-fired walls or ceilings when the total area does not exceed 100 square feet (9 m<sup>2</sup>) within any 12-month period and provided that no framing, electrical, mechanical or plumbing changes are made.

18. Paved areas not used for the purpose of parking or storage of vehicles and/or equipment or storage.

19. Replacement of windows or doors or replacement of roof skylights or equipment with the same size or smaller unit(s) that does not involve the removal, cutting, alteration or replacement of any building structural member, including but not limited to studs, headers, girders, beams, joists, rafters, cripples, jacks or other supportive framing members(s). The framing used to infill existing openings for the purpose of installing smaller unit(s) shall be exempted from permit requirements. Placement of smaller windows or doors shall not reduce the minimum size requirements of escape and rescue openings, or egress door(s), or fire department access required by this code. The replacement door or window shall not be of a lower fire rating than the original assembly, unless a lower fire rating is allowed by this code.

Electrical:

1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

3. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or serving of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.

2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.

2. Portable ventilation equipment.

3. Portable cooling unit.

4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.

5. Replacement of any part that does not alter its approval or make it unsafe.

6. Portable evaporative cooler.

7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

Plumbing:

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

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided that such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

SECTION 105.2.1. – EMERGENCY REPAIRS. Section 105.2.1 of the International Existing Building Code, is amended to read follows: [A] 105.2.1 Emergency repairs. Where repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Public Works Director, or his/her designee.

Section 105.3 deleted. Section 105.3 of the International Existing Building Code, is deleted.

SECTION 105.3.2. – TIME LIMITATIONS OF APPLICATION. Section 105.3.2 of the International Existing Building Code, is amended to read as follows: [A] 105.3.2 Time limitations of application. An application for a permit for any proposed work shall be deemed to have been abandoned when the code used for the project design is no longer in effect, unless such application has been pursued in good faith or a permit has been issued; except that the code official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

SECTION 105.5. – EXPIRATION. Section 105.5 of the International Existing Building Code, is amended to read as follows: [A] 105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Work shall be considered to have been suspended or abandoned if it has been more than 180 days since the last required inspection. Before work can be recommenced, a new permit must be obtained to do so, and the fee shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and that such suspension or abandonment has not exceeded one year. The Public Works Director, or his/her designee, is authorized to grant, in writing, one or more extensions of time for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

SECTION 107.3. – TEMPORARY POWER. Section 107.3 of the International Existing Building Code, is amended to read as follows: [A] 107.3 Temporary power. The Public Works Director, or his/her designee, is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. That part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in Chapter 4 of this code.

SECTION 107.3. – FINAL INSPECTION Section 109.3.10 of the International Existing Building Code, is amended to read as follows: [A] 109.3.10 Final inspection. The final inspection shall be made after work required by the building permit is completed. If landscaping is required by the building permit, the landscape shall be installed by the holder of the building permit, their duly authorized agent, or property owner. A letter of credit or bond in the amount of 125% of the cost of the landscaping shall be submitted to the City Clerk's Office before a final inspection approval will be issued to the general contractor. The building shall not be occupied prior to obtaining final inspection approval.

SECTION 110.2. – CERTIFICATE ISSUED Section 110.2 of the International Existing Building Code, is amended to read as follows: 110.2 Certificate issued. After the Public Works Director, or his/her designee, inspects the building and does not find violations of the provisions of this code or other laws that are enforced by this code, the Public Works Director, or his/her designee, shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The occupancy in accordance with the provisions of the International Building Code.
4. The type of construction as defined in the International Building Code.

Section 112 deleted. Section 112 of the International Existing Building Code, is deleted.

SECTION 116.4. – EMERGENCY REPAIRS. Section 116.4 of the International Existing Building Code, is amended to read as follows: [A] 116.4 Emergency repairs. For the purposes of this section, the Public

Works Director, or his/her designee, shall order the owner or owner's authorized agent to employ the necessary labor and materials to perform the required work as expeditiously as possible.

SECTION 301.5. – COMPLIANCE WITH ACCESSIBILITY. Section 301.5 of the International Existing Building Code, is amended to read as follows: 301.5 Compliance with accessibility. Accessibility requirements for existing buildings shall comply with the current guidelines of the Americans with Disabilities Act ("ADA").

SECTION 302.3. – ADDITIONAL CODE. Section 302.3 of the International Existing Building Code, is amended to read as follows: 302.3 Additional Code. Alterations, repairs, additions and changes of occupancy to, or relocation of, existing buildings and structures shall comply with the provisions for alterations, repairs, additions and changes of occupancy or relocation, respectively, in this code and the International Fire Code as amended by the applicable jurisdiction, and the International Residential Code. Where provisions of the other codes conflict with provisions of this code, the provisions of this code shall take precedence.

SECTION 305.4.2. – COMPLETE CHANGE OF OCCUPANCY. Section 305.4.2 of the International Existing Building Code, is amended to read as follows: 305.4.2 Complete change of occupancy. Where an entire building undergoes a change of occupancy, it shall comply with Section 305.4.1 and shall have all of the following accessible features:

1. Not fewer than one accessible building entrance.
2. Not fewer than one accessible route from an accessible building entrance to primary function areas.
3. Signage complying with the current guidelines of the Americans with Disabilities Act ("ADA").
4. Accessible parking, where parking is being provided.
5. Not fewer than one accessible passenger loading zone, where loading zones are provided.
6. Not fewer than one accessible route connecting accessible parking and accessible passenger loading zones to an accessible entrance. Where it is technically infeasible to comply with the new construction standards for any of these requirements for a change of group or occupancy, Items 1 through 6 shall conform to the requirements to the maximum extent technically feasible.

SECTION 305.6. – ALTERATIONS. Section 305.6 of the International Existing Building Code, is amended to read as follows: 305.6 Alterations. A facility that is altered shall comply with the applicable provisions in the Americans with Disabilities Act ("ADA"), unless technically infeasible. Where compliance with this section is technically infeasible, the alteration shall provide access to the maximum extent technically feasible.

Exceptions:

1. The altered element or space is not required to be on an accessible route, unless required by Section 305.7. 2. Accessible means of egress required by Chapter 10 of the International Building Code are not required to be provided in existing facilities.



SECTION 305.7. – ALTERATIONS AFFECTING AN AREA OF PRIMARY FUNCTION. Section 305.7 of the International Existing Building Code, is amended to read as follows: 305.7 Alterations affecting an area containing a primary function. Where an alteration affects the accessibility to, or contains an area of primary function, the route to the primary function area shall be accessible. The accessible route to the primary function area shall include toilet facilities and drinking fountains serving the area of primary function.

Exceptions:

1. The costs of providing the accessible route are not required to exceed 20 percent of the costs of the alterations affecting the area of primary function.
2. This provision does not apply to alterations limited solely to windows, hardware, operating controls, electrical outlets and signs.
3. This provision does not apply to alterations limited solely to mechanical systems, electrical systems, installation or alteration of fire protection systems and abatement of hazardous materials.
4. This provision does not apply to alterations undertaken for the primary purpose of increasing the accessibility of a facility.

Sections 305.8, 305.8.1, 305.8.2, 305.8.3, 305.8.4, 305.8.5, 305.8.6, 305.8.7, 305.8.8, 305.8.9, 305.8.10, 305.8.11, 305.8.12, 305.8.13, 305.8.14, 305.8.15, 305.9, 305.9.1, 305.9.2, 305.9.3, and 305.9.4 of the International Existing Building Code, are deleted.

SECTION 401.3. – FLOOD HAZARD AREAS. Section 401.3 of the International Existing Building Code, is amended to read as follows: [BS] 401.3 Flood hazard areas. In flood hazard areas, repairs that constitute substantial improvement shall require that the building comply with the requirements of flood plain management within the Zoning Department of the City of Haysville.

SECTION 405.1.1. – REPAIRS FOR SUBSTANTIAL STRUCTURAL DAMAGE. Section 405.1.1 of the International Existing Building Code, is created to read as follows: [BS] 405.1.1 Repairs for substantial structural damage. Repairs for substantial structural damage that is caused by a load not defined or required by Chapter 16 of the International Building Code (such as fire, explosion, deterioration, impact, debris, etc.), loads applied to a structure that exceed 150 percent of the code defined design load, or combination thereof may be repaired as less than substantial structural damage per Section 405.2.1 provided all of the following occur:

1. The damaged area is less than 75 percent of the roof or any floor's occupied area, the lateral system of the building in any one direction is damaged less than 75 percent, and the damage to the overall structure is less than 50 percent of the composite building.
2. The damage area has not caused deflection in floor or roof framing that, if repaired to its pre-damaged state, will exceed the serviceability requirements noted in Section 1604.3 of the International Building Code.

3. A registered design professional shall establish that the damaged construction is repaired to an adequate state. Existing construction remaining shall be evaluated separately.

405.2.5. – FLOOD HAZARD AREAS. Section 405.2.5 of the International Existing Building Code, is amended to read as follows: [BS] 405.2.5 Flood hazard areas. In flood hazard areas, buildings that have sustained substantial damage shall be brought into compliance as required by the flood plain management within the Zoning Department of the City of Haysville.

406.1.1. – RECEPTACLES. Section 406.1.1 of the International Existing Building Code, is amended to read as follows: 406.1.1 Receptacles. Replacement of electrical receptacles shall comply with the applicable requirements of Section 406.4(D) of the National Electrical Code.

406.1.2. – PLUG FUSES. Section 406.1.2 of the International Existing Building Code, is amended to read as follows: 406.1.2 Plug fuses. Plug fuses of the Edison-base type shall be used for replacements only where there is no evidence of over fusing or tampering per applicable requirements of Section 240.51(B) of the National Electrical Code.

406.1.3. – NON-GROUNDING TYPE RECEPTACLES. Section 406.1.3 of the International Existing Building Code, is amended to read as follows: 406.1.3 Non-grounding-type receptacles. For replacement of non-grounding-type receptacles with grounding type receptacles and for branch circuits that do not have an equipment grounding conductor in the branch circuitry, the grounding conductor of a grounding-type receptacle outlet shall be permitted to be grounded to any accessible point on the grounded electrode system or to any accessible point on the grounding electrode conductor in accordance with Section 250.130(C) and 406.4(D) of the National Electrical Code.

406.1.4. – GROUP I-2 RECEPTACLES. Section 406.1.4 of the International Existing Building Code, is amended to read as follows: 406.1.4 Group I-2 receptacles. Receptacles in patient bed locations of Group I-2 that are not “hospital grade” receptacles shall be replaced with “hospital grade” receptacles, as required by NFPA 99 and Article 517 of the National Electrical Code.

SECTION 406.1.5. – GROUNDING OF APPLIANCES. Section 406.1.5 of the International Existing Building Code, is amended to read as follows: 406.1.5 Grounding of appliances. Frames of electric ranges, wall-mounted ovens, counter mounted cooking units, clothes dryers and outlet or junction boxes that are part of the existing branch circuit for these appliances shall be permitted to be grounded to the grounded circuit conductor in accordance with Section 250.140 of the National Electrical Code.

SECTION 408.1. – MATERIALS. Section 408.1 of the International Existing Building Code, is amended to read as follows: 408.1 Materials. Plumbing materials and supplies shall not be used for repairs that are prohibited in Chapter 4 of this code.

SECTION 502.3. – FLOOD HAZARD AREAS. Section 502.3 of the International Existing Building Code, is amended to read as follows: [BS] 502.3 Flood hazard areas. Buildings and structures in flood hazard areas shall comply with the requirements of the flood plain management of the Zoning Department of the City of Haysville.

SECTION 503.2. – FLOOD HAZARD AREAS. Section 503.2 of the International Existing Building Code, is amended to read as follows: [BS] 503.2 Flood hazard areas. Buildings and structures in flood hazard

areas shall comply with the requirements of the flood management within the Zoning Department of the City of Haysville.

SECTION 504.1.3. – NEW FIRE ESCAPES. Section 504.1.3 of the International Existing Building Code, is amended to read as follows: [BE] 504.1.3 New fire escapes. New fire escapes for existing buildings shall be permitted only where exterior stairways cannot be utilized because of lot lines limiting stairway size or because of sidewalks, alleys or roads at grade level. New fire escapes shall not incorporate ladders or access windows. Occupants shall have unobstructed access to the fire escape without having to pass through a room subject to locking.

SECTION 504.3. – CONSTRUCTION. Section 504.3 of the International Existing Building Code, is amended to read as follows: [BE] 504.3 Construction. The fire escape shall be designed to support a live load of 100 pounds per square foot (4,788 Pa) and shall be constructed of steel or other approved noncombustible materials. Fire escapes constructed of wood not less than nominal 2 inches (51 mm) thick are permitted on buildings of Type V construction. Walkways and railings located over or supported by combustible roofs in buildings of Type III and IV construction are permitted to be of wood not less than nominal 2 inches (51 mm) thick. Fire escapes shall extend to the roof or provide an approved gooseneck ladder between top floor landing and the roof in buildings four or more stories in height having roofs with a slope not exceeding 4 units vertical in 12 units horizontal (33.3 percent slope). Such ladders shall be designed and connected to the building to withstand a horizontal force of 100 pounds per lineal foot (141,459 N/m). Each rung shall support a concentrated load of 500 pounds (2,224 N) placed anywhere on the rung to produce the maximum stress conditions. All ladders shall be at least 15 inches (381 mm) in clear width, be located within 12 inches (305 mm) of the building and shall be placed flatwise to the face of the building. Ladder rungs shall be at least ¾ inch (19 mm) in diameter and shall be located 10 inches to 12 inches (254 mm to 305 mm) on center. Openings for roof access ladders through cornices and similar projects shall have minimum dimensions of 30 inches by 33 inches (762 mm by 838 mm). The fire escape shall have a clearance from electrical service conductors as required by the National Electrical Code.

SECTION 504.4. – DIMENSIONS. Section 504.4 of the International Existing Building Code, is amended to read as follows: 504.4 Dimensions. Stairways shall be not less than 22 inches (559 mm) wide with risers not more than, and treads not less than 8 inches (203 mm) and landings at the foot of stairways not less than 40 inches (1,016 mm) wide by 36 inches (914 mm) long, located not more than 8 inches (203 mm) below the door. The openings in the treads of the stairways and the floor of landings shall be no greater than 5/8 inch (16 mm) in width. The guards at the stairways shall be not less than 36 inches (914 mm) high with not more than 4 inches (102 mm) between intermediate rails. The top rail of the guard at the stairways shall have outside diameter of at least 1 ¼ inches (32 mm) and not greater than 2 inches (51 mm). The guards at the landings shall not be less than 42 inches (1,066 mm) high with not more than 4 inches (102 mm) between intermediate rails.

Exception: Any modifications to an existing guard on a stairway or landing of an existing fire escape shall be approved by the Public Works Director, or his/her designee, or a duly authorized representative.

SECTION 601.2. – WORK AREA. Section 601.2 of the International Existing Building Code, is amended to read as follows: 601.2 Work area. The work area, as defined in Chapter 2, shall be identified on the construction documents. The architect of record shall specify the percentage of area, by floor, that constitutes work area. Reconfiguration of floor area shall be the removal, relocation or construction of

new walls or building elements within a tenant area or building. Work area calculations shall include the rooms or spaces and areas directly adjacent to where reconfiguration is planned.

Exception: 1. The area of the entire room or space does not need to be included within the work area calculation where the following conditions are met:

a) The area within ten feet (3,049 mm) of the reconfiguration (perimeter calculation) is less than 25 percent of the room or space;

b) The occupancy of the area has not changed; and

c) The reconfiguration does not affect the existing exits from the room or space.

SECTION 701.3. – FLOOD HAZARD AREAS. Section 701.3 of the International Existing Building Code, is amended to read as follows: [BS] 701.3 Flood hazard areas. In flood hazard areas, alterations shall comply with the requirements of flood plain management within the Zoning Department of the City of Haysville.

SECTION 702.6. – MATERIALS AND METHODS. Section 702.6 of the International Existing Building Code, is amended to read as follows: 702.6 Materials and methods. New work shall comply with the material and methods requirements in the International Building Code, as amended in Chapter 4 of this code, the International Mechanical Code, as amended in Chapter 4 of this code, the National Electrical Code, as amended in Chapter 4 of this code, the Uniform Plumbing Code, as amended in Chapter 4 of this code, as applicable, that specify material standards, detail of installation and connection, joints, penetrations, and continuity of any element, component, or system in the building.

Exception: Where building separation is required by the adopted electrical code to allow for multiple electrical services, a fire wall may be constructed in accordance with the provisions of a two-hour fire barrier per the International Building Code. If the fire wall coincides with that of a required fire barrier, then the most restrictive requirement shall apply. For allowable area purposes, the building is considered as one structure with no benefit derived from the fire wall.

Section 707.1 deleted. Section 707.1 of the International Existing Building Code, is deleted.

805.3.1.2.2. – CONSTRUCTION. Section 805.3.1.2.2 of the International Existing Building Code, is amended to read as follows: 805.3.1.2.2 Construction. The fire escape shall be designed to support a live load of 100 pounds per square foot (4,788 Pa) and shall be constructed of steel or other approved noncombustible materials. Fire escapes constructed of wood not less than nominal 2 inches (51 mm) thick are permitted on buildings of Type V construction. Walkways and railings located over or supported by combustible roofs in buildings of Type III and IV construction are permitted to be of wood not less than nominal 2 inches (51 mm) thick. Fire escapes shall extend to the roof or provide an approved gooseneck ladder between top floor landing and the roof in buildings four or more stories in height having roofs with a slope not exceeding 4 units vertical in 12 units horizontal (33.3 percent slope). Such ladders shall be designed and connected to the building to withstand a horizontal force of 100 pounds per lineal foot (141,459 N/m). Each rung shall support a concentrated load of 500 pounds (2,224 N) placed anywhere on the rung to produce the maximum stress conditions. All ladders shall be at least 15 inches (381 mm) in clear width, be located within 12 inches (305 mm) of the building and shall be

placed flatwise to the face of the building. Ladder rungs shall be at least ¾ inch (19 mm) in diameter and shall be located 10 inches to 12 inches (254 mm to 305 mm) on center. Openings for roof access ladders through cornices and similar projects shall have minimum dimensions of 30 inches by 33 inches (762 mm by 838 mm). The fire escape shall have a clearance from electrical service conductors as required by the National Electrical Code.

SECTION 805.3.1.2.3. – DIMENSIONS. Section 805.3.1.2.3 of the International Existing Building Code, is amended to read as follows: 805.3.1.2.3 Dimensions. Stairways shall be not less than 22 inches (559 mm) wide with risers not more than, and treads not less than 8 inches (203 mm) and landings at the foot of stairways not less than 40 inches (1,016 mm) wide by 36 inches (914 mm) long, located not more than 8 inches (203 mm) below the door. The openings in the treads of the stairways and the floor of landings shall be no greater 5/8 inch (16 mm) in width. The guards at the stairways shall be not less than 36 inches (914 mm) high with not more than 4 inches (102 mm) between intermediate rails. The top rail of the guard at the stairways shall have an outside diameter of at least 1 ¼ inches (32 mm) and not greater than 2 inches (51 mm). The guards at the landings shall not be less than 42 inches (1,066 mm) high with not more than 4 inches (102 mm) between intermediate rails. Exception: Any modifications to an existing guard on a stairway or landing of an existing fire escape shall be approved by the Public Works Director, or his/her designee, or a duly authorized representative.

SECTION 805.4.4. – PANIC HARDWARE. Section 805.4.4 of the International Existing Building Code, is amended to read as follows: 805.4.4 Panic hardware. In any work area, and in the egress path from any work area to the exit discharge, in buildings or portions thereof of Group A assembly occupancies with an occupant load greater than 49, all required exit doors equipped with latching devices shall be equipped with approved panic hardware.

SECTION 805.9. – STAIRS AND HANDRAILS. Section 805.9 of the International Existing Building Code, is amended to read as follows: 805.9 Stairs and Handrails. Stairs shall comply with all of the following requirements:

1. Newly constructed stairs shall comply with the provisions of the International Building Code.
2. Existing winding or spiral stairways in any work area may serve as part of the means of egress from a building, including single exit buildings complying with 805.3.1.1, for a maximum occupant load of 10, provided that a complying handrail is located at the stair's outside perimeter. A winding or spiral stairway may not be the principal means of egress when used in conjunction with a fire escape as second means of egress. Means of egress width shall comply with the building code. Circular stairways complying with the building code shall be acceptable as a means of egress.
3. An alteration or the replacement of an existing stairway shall not be required to comply with the requirements of a new stairway as outlined in the building code where the existing space and construction will not allow a reduction in pitch or slope.
4. The largest tread run within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm), nor be less than 10 inches (254 mm) in width. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm), nor be less than 4 inches (102 mm) in height. The maximum riser height shall not exceed 7 ½ inches (191 mm) in height.

Exceptions:

1. In Group R-3 occupancies, stairs may have a minimum tread run of 9 inches (229 mm) and a maximum riser of 8 inches (203 mm) in height.

2. Existing stairs serving an occupant load of 10 or less may have a minimum tread run of 9 inches (229 mm) in width and a maximum riser of 8 inches (203 mm) in height.

3. Existing stairs serving an occupant load of 10 or less may have a minimum width of 30 inches (763 mm). Stairs serving an occupant load of 11 or more, but not more than 50, may be 36 inches (915 mm) in width. Stairs serving an occupant load of over 50 shall comply with the building code. The requirements of Sections 805.9.1 and 805.9.2 shall apply to handrails from the work area floor to, and including, the level of exit discharge.

SECTION 807.3.1. – ENCLOSED AREAS. Section 807.3.1 of the International Existing Building Code, is amended to read as follows: 807.3.1 Enclosed areas. Enclosed areas, other than closets, kitchens, basements, garages, hallways, laundry areas, utility areas, storage areas and bathrooms shall have not fewer than two duplex receptacles outlets and one ceiling or wall-type lighting outlet.

SECTION 807.3.7. – CLEARANCE FOR EQUIPMENT. Section 807.3.7 of the International Existing Building Code, is amended to read as follows: 807.3.7 Clearance for equipment. Clearance of electrical service equipment shall be provided in accordance with the currently adopted National Electrical Code.

SECTION 809.1. – MINIMUM FIXTURES. Section 809.1 of the International Existing Building Code, is amended to read as follows: TOC 103 809.1 Minimum fixtures. Where the occupant load of the story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities specified in the International Building Code based on the increased occupant load.

Section 810 deleted. Section 810 of the International Existing Building Code, is deleted.

SECTION 903.2.1. – SEPARATION REQUIRED. Section 903.2.1 of the International Existing Building Code, is amended to read as follows: 903.2.1 Separation required. Where the work area is in any attached dwelling unit in Group R3 or any multiple single-family dwelling (townhouse), walls separating the dwelling units that are not continuous from the foundation to the underside of the roof sheathing shall be constructed to provide a continuous fire separation using construction materials consistent with the existing wall or complying with the requirements for new structures. Work shall be performed on the side of the dwelling unit wall that is part of the work area.

Exception: Where alterations or repairs do not result in the removal of wall or ceiling finishes exposing the structure, walls are not required to be continuous through concealed floor spaces. Where the work area is adjacent to a different occupancy group, then separation of the occupancy groups by means of an approved fire barrier shall be in accordance with the International Building Code.

Exceptions:

1. The required separation between a Group R-3 and an accessory garage for the storage of private or pleasure-type motor vehicles where no repair work is done or fuel dispensed may be built in conformance with Sections 406.3.2.1 and 406.3.2.2 of the International Building Code.

2. The required separation between a Group R-3 and a Group B, M or S-2 parking garage of 5,000 square feet (464 m<sup>2</sup>) or less shall be protected with a fire barrier of not less than one-hour fire-resistant construction.

Section 907.1 deleted. Section 907.1 of the International Existing Building Code, is deleted.

SECTION 1007.1. – SPECIAL OCCUPANCIES. Section 1007.1 of the International Existing Building Code, is amended to read as follows: 1007.1 Special occupancies. Where the occupancy of an existing building or part of an existing building is changed to one of the following occupancies as described in Chapter 4 of this code, the electrical wiring and equipment of the building or portion thereof that contains the proposed occupancy shall comply with the applicable requirements of Chapter 4 of this code, whether or not a change of occupancy group is involved:

1. Hazardous locations.

2. Commercial garages, repair and storage.

3. Aircraft hangers.

4. Gasoline dispensing and service stations.

5. Bulk storage plants.

6. Spray application, dipping, and coating processes.

7. Health care facilities.

8. Places of assembly.

9. Theaters, audience's areas of motion picture and television studios, and similar locations.

10. Motion picture and television studios and similar locations.

11. Motion picture projectors.

12. Agricultural buildings.

SECTION 1007.2. – UNSAFE CONDITIONS. Section 1007.2 of the International Existing Building Code, is amended to read as follows: 1007.2 Unsafe Conditions. Where the occupancy of an existing building or part of an existing building is changed, all unsafe conditions shall be corrected without requiring that all parts of the electrical system comply with Chapter 4 of this code.

SECTION 1007.3. – SERVICE UPGRADE. Section 1007.3 of the International Existing Building Code, is amended to read as follows: 1007.3 Service upgrade. Where the occupancy of an existing building or part of an existing building is changed, electrical service shall be upgraded to meet the requirements of Chapter 4 of this code for the new occupancy.

SECTION 1007.4. – NUMBER OF ELECTRICAL OUTLETS. Section 1007.4 of the International Existing Building Code, is amended to read as follows: 1007.4 Number of electrical outlets. Where the occupancy of an existing building or part of an existing building is changed, the number of electrical outlets shall comply with Chapter 4 of this code for the new occupancy.

SECTION 1009.1. – INCREASE DEMAND. Section 1009.1 of the International Existing Building Code, is amended to read as follows: 1009.1 Increase demand. Where the occupancy of an existing building or part of an existing building is changed such that the new occupancy is subject to increase or different plumbing fixture requirements or to increased water supply requirements in accordance with Chapter 4 of this code, the new occupancy shall comply with the intent of the respective Chapter 4 of this code and any applicable provisions.

SECTION 1009.2. – FOOD HANDLING OCCUPANCIES. Section 1009.2 of the International Existing Building Code, is amended to read as follows: 1009.2 Food-handling occupancies. If the new occupancy is a food-handling establishment, all existing sanitary waste lines above the food or drink preparation or storage areas shall be panned or otherwise protected to prevent leaking pipes or condensation on pipes from contaminating food or drink. New drainage lines shall not be installed above such areas and shall be protected in accordance with the requirements of Chapter 4 of this code.

SECTION 1009.3. INSPECTOR REQUIRED. This Section applies to any improvements within the city limits of the City of Haysville. The International Existing Building Code, is amended to read as follows: 1009.3 Interceptor required. If the new occupancy will produce grease or oil-laden wastes, interceptors shall be provided as required in Chapter 15, Article 9 of this code.

SECTION 1009.5. – GROUP I-2 Section 1009.5 of the International Existing Building Code, is amended to read as follows: 1009.5 Group I-2. If the occupancy group is changed to Group I-2, the plumbing system shall comply with the applicable requirements of Chapter 4 of this code.

SECTION 1101.2. – EXTENSION OF NONCONFORMITY. Section 1101.2 of the International Existing Building Code, is amended to read as follows: 1101.2 Creation or extension of nonconformity. An addition shall not create or extend any nonconformity in the existing building to which the addition is being made with regard to accessibility, structural strength, fire safety, means of egress, or the capacity of mechanical, plumbing, or electrical systems.

Exception: Area separation walls constructed prior to the adoption of the 2000 Edition of the International Building Code (April 2, 2002) may be increased in length by not more than 25 percent of the length of the existing wall, not to exceed thirty feet. The method of construction and fire rating of the additional wall length shall be in general conformance to that of the existing wall. The materials used in the area separation wall construction shall comply with the building construction type, but may be any approved assembly that provides the same level of protection.



SECTION 1102.2. – AREA LIMITATIONS. Section 1102.2 of the International Existing Building Code, is amended to read as follows: 1102.2 Area limitations. An addition shall not increase the area of an existing building beyond that permitted under the applicable provisions of Chapter 6 of the International Building Code for new buildings unless fire separation as required by the International Building Code is provided.

Exceptions:

1. In-filling floor openings and non-occupiable appendages such as elevator and exit stairway shall be permitted beyond that permitted by the International Building Code.

2. Allowable area expansion rights up to and including an additional 10 percent area increase which would have been allowed under the code when the building was constructed, will be permissible without approval from the code official, subject to the fire area limitations of Section 1102.3 of this code.

SECTION 1102.3. – FIRE PROTECTION SYSTEMS. Section 1102.3 of the International Existing Building Code, is amended to read as follows: 1102.3 Fire protection systems shall meet the requirements of the Code of the City of Haysville, and Fire District #1 of Sedgwick County.

SECTION 1103.3. – FLOOD HAZARD AREAS. Section 1103.3 of the International Existing Building Code, is amended to read as follows: [BS] 1103.3 Flood hazard areas. Additions and foundations in flood hazard areas shall comply with flood management within the Zoning Department of the City of Haysville

Section 1107.1 deleted. Section 1107.1 of the International Existing Building Code, is deleted.

SECTION 1201.4. – FLOOD HAZARD AREAS. Section 1201.4 of the International Existing Building Code, is amended to read as follows: [BS] 1201.4 Flood hazard areas. In flood hazard areas, if all proposed work, including repairs, work required because of a change of occupancy, and alterations, constitutes substantial improvement, then the existing building shall comply with the requirements of the Code of the City of Haysville and the flood management within the Zoning Department of the City of Haysville.

SECTION 1301.3.2. – COMPLIANCE WITH OTHER CODES. Section 1301.3.2 of the International Existing Building Code, is amended to read as follows: 1301.3.2 Compliance with other codes. Buildings that are evaluated in accordance with this section shall comply with the currently adopted version of the International Fire Code and/or Fire District #!.

SECTION 1301.3.3. – COMPLIANCE WITH FLOOD HAZARD PROVISIONS. Section 1301.3.3 of the International Existing Building Code, is amended to read as follows: [BS] 1301.3.3 Compliance with flood hazard provisions. In flood hazard areas, buildings that are evaluated in accordance with this section shall comply with flood management within the Zoning Department of the City of Haysville, if the work covered by this section constitutes substantial improvement.

SECTION 1401.2. – CONFORMANCE. Section 1401.2 of the International Existing Building Code, is amended to read as follows: 1401.2 Conformance. The building shall be safe for human occupancy as determined by the International Fire Code and the International Building Code. Any repair, alteration or change of occupancy undertaken within the moved structure shall comply with the requirements of this

code applicable to the work being performed. Any field-fabricated elements shall comply with the requirements of the International Building Code or the International Residential Code, as applicable.

SECTION 1402.6. – FLOOD HAZARD AREAS. Section 1402.6 of the International Existing Building Code, is amended to read as follows: [BS] 1402.6 Flood hazard areas. If relocated or moved into a flood hazard area, structures shall comply with this code and flood plain management within the Zoning Department of the City of Haysville.

SECTION 1501.6.1. – WALKWAYS. Section 1501.6.1 of the International Existing Building Code, is amended to read as follows: TOC 109 [BS] 1501.6.1 Walkways. A walkway shall be provided for pedestrian travel in front of every construction and demolition site unless the applicable governing authority authorizes the sidewalk to be fenced or closed. A walkway shall be provided for pedestrian travel that leads from a building entrance or exit of an occupied structure to a public way. Walkways shall be of sufficient width to accommodate the pedestrian traffic, but shall be not less than 4 feet (1,219 mm) in width. Walkways shall be provided with a durable walking surface and shall be accessible in accordance with the current guidelines of the Americans with Disabilities Act (“ADA”). Walkways shall be designed to support all imposed loads and the design live load shall be not less than 150 pounds per square foot (psf) (7.2 kN/m<sup>2</sup>). Exception: The walkway is not required when there is no existing sidewalk nor one planned for that location.

SECTION 1501.7. – FACILITIES REQUIRED.

Section 1501.7 of the International Existing Building Code, is amended to read as follows: 1501.7 Facilities required. Sanitary facilities shall be provided during construction or demolition activities in accordance with Chapter 4 of this code.

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## CHAPTER 5. BUSINESS REGULATIONS

### Article 1. Registration; Businesses, Occupations, Professions

#### 5-101. Business registration and permit to operate required.

Every person, firm, entity, association or corporation now or hereafter doing business in the corporate limits of the City of Haysville and/or maintaining an office, retail, wholesale outlet, fixed site where a specific service is located, or business address or location, shall annually register such business in conformance with this Chapter and Chapter 17, including Section 17-312, and shall maintain a valid permit to operate issued by the City of Haysville. An annual registration shall be in force and effect only during the calendar year for which it was purchased, regardless of the date of such purchase.

(a) It is unlawful for any person, whether as principal, officer, agent, servant, licensee, permit holder, or employee:

- (1) To conduct, pursue, carry on or operate within the corporate limits of the city any calling, trade, profession, business or occupation without having first determined that such business is appropriately registered with the City and has a current valid permit to operate issued by the City pursuant to this Code;
- (2) To fail to comply with all of the regulations provided in this title.

(b) A Business Registration and Permit to Operate (Permit) is a document issued annually by the City upon initial approval of an application issued pursuant to this Article, and continued annual compliance with this Article.

#### 5-102. Fees associated with business registration.

Every person, firm, entity, profession, association or corporation now or hereafter doing business in the corporate limits of the City of Haysville and/or maintaining an office, retail, wholesale outlet, or business address or location, shall pay to the city, a yearly registration fee as set out in the approved schedule of fees. Each business registration and permit to operate shall expire December 31st of each year regardless of when the license was issued. All fees required by this article shall be credited to the general fund of the city and shall be used to defray the expense of administering this article.

#### 5-103. Information provided.

The application for registration of business and permit to operate shall include furnishing to the City Clerk the following information on an approved form provided by the City Clerk:

- (a) Nature of the business;
- (b) Location of the business;
- (c) Business phone number;
- (d) The owner's and/or manager's home address and phone number;
- (e) Approximate square footage of floor space in the business;

(f) A listing of any and all types of combustible substances which are used or kept on the premises which might create a special fire fighting problem.

(g) A listing of any and all direct or collateral public health, safety, or welfare concerns which might create a special law enforcement problem, including an unusual increase in the amount of lighting, noise, odor, vehicle traffic, or pedestrian traffic within an area.

(h) The total number of all non-family employees, and the total number of all employees.

~~(i) A certification by restaurant owners/managers that all employees have current food handlers' certifications issued by the Wichita/Sedgwick County Health Department.~~

(i) For a Short-Term Residential Rental, as such term is defined in the Zoning Regulations, the following additional information:

(1) The maximum occupancy of the rental unit, the number of bedrooms and bathrooms, the number of off-street and on-street parking spaces.

(2) A drawing or sketch, drawn to scale of the property that shows: The property lines, all buildings and structures on the property, the location of the driveway and tenant parking areas, a floor plan that shows rooms, bathrooms, and bedrooms (with maximum occupancy limits), and the location of the smoke detectors and carbon monoxide detectors; and

(3) Proof of ownership of the property.

(Code 2024)

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#### **5-104. Inspection.**

(a) Submission of an application for registration and permit to operate will constitute permission, from applicant or their representatives, for inspection of the premises and/or business site by the director of public works or his or her designee for the express purpose of determining that the applicant has complied with the current incorporated Building Code, National Electrical Code, and all other relevant regulations of the city.

(b) Upon receiving a written application for registration and permit to operate, the City Clerk shall request the Chief of Police to investigate the background of any person, partnership, corporation, or employee of any such business. The Chief of Police shall also determine whether any such business or service will have a significant effect upon the City's ability to provide law enforcement services. Any business which the Chief of Police determines will overwhelm the City's law enforcement department, either through the actual operations of such business or collateral effects directly associated with such business, will be denied a permit to operate until such business enters into an agreement with the City to underwrite all reasonable law enforcement costs brought about by the operation of such business. Such agreement will be subject to review and approval of the governing body.

(c) Upon receiving a written application for registration and permit to operate, the City Clerk shall request the Zoning Administrator review the premises to determine that the applicant has complied with the Zoning Code, Subdivision Code, Sign Code, Historic Preservation Code, including observance of requirements set forth in conditional use permits issued by the City.

(d) The clerk may request to inspect copies of all employees' food handlers' cards at the time of a restaurant owner/manager's application.

**5-105. Registration certificate.**

The city clerk's office shall issue a non-transferable registration and permit to operate certificate to each business upon confirmation from 1) the Director of Public Works or his or her designee that the applicant is in compliance with existing codes and regulations, 2) the Zoning Administrator or his or her designee that the applicant is in compliance with existing codes and regulations, and 3) the Chief of Police or his or her designee that the applicant is in compliance with existing codes and regulations, has no legal background issues that prohibit operation of such business, and such business will not create an extraordinary impact upon law enforcement services. The holder thereof shall display the same in a conspicuous place in the place of business for which the certificate is issued. Certificates issued for business sites that do not maintain a business office within the City, shall maintain such certificate with regular business records for presentation to City inspectors as required. No business shall commence business operations prior to issuance of a permit.

**5-106. Term of registration.**

Any permit secured under this Article shall not be transferable. Upon a change of locations within the city, a business shall re-register without payment of the required fee.

**5-107. Door-to-door sales.**

No person, firm, association, company, corporation or other entity shall engage in making or attempting to make door to door sales in the city without first receiving a permit from the city clerk for "Door to Door" Sales pursuant to Article 13 of this Chapter. If the applicant is also subject to the general business registration requirement set forth in this Article, the fee associated with obtaining the door-to-door sales permit shall be waived. If a business is required to obtain both permits, both permits must be obtained prior to any door-to-door sales occurring within the City. Processing fees as set out in Chapter 17 shall be due and payable at the time the application is submitted to the city clerk.

**5-108. Appeals--license application denials.**

Any applicant for a Registration and Permit to Operate Certificate who has been administratively denied the issuance of such permit under the application procedures provided in this Code shall have a right of appeal from the denial to the Governing Body by filing a written request therefore with the city clerk. The notice of appeal must be filed with the city clerk within ten days of the denial of such application for certificate or such denial becomes final.

**5-109. Revocation.**

Any registration and permit to operate certificate issued under the terms and provisions of this title shall be revoked by the City, upon five days' written notice to the person holding any such permit, for any of the following reasons:

- (a) If a permit has fraudulently obtained by giving false information in the application therefor;

(b) If the permittee has violated any of the provisions of this title or any rule or regulation made by the governing body of the city regulating the conduct of the particular calling, trade, profession, business or occupation covered by such permit;

(c) If a permittee has become ineligible to obtain a permit under this Article;

(d) If a permittee has violated the terms of an agreement entered into with the City in order to obtain a permit;

(e) For the nonpayment of any permit fees payable under this Article;

(f) For permitting any gambling or any violation either of the intoxicating liquor laws of the state or of this Code;

(g) For the conviction of the permittee in any court for the violation of any laws of this state or ordinances of the city regulating such calling, trade, profession, business or occupation;

(h) For conviction of the permittee in any court of any offense against the laws of the state or ordinances of the city involving moral turpitude; provided, expressly, that where any calling, trade, profession, business or occupation permitted under this title is governed by a specific section of this Code containing an express provision for the revocation of such permit, the terms of such specific section of this Code relating to revocation of the permit shall supersede and take precedence over the revocation provisions contained in this Article; provided further, that whenever the term "conviction" is used in any section of this title it shall include being placed on diversion; provided further, that in case a permit is revoked on any of the grounds set out above, no new permit to carry on such calling, trade, profession, business or occupation shall be issued under the provisions of this title to the permittee, for six months from the date that the revocation takes effect.

#### **5-110. Emergency suspension, appeal, revocation of permit.**

(a) **SUSPENSION.** When, the Chief of Police can specifically articulate how the operation of any place of business has become an extraordinary detriment to the public safety, peace, health or welfare, the Chief of Police may summarily suspend any City permit to operate of the business for a temporary period.

(b) **APPEAL.** Any person may appeal to the City Council the decision of the Chief of Police to temporarily suspend a registration and permit to operate certificate. The appeal must be in writing to the City Council and must be presented within ten days from the date of the suspension.

(c) **REVOCAION.** It is vested in the City Council the right to permanently revoke any city issued permit of the business when after having a hearing requested by the Chief of Police, it is deemed detrimental to the public safety, peace, health or welfare; and the action of the city council shall be final.

#### **5-111. Inspections.**

All registration and permit to operate certificates issued pursuant to this Article shall be open and subject to inspection at all reasonable times by the proper officers of the city, under its police powers, in order for such officers to ascertain that persons conducting such trades, professions, businesses and occupations are complying with all of the police and health regulations of the city.

#### **5-112. Penalty for nonpayment of fees.**

All permits not renewed within thirty days after the date of expiration shall pay a penalty, as set forth within 17-312 of this Code.

#### **5-113. Penalty for violation of this article.**

Any person who shall conduct, pursue or carry on or operate within the corporate limits of the city any calling, trade, profession or occupation for which a registration and permit to operate is required by this title or shall assist directly or indirectly in so doing in any manner or to any extent, either as owner or proprietor or as an officer of any corporation, or as manager, superintendent, agent, servant or employee of any person after such permit was required to have been obtained to conduct, pursue, carry on or operate such calling, trade, profession or occupation shall be deemed to do so unlawfully. Any person in violation of this Article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than fifty dollars nor more than one hundred dollars. Each day's violation shall be a separate offense.

In addition the judge of the municipal court may direct the Chief of Police to post in a conspicuous place upon the property notice that the business is operating without a business permit and is ordered temporarily closed. The business shall be allowed to reopen upon complying with the terms of the judge's orders and obtaining a valid permit.

In addition to the penalty described in this section seek any civil remedy necessary to enforce the provisions of this Article, including permanent closure of the business, and may seek to recover in civil action in any court of competent jurisdiction the amount of the fees associated with the business registration and permit to operate imposed by this Article, and no property of such debtor shall be exempt from forced sale under any process of the law for such indebtedness except such exemptions as are allowed by the Constitution of this State.

## **Article 2. Manufactured Homes, Park, and Licensing**

#### **5-201. License required.**

All persons operating existing parks shall submit an application and obtain a park license, upon the expiration of their existing license, with such new license being issued only after approval by the inspector, approval of zoning and only after payment of the required fee. All persons developing new parks shall submit an application and obtain a park license before occupancy of such park, with such license being issued only after meeting zoning approval, approval of required application by the inspector and only after payment of the required fee. The park license for both existing and new parks shall be renewed annually, with the license expiring December 31st of each year regardless of when the license was issued only after approval by Zoning and the inspector and after the payment of any required fees. No person shall operate a park without a current park license.

(Ord. 632; Code 2003; Code 2010)

#### **5-201A. Installation.**

It shall be unlawful for any person, firm, corporation, or other entity to engage in the business of contracting to perform, provide, broker or sub-contract for manufactured/mobile home installation, or to perform any work as a manufactured/mobile home installation contractor, without first having secured a manufactured home installation contractor's license. A violation of this section is a class I offense.

Manufactured/mobile homes installed in a Zone “C” must be a licensed Mobile Home Installer, licensed in accordance with this chapter or other city code contractor requirements.

A current, valid Class A, B or State of Kansas Manufactured Housing Program Licensed Installer is required to obtain a Manufactured/Mobile Home permit for the installation of a manufactured/mobile home within a mobile home park.

In areas other than a Zone “C”, a homeowner that owns and occupies the manufactured/mobile home and the property on which the home is placed on, may qualify to obtain the required building permit listing the current trade contractors for the installation of said manufactured/mobile home.

#### **5-202. License and permit fees.**

(a) License and permit fees for manufactured home parks shall be as set out in Chapter 17.

(b) An individual manufactured home or mobile home shall pay inspection fees as established by Chapter 17, prior to the installation of the home in a park and shall be paid to the city from persons requesting inspections, prior to the city conducting such inspections.

(c) Temporary permits may be issued for a manufactured home, or mobile home, to be occupied other than within a park or camp, for a period not to exceed thirty (30) days, upon payment of any temporary permit fee established by Chapter 17. Occupancy shall be considered the use of any manufactured or mobile home by any person for living, sleeping, cooking, or eating purposes for any period of four (4) or more consecutive days. There shall not be more than two (2) such permits issued for the placement of a manufactured home or mobile home on the same property in any twelve (12) month period EXCEPT a church may be issued up to six (6) permits for no more than a 20 day period in any twelve (12) month period not to be consecutive. Prior to occupying a manufactured home, or mobile home, located other than within a park, a permit shall be obtained, with such permit being issued only after approval of the required application by the inspector and after payment of the required fee as set out in the approved schedule of fees.

(Ord. 632; Ord. 914; Code 2003; Code 2008; Code 2010)

#### **5-203. Park location.**

All parks shall be located on a well-drained site properly graded to insure adequate drainage and freedom from stagnant pools of water. Plans and specifications for the drainage and grading system, including roadways, storm sewers and appurtenances, and general drainage and grading shall be prepared by a licensed professional engineer.

(Ord. 635; Code 2003)

#### **5-204. Manufactured homes, mobile homes location.**

Unless provided otherwise by this article it shall be unlawful for any person to occupy a manufactured home/mobile home in the city unless such manufactured home/mobile home is located in a park.

(a) A manufactured home/mobile home may be occupied at a construction site by a watchman when approved by the inspector when deemed necessary for security purposes. Such permission may be canceled by the inspector upon three (3) days written notice, when in his or her opinion the intent of this section is being violated;



(b) A manufactured home/mobile home may be occupied other than within a park for a period not to exceed thirty (30) days when a permit is secured in accordance with sections (license/permit fees C.) of this article. A temporary permit fee shall be charged in accordance with Chapter 17 of this code.

(c) A manufactured home/mobile home shall not be permanently attached to the ground or placed on a concrete or masonry foundation unless it is otherwise converted to a building complying in all respects to the provisions of the code of the city for a permanent structure.

#### **5-205. General requirements and inspections.**

Every manufactured home/mobile home regulated by this article shall conform with the Department of Housing and Urban Development Model Manufactured Home Installation Standards and any additions or updates (effective October 20, 2008).

(a) Alterations and Additions. No additions of any kind shall be built onto or become part of any manufactured home/mobile home, except for required skirting.

(b) Identification of Roadways and Spaces. All park roadways or private streets, and manufactured home/mobile home spaces shall be clearly identified with letters or numerals of a light reflecting material. Such letters or numerals are to be a minimum of two (2) inches in height. Identification of manufactured home/mobile home spaces shall be in addition to and not in place of any identification found on the manufactured home/mobile home.

(c) Patios and Storage Lockers. Each occupied manufactured home/mobile home space located in a park shall be provided with a paved patio of at least two-hundred (200) square feet. A storage locker of at least two-hundred fifty (250) cubic feet shall be provided for each manufactured home/mobile home lot. Storage lockers may be grouped in locker compounds at a distance not to exceed one-hundred (100) feet from manufactured homes/mobile homes they serve. The lockers shall be designed in a manner that will enhance the park and shall be constructed of suitable weather resistant materials.

(d) Lighting. Adequate lighting shall be provided for public safety. A lighting plan shall be submitted in accordance with the Developer's Letter of Intent.

(e) Skirting. All manufactured homes/mobile homes located in a park is required to have skirting, of a material designed to be used as manufactured home/mobile home skirting that does not have a flame spread rating in excess of twenty-five. Vinyl skirting shall be a minimum of 30 gauge thickness. Skirting shall not permanently attach the manufactured home/mobile home to the ground, nor shall it provide a harborage for rodents or create a fire hazard. Violations shall be subject to the nuisance procedure found in Chapter 7 – Health and Welfare.

(f) Water Supply. A water supply system for each lot in the proposed park or subdivision shall be required in conformity with the requirements of the City Engineer. In addition thereto and where feasible, such water supply system shall be connected to the size of the city water main at such point and expected demand of the proposed park or subdivision.

(g) Sewage Disposal. A sanitary sewer system for each lot meeting all specifications of the City Engineer. Such sanitary sewer system shall be connected to the sanitary sewer system of the city at such point or points as the City Engineer shall determine, based upon the location and size of the sanitary system of the proposed park or subdivision. Sewer connections shall be provided for each manufactured home/mobile home in accordance with all regulations and ordinances of the city and with the approval of the city engineer and the inspector.

(h) Electricity. A weatherproof outlet supplying at least 110 volts, 30-amp service shall be provided for each manufactured home/mobile home space. All electrical wiring shall comply with applicable provisions of the electrical code of the city. No power line shall be permitted to lie on the ground or to be suspended less than fifteen (15) feet above the ground or any roadway, parking or service area.

(i) Fuel Gas. Liquefied petroleum gas service, connections and usage shall be as provided by the fire code adopted by this city. Natural gas service, connections and usage in parks and camps shall be as provided by the plumbing and gasfitting and fire prevention codes as adopted by this code.

(j) Inspection. The manufactured/mobile home shall not be occupied prior to obtaining temporary/final inspection approval by the Public Works Director or designee of the following:

- 1) Footings and setbacks, if required, before concrete is placed.
- 2) Stem wall, if required, before concrete is placed.
- 3) Blocking, pursuant to K.S.A. 75-1231.
- 4) Tie down, pursuant to K.S.A. 75-1227 through 75-1230 inclusive.
- 5) Electrical service connection.
- 6) Fuel gas connection (if applicable).
- 7) Handrails and outside stairs, at each exit.
- 8) Electric or gas meters shall not be release to the utility company until the home is blocked and tied down pursuant to K.S.A. 75-1227 through 75-1230.
- 9) When the inspections set forth have been approved, a temporary occupancy will be allowed. The manufactured/mobile home shall not be skirted before the temporary final inspection. It shall be a violation of this article to occupy a manufactured/mobile home until a temporary occupancy certificate has been issued. Occupying a manufactured home without a temporary occupancy certificate shall be a violation of city code.

It shall be unlawful for any person, firm, corporation, or other entity to engage in the business of contracting to perform, provide, broker or sub-contract for manufactured/mobile home installation, or to perform any work as a manufactured/mobile home installation contractor, without first having secured a manufactured home installation contractor's license. A violation of this section is a class I offense. Manufactured/mobile homes installed in a Zone "C" must be a licensed Mobile Home Installer, licensed in accordance with this chapter or other city code contractor requirements. A current, valid Class A, B or State of Kansas Manufactured Housing Program Licensed Installer is required to obtain a Manufactured/Mobile Home permit for the installation of a manufactured/mobile home within a mobile home park. In areas other than a Zone "C", a homeowner that owns and occupies the manufactured/mobile home and the property on which the home is placed on, may qualify to obtain the required building permit listing the current trade contractors for the installation of said manufactured/mobile home.

It shall be unlawful for any person to engage in the business, trade or otherwise perform the act of installing electric wiring or the installation of electrical equipment, devices or apparatus for light, heat, or power purposes in or on any mobile or manufactured home, or accessory structures serving, without first having secured an manufactured home installer's contractor's

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license from the State of Kansas pursuant to the Manufactured Housing Act, K.S.A. 28-4202, et seq. And amendments thereto, as well as an electrical contractor's license from the City of Haysville. With fees in accordance to Chapter 17 of this city code. Exception. Any person possessing a valid electrical contractor's license as provided for under other provisions of this code shall be permitted to perform any act set forth as allowed.

(Code 2024)

#### **5-206. Compliance with other regulations required.**

No license shall be granted unless the licensee fully complies with all health regulations, building codes, zoning ordinances, fire prevention, and safety regulations adopted by the city.

#### **5-207. Penalty.**

Any person who shall violate any provisions of this article shall be deemed guilty of a violation of this code and upon conviction be subject to the penalties set out in Chapter 1. Each day the violation is committed or continued shall constitute a separate offense.

(Ord. 374, Sec. 18; Code 2003; Code 2010; Code 2012)

### **Article 3. Recreational Vehicles, Camps**

#### **5-301. Definitions.**

(a) Recreational Vehicle: Shall mean a unit designed as temporary living quarters for recreational, camping or travel use that has a body width not exceeding eight (8) feet and a body length not exceeding forty (40) feet. Units may have their own power, or be designed to be drawn or mounted on an automotive vehicle. Recreational vehicle shall include motor homes, travel trailers, truck campers, camping trailers, converted busses, house boats or other similar units as determined by the inspector. A recreational vehicle may or may not include individual toilet and bath.

(b) Recreational Vehicle Campground (Camp): Shall mean the use of a parcel or tract of land, which provides space for transient occupancy, and which is used or intended to be used for the parking of two (2) or more recreational vehicles, tents, or similar type temporary living facilities. The term recreational vehicle campground does not include a parcel or tract of land on which unoccupied recreational vehicles, whether new or used, are parked for the purpose of storage, inspection or sale.

(c) Service Building: Shall mean a building housing all of the following: Separate toilet facilities for men and women, laundry facilities and separate bath and/or shower accommodations. Such building may also include other associated uses such as an office and recreational facilities for the camp or park.

(Ord. 632.; Code 2003, Code 2010)

#### **5-302. Location; recreational vehicles.**

Unless provided otherwise by this article it shall be unlawful for any person to occupy a recreational vehicle unless such recreational vehicle is located in a camp.

#### **5-303. License and permit fees.**

License and permit fees for recreational vehicle camps shall be as set out in Chapter 17.

(a) Temporary permits may be issued for a recreational vehicle, to be occupied other than within a manufactured home park or recreational vehicle camp, for a period not to exceed fourteen (14) days, upon payment of any temporary permit fee established by Chapter 17. Occupancy shall be considered the use of any manufactured or mobile home by any person for living, sleeping, cooking, or eating purposes for any period of four (4) or more consecutive days. There shall not be more than four (4) such permits issued for the placement of a recreational vehicle on the same property in any twelve (12) month period not to be consecutive EXCEPT a church may be issued up to six (6) permits for no more than a 20 day period in any twelve (12) month period not to be consecutive. Prior to occupying a recreational vehicle, located other than within a park or camp, a permit shall be obtained, with such permit being issued only after approval of the required application and after payment of the required fee as set out in the approved schedule of fees.

(b) A recreational vehicle may occupy a manufactured home space in a park for a period not to exceed thirty (30) days: PROVIDED that a service building as required for a camp is within five-hundred (500) feet of the space so occupied. Under no circumstances shall the number of manufactured home spaces within a park be occupied by recreational vehicles in excess of five percent (5%) of the total number of manufactured home spaces provided, or a total of three (3), whichever is larger.

(Code 2020; Code 2022)

#### **5-304. Camp license.**

No person shall operate a camp without having first obtained a license therefore and only after said camp has been approved by the inspector and zoning administrator and any required fees have been paid to the city. All camp licenses shall expire on December 31st of each year regardless of the date of its issuance. All persons developing new camps shall obtain a camp license before occupancy of such camp and no such license shall be issued until the applicant for said license has complied with all provisions of this article.

#### **5-305. Camp location.**

All camps shall be located on a well-drained site properly graded to insure adequate drainage and freedom from stagnant pools of water. Plans and specifications for the drainage and grading system, including roadways, storm sewers and appurtenances, and general drainage and grading shall be prepared by a licensed professional engineer.

(Code 2010)

#### **5-306. Alterations and additions.**

Provisions relating to alterations or additions to recreational vehicle camps and facilities shall be as follows:

(a) Alterations and additions to recreational vehicles or camps that are affected by provisions herein, within or to a camp and facilities, shall be made only after application to the inspector and in conformity with this code.

(b) A recreational vehicle shall not be permanently attached to the ground or placed on a concrete or masonry foundation unless it is otherwise converted to a building complying in all respects to the provisions of the Code of the city for a permanent structure.

**5-307. Compliance with other regulations required.**

No license shall be granted unless the licensee fully complies with all health regulations, building codes, zoning ordinances, fire prevention, and safety regulations adopted by the city.

**5-308. Penalty.**

Any person who shall violate any provisions of this article shall be deemed guilty of a violation of this code and upon conviction be subject to the penalties set out in section 1-121. Each day the violation is committed or continued shall constitute a separate offense.

(Ord. 374, Sec. 18; Code 2003; Code 2010; Code 2012)

## Article 4. Mobile Food Vendors

**5-401. Definitions.**

The words and phrases listed below when used in this Article shall have the following meanings:

- (a) City means the City of Haysville, Kansas.
- (b) City Approved Event means any event sponsored by the City or any community event sanctioned by a permit issued by the City pursuant City Code.
- (c) Food and/or Beverage means articles used for food or drink for humans or animals, chewing gum, and/or articles used for components of any such article, in accordance with the definition of food within K.S.A. 65-656 and amendments thereto.
- (d) Mobile Food Vending means to conduct, hold, carry on, pursue or operate a business of vending, peddling, hawking and/or selling any food and/or beverage from a Mobile Food Unit.
- (e) Mobile Food Vendor means any person, corporation, association, or other entity, however organized, that offers any food or beverage for sale from a Mobile Food Unit, subject to the exceptions set forth in Section 5-403.
- (f) Mobile Food Unit or Unit means any self-contained vehicle, trailer, cart, wagon, or other type of conveyance from which any food and/or beverage is offered for sale.
- (g) Person means an individual, corporation, partnership, company, agency, institution, or any other entity.
- (h) Public property means any property publicly owned, including but not limited to streets, sidewalks, alleys, parks, parking lots, easements, improved or unimproved land, or any buildings or physical structures owned or managed by the City of Haysville or other governmental agency.

(i) Public right-of-way means the entire width of the area from property line to property line including all area intended, designed or used for vehicular or pedestrian traffic and the area between the roadway and the abutting private property line.

(j) Restaurant means an establishment where the principal business is the sale of food and beverages in a ready-to-consume state, but shall not include a Tavern or Drinking Establishment, as those terms are defined in this Code.

(Code 2020)

#### **5-402. Mobile food vending—license required.**

It is unlawful for any person to engage in Mobile Food Vending within the corporate limits of the City of Haysville, Kansas, without obtaining a license in accordance with this Article.

(Code 2020)

#### **5-403. Exceptions.**

(a) The provisions of this Article shall not apply to the following activities:

- (1) Persons providing catering services to a private event and not open for the sale of food and/or beverage to the general public;
- (2) Ice cream trucks licensed and operating pursuant to this Chapter, however an ice cream truck selling food other than ice cream food stuffs must obtain the license set forth in this article and must comply with all provisions herein when selling food other than ice cream food stuffs;
- (3) Temporary Portable Businesses licensed and operating pursuant to city code; or
- (4) Door to door sales or delivery of prepared food not intended for immediate consumption.

(b) The provisions of this Article shall apply to the sale of agricultural, farm, garden or aquacultural products or fruits grown within the State of Kansas by producers or growers and their agents. Persons engaging in such sales that also fall within the definition of a Mobile Food Vendor must obtain the license required by this Article, however, no fee as set forth in Chapter 17 shall be charged for such license.

(Code 2020)

#### **5-404. License application.**

Any person desiring to obtain the license required by this Article shall complete and submit a written license application on a form provided by the City Clerk for each individual Mobile Food Unit. The application shall require the following information:

(a) The full legal name, date of birth, permanent address, business mailing address, email address and telephone number of the applicant and the contact person for the business, if different from the applicant;

(b) The name under which the Mobile Food Unit does business (“dba” name) and, if applicable, the registered name of the legal entity owning the Mobile Food Unit (corporation, limited liability company, partnership, limited partnership association, firm or other name);

(c) The name of the owner and the type, make and vehicle identification number or other identifying number of the vehicle from which the applicant proposes to conduct business;

(d) The applicant's valid Kansas sales tax number;

(e) A brief description of the nature of the business and the food and/or beverage to be offered for sale;

(f) A statement as to whether the applicant has ever had a mobile vending license or other similar license, permit or registration revoked or suspended under the Code of the City of Haysville or any similar laws of any other city or state;

(g) A statement that the applicant understands and agrees that the license issued pursuant to this Article will not be used or represented in any way as an endorsement of the applicant by the City of Haysville or by any department, officer, or elected or appointed official of the City;

(h) Proof of a valid Kansas driver's license for operation of the class of vehicle or vehicles identified in the application to be used in the business for the applicant and any agents or employees of the applicant who will be involved in driving the identified vehicle or vehicles;

(i) Proof that the applicant has procured a policy of general liability insurance covering the mobile vending operation and vehicle or vehicles written by an insurance carrier licensed to do business in Kansas, with minimum limits of \$500,000 combined, single limit for bodily and property damage per occurrence and \$1,000,000 in the general aggregate; and evidence of compliance with these insurance requirements shall be in the form of a certificate of insurance that shall be submitted with the application;

(j) The application shall contain a statement certifying that all of the information provided in the application is true and correct and must be signed personally and acknowledged by an individual applicant, by a partner for a partnership applicant, by an officer legally authorized to sign for a corporate application or by a member of a limited liability company legally authorized to sign company documents;

(k) The application shall also contain a statement that no person whose duties include working upon the premises of the Mobile Food Unit is a registered sex offender, and that applicant has, subject to audit, performed the necessary background check of all such persons to ensure that the statement is correct;

(l) The application shall also contain a statement by the applicant that when the Mobile Food Unit associated with the license application herein is not in use, it will be stored or parked in compliance with all ordinances and regulations of the City of Haysville and that failure by the applicant to legally store the Mobile Food Unit may result in the suspension or revocation of the applicant's license; and

(m) The application shall also contain a statement by the applicant or partner, officer or member that he or she is familiar with the provisions of this Article and is complying and will comply with all requirements set forth within.

(Code 2020)

#### **5-405. Fee.**

An application for a Mobile Food Vending license shall be accompanied by a non-refundable fee for each vehicle from which the applicant intends to conduct business according to the fees set out in Chapter 17 and shall be valid and effective only for the dates as set out therein.

(Code 2020)

**5-406. Standards for issuance of license.**

(a) To receive a license to operate as a Mobile Food Vendor issued by the City Clerk's office, an applicant must meet the following standards:

- (1) The required fees must be paid;
- (2) The application must be complete and provide all information required by Section 5-404;
- (3) The applicant must not have knowingly made a false or misleading statement of a material fact in the application;
- (4) The applicant must be at least eighteen years of age;
- (5) The applicant has certified, subject to audit, that he/she has performed the necessary background check to ensure that no person whose duties include working upon the premises of the mobile food unit is a registered sex offender;
- (6) The applicant has provided a statement that the Mobile Food Unit associated with the license application will be stored or parked in compliance with all ordinances and regulation of the City of Haysville; and
- (7) The applicant must not have had a similar type of license in any jurisdiction previously suspended or revoked for good cause within two (2) years immediately preceding the date of the filing of the application.

(b) If a license is denied for providing false information or making any false statement on an application, the applicant, any partnership, corporation, limited liability company or other business entity of which the applicant is an officer or member thereof shall be ineligible to reapply for a license under this Article for one (1) calendar year from the date of the license denial.

(c) The issuance of a license shall not constitute approval of the business or activity or otherwise prohibit enforcement of this Article or any other applicable ordinances, laws, rules or regulations.

(Code 2020)

**5-407. Operating conditions.**

All Mobile Food Vendors operating within the city limits of the City of Haysville shall comply with the following conditions:

(a) Location. Mobile Food Vendors may vend on property within the City as permitted by the Zoning Code and subject to the following:

- (1) Mobile Food Vendors may not be parked or operate on public or private property where the Unit, signage, a line of customers or any other aspect of the Unit's operation would:
  - (A) hinder the flow of traffic on any street;
  - (B) hinder the flow of bicycles within any bike lane or route;
  - (C) hinder the flow of pedestrians along any sidewalks;



- (D) block or reduce to less than five (5) feet in width any accessible route to persons with disabilities; or
  - (E) block or obstruct access to any driveway or access point to any property. Provided, however, this provision shall not apply when a Mobile Food Unit is operating on a street that is closed in association with city approved event.
- (2) For fire safety purposes, a Mobile Food Unit that is utilizing flammable liquids or gases shall maintain a minimum separation distance of ten (10) feet from any other Unit and a minimum separation distance of twenty (20) feet from any building openings such as doors and windows. The distance from building openings may be reduced to ten (10) feet if written consent is obtained from the building property owner.
  - (3) No Mobile Food Vendor shall vend on public property within 150 feet as measured from the front door of any restaurant which is open for business unless authorized in writing by the owner or manager of any such restaurant. Such written authority to operate within 150 feet of a restaurant or restaurants shall be maintained on the premises of the Mobile Food Unit at all times it is operating pursuant thereto and produced upon request by the Chief of Police or designee or other public officer authorized to enforce the provisions of this Article.
  - (4) No Mobile Food Vendor shall vend on public property within 500 feet of the location for which a community event permit has been issued during the hours of the event as specified in the event permit, unless authorized in writing by the event promoter. Distance shall be measured from the boundary of the event footprint nearest to the location proposed to be used for mobile food vending. Any written authority to operate within 500 feet of a community event shall be maintained on the premises of the Mobile Food Unit at all times it is operating pursuant thereto and produced upon request by the Chief of Police or designee or other public officer authorized to enforce the provisions of this Article.
  - (5) Every Unit shall be stationary while vending.
  - (6) Whenever any vehicle is used for mobile food vending upon a street, alley, sidewalk or other public right-of-way within the City, such vehicle must be legally parked and no mobile food vendor shall sell any food to any person standing in the street. Provided, however, this provision shall not apply when a Mobile Food Unit is operating on a street that is closed in association with a city approved event.
  - (7) No Mobile Food Vendor shall vend on Park property. Provided, however, this provision shall not apply when a Mobile Food Unit is operating on a street that is closed in association with a city approved event.

(b) Written Permission of Property Owner. All Mobile Food Vendors operating on private property or on public property other than public right-of-way shall acquire the written permission of the property owner, manager, tenant or other person in charge of the property allowing the use and location of the Mobile Food Unit on said property. For public property owned by the City of Haysville, written permission shall be obtained from the City Administrator or designee. Any written permission required by this subsection shall be kept on the premises of the Mobile Food Unit and produced upon request by the Chief of Police or designee or other public officer authorized to enforce the provisions of this Article.

(c) Hours of Operation. Mobile Food Vendors are prohibited from operating during the hours of 12:00 a.m. to 5:00 a.m.

(d) Fire Safety. All Mobile Food Units are subject to annual fire safety inspections and shall comply with the following requirements:

- (1) Propane shall be limited to a maximum quantity of one hundred (100) pounds. Propane cylinders must be secured from tipping over and must be protected from impact dangers.
- (2) Mobile Food Units which produce grease laden vapors shall have a Type I hood system for commercial cooking operation with a fire suppression system in the hood. Mobile Food Units which use other warming apparatus or produce steam shall have a Type II hood system. No hood system is required for those Mobile Food Units which do not perform cooking or use heat producing devices.
- (3) The hood system grease collection must be cleaned frequently to minimize grease build up. Type I hood systems shall be serviced every six (6) months.
- (4) One minimum size 2A-10BC class fire extinguisher is required for each Mobile Food Unit and shall be serviced annually.

(e) Prohibited Sales. Mobile Food Vendors are prohibited at all times from selling or offering for sale alcoholic beverages, cereal malt beverages, or tobacco products without first being properly licensed pursuant to any applicable federal, state or local laws.

(f) Lights. No flashing lights are permitted on the Mobile Food Unit. No direct light from a Mobile Food Unit may be shined on adjacent property or cause a glare or distraction for vehicles, bicycles, or pedestrians.

(g) Signs. Signage mounted on the side of a Mobile Food Unit shall not exceed the dimensions of the Unit by more than one (1) foot in any direction.

(h) Sound devices. The production of amplified music or chimes from a Mobile Food Unit is allowed between the hours of 10:00 a.m. and 8:30 p.m. provided that the sound from the amplified music or chimes is inaudible at any distance greater than three hundred (300) feet from the vehicle.

(i) Trash and Site Cleanup. All Mobile Food Vendors shall ensure that a trash receptacle shall be provided with each Mobile Food Unit. Such receptacle must be attached to the Unit or located within fifteen (15) feet of the Unit and cannot interfere with vehicle access, pedestrian movement or accessible routes to and around the Unit. Immediately upon the cessation of vending, the Mobile Food Vendor shall remove and properly dispose of all trash and litter accumulated at the vending site.

(j) Seating. No seating and/or tables shall be permitted that hinder the flow of traffic on any street, hinders the flow of bicycles within any bike lane or route, hinders the flow of pedestrians along any sidewalks, blocks or reduces to less than five (5) feet in width any accessible route or blocks or obstructs access to any driveway or access point to any property.

(k) Licenses and Permits. All Mobile Food Vendors and employees thereof shall acquire and maintain all required licenses, permits and inspections applicable to the use and operation of Mobile Food Units from all applicable jurisdictions. Evidence of such licenses, permits and/or inspections applicable to any vehicle, equipment, operator or employee shall be kept in the Unit and produced upon request by the Chief of Police or designee or other public officer authorized to enforce the provisions of this Article.

(l) Food Handling. No Mobile Food Vendor or any employee, agent, or representative thereof shall vend food and/or beverages without meeting the conditions set forth by the Kansas Department of Health and Environment.

(m) Wastewater Disposal. No wastewater resulting from the Mobile Food Vending operation shall be disposed of on the ground or in a stormwater drain. All wastewater must be disposed of in accordance with Chapter 15 of this Code and specifically in compliance with Section 15-803 of this Code and amendments thereto.

(Code 2020)

#### **5-408. Right to close or relocate a mobile food vendor.**

Any law enforcement officer has the right to close down or request a Mobile Food Unit to relocate, where, in the opinion of such officer, the Mobile Food Unit is causing or contributing to an imminent public safety hazard. Such hazards shall include, but not be limited to, situations where the operation of a Mobile Food Vending Unit is causing a traffic hazard, a fire hazard, is impeding free or uninterrupted passage of vehicles and/or pedestrians upon public streets, sidewalks or alleyways, selling food or beverages that are not safe for human consumption or operating a Mobile Food Unit without the license required by this Article.

(Code 2020)

#### **5-409. License denial, revocation, and appeal.**

(a) If a license is not issued, the City Clerk or designee shall indicate in writing the reason(s) for denial and inform the applicant of the applicant's right to an appeal of the denial in accordance with the provisions of this Article.

(b) A license may be suspended for up to 30 days or revoked by the Chief of Police or designee or other city personnel authorized to enforce the provisions of this Article for any of the following reasons:

- (1) The licensee fails to provide true and correct information on the application;
- (2) The licensee fails to continuously maintain insurance upon the Mobile Food Unit in accordance with requirements of this Article;
- (3) The licensee allows a registered sex offender to work upon the premises of the Mobile Food Unit;
- (4) The licensee or any employee or agent thereof commits a violation of any provision of this Article or any federal, state, or local law, rule or regulation applicable or related to mobile food vending; or
- (5) The licensee becomes otherwise ineligible to hold a Mobile Food Vending license.

Notice of such suspension or revocation shall be mailed by the City Clerk or designee to the licensee's address as shown on the license application form and/or personally served upon the licensee. Such notice shall be in writing and shall set forth the reason(s) for revocation and the licensee's right to an appeal in accordance with the provisions of this Section, provided, however, any appeal of a license suspension or revocation shall not suspend or revoke the license during the pendency of the appeal.

(c) Appeal process.

- (1) Upon the denial of an application for, or suspension or revocation of a mobile food vending license, the applicant or licensee shall have the right to appeal such action within ten (10) business days of the notice of denial, suspension or revocation being mailed to the applicant's address as shown on the license application form, and/or personal service upon the applicant or licensee. Such an appeal must be in writing and filed with the City Clerk, setting forth the grounds for the appeal. Upon receipt of a complete and timely filed Notice of Appeal, the City Clerk shall schedule a hearing before the City Council, no later than thirty (30) days from the date of the filing of the Notice of Appeal with the City Clerk. Any appeal shall stay a suspension or revocation of the license or permit until the matter is heard by the City Council.
- (2) The City Council may approve the denial, suspension or revocation, overrule the denial, suspension, or revocation or modify the decision to deny, suspend or revoke a license made by any city personnel authorized to enforce the provisions of this Article.
- (3) In any hearing before the City Council pursuant to this section, a certified copy of a conviction from any local, state, or federal court for any violation, is prima facie evidence of such violation.
- (4) The City Council's decision may be appealed to the Eighteenth Judicial District Court of the State of Kansas pursuant to K.S.A. 60-2101 and any amendments thereto. Any such appeal to the District Court shall not stay the denial, suspension or revocation of the license, or any modification imposed thereupon by the City Council.
- (5) If a license is revoked for any reason, the applicant, any partnership or any business entity of which the applicant is an officer or member thereof shall be ineligible to reapply for a license under this Article for two (2) calendar years from the date of the license revocation.  
(Code 2020)

**5-410. Term and transferability.**

Licenses issued under this Article are available for periods of one (1) month, six (6) months or one (1) year. A license must be obtained for each individual vehicle being used in a mobile food vending operation. Licenses may not be transferred between persons or vehicles.

(Code 2020)

**5-411. Posting.**

Any person licensed under this Article must keep their license posted in a conspicuous place inside the vehicle used for mobile food vending. Such license must be current and may be used only by the licensee.

(Code 2020)

**5-412. Enforcement; personnel authorized.**

In addition to all law enforcement officers, the following personnel employed by the City shall have the power to enforce the provisions of this Article:

- (a) The Director of Public Works or designee;
- (b) The Zoning Administrator or designee; and
- (c) The City Clerk or designee.

(Code 2020)

#### **5-413. Penalty for violation.**

Any person convicted of a violation of this Article shall be guilty of a misdemeanor and shall be punished by a fine as established in Chapter 17 of the Haysville Municipal Code. Each day that any violation of this Article occurs, shall constitute a separate offense and shall be punishable as a separate offense.

(Code 2020)

### **Article 5. Temporary Sales**

#### **5-501. Permit required for temporary sale from residence.**

No person or entity shall conduct, hold or transact a sale, commonly known as a garage sale, yard sale, estate sale, rummage sale, auction, etc. within the city without having first obtained a sale-from-residence or auction permit from the city clerk. No person shall conduct, hold or transact such a sale more than once within any six (6) month period and any such sale shall not continue for more than three (3) consecutive calendar days.

(Ord. 363, Sec. 1; Code 2003; Code 2010)

#### **5-502. Permit fee.**

A sale from residence, or auction permit fee (residential or commercial), as set out in Chapter 17, shall be assessed to the permit applicant and collected by the city clerk upon issuance of said permit.

(Ord. 363-A; Ord. 363-B, Sec. 1; Code 2003, Code 2006; Code 2007; Code 2010; Ord. 988, Code 2013)

#### **5-503. Temporary sale from commercial property.**

(a) A temporary sale from commercial property includes sales of goods not generally related with the associated commercial business/property, such as consignment of goods, flea markets, garage sales and sale of second hand goods. The associated commercial business/property must have a current Business Registration Permit in conformance with Article 1 of this Chapter, to apply for the permit to hold the temporary sale.

(b) Any such sales shall conform with all other provisions of this code, including applicable areas of the zoning code not related to allowable uses. Sales shall not prohibit traffic patterns in and out of the commercial property nor shall they utilize parking stalls that are otherwise required for the commercial business unless such business is not open to the public during the time of the sale.

(c) No person shall conduct, hold or transact such a sale more than six (6) times within a calendar year and any such sale shall not continue for more than three (3) consecutive calendar days.

(d) Temporary sales shall include fundraisers carried out by ~~not for profit~~~~not-for-profit~~ groups, such as the girl scouts, boy scouts, school groups, and other 501(c)(3) organizations, however, upon proof of non-profit status the fee requirement shall be waived.

(e) A single day auction of goods may be held at a commercial property once per calendar year after obtaining an auction permit, upon satisfaction by the Chief of Police, or designee, and the Director of Public Works, or designee, that the area is equipped to handle the amount of anticipated increase in traffic associated with such an event.

(f) Any commercial property that is not licensed to operate in conformance with Article 1 of this Chapter shall not hold temporary sales or sales of second hand goods.

(g) Sales from storage units by storage unit lessees shall be prohibited. The owner of a storage unit business may apply for an auction permit no more than three times annually, for the purpose of disposing of goods acquired through abandonment or non-payment by storage unit lessees.

(h) Any sale held in violation of this Article shall be immediately shut down by action of the Chief of Police or the Public Works Director, or their designee, and a citation shall be issued to the operator.  
(Code 2010; Code 2012; Ord. 988, Code 2013)

#### **5-504. Permit fee.**

A sale from commercial property or auction permit fee (residential or commercial), as set out in Chapter 17, shall be assessed to the permit applicant and collected by the city clerk upon issuance of said permit.

### **Article 6. Taxicabs**

#### **5-601. Definitions.**

As used in this article the words and phrases herein defined shall have the following meaning unless the context otherwise requires:

(a) Person: Shall include individuals, firms, partnerships, corporations, associations, and all other entities.

(b) Taxicab: Shall mean and include any motor vehicle operated within the corporate limits of the city for the purpose of carrying passengers for hire, over the streets of the city, irrespective of whether the operations of such motor vehicle extend beyond the limits of the city and the term shall also include motor vehicles with or without a taximeter and hired or rented where rates are charged on the time basis or otherwise. The term shall not apply to motor buses operated within the city under a franchise from said city over a fixed or definite route, nor shall said term apply to motor buses regularly operated in the city to or from points outside of the incorporated limits of the city;

(c) Street: Shall mean and include the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public as a matter of right for purposes of vehicular traffic, whether such way or place is known as a street, alley, avenue, boulevard, drive or highway within the incorporated limits of the city;

(d) Place of Business: Shall mean the terminus or headquarters where taxicabs are operated from and will be stationed and found when not engaged in the business of transporting passengers.

(Code 1971, Sec. 5-301; Code 2003)

#### **5-602. License required.**

No person shall drive or operate or cause to be driven or operated, any taxicab upon or over any street in the city without having first obtained a license from the governing body under the provisions of this article.

(Code 1971, Sec. 5-302)

#### **5-603. License fee.**

There are hereby established the following license fees as set out in Chapter 17. The full amount of the license fees shall be required regardless of the time of the year in which the application is made. The taxicab shall only be authorized to operate under the license for the remainder of the calendar year in which the license is issued.

(Code 1971, Sec. 5-303; Code 2003; Code 2007)

#### **5-604. Application for licenses.**

Any person desiring a license to operate a taxicab or taxicabs within the city shall make an application to the city clerk and accompany the application with the required license fees. The application shall be signed by the person applying therefor, and upon a form setting for the following information:

- (a) The name and residence of the applicant and how long he or she has resided within the city;
- (b) The address of place of business;
- (c) The trade name under which the applicant does or proposes to do business;
- (d) The number of vehicles the applicant desires to operate and the type, make, seating capacity, design and color scheme of each proposed taxicab, and the lettering and markings to be used thereon;
- (e) The nature and character of the taxi service that the applicant proposes to render and facts showing the demand for such service.

No license shall be issued for the operation of taxicabs to any person under the age of 21 years.

(Code 1971, Sec. 5-304; Code 2003)

#### **5-605. Investigation.**

The city clerk shall make or cause to be made such investigations as the clerk may consider necessary as to the qualifications of the applicant to operate a satisfactory taxi service and whether the public convenience and necessity requires the operation of such taxicab or taxicabs, and may consider all other matters pertinent to the application. After review and recommendation by the city clerk, the city clerk shall cause the application to be placed on the agenda for governing body approval and in the event that the governing body determines that a license should be issued, the governing body shall direct the city clerk to

issue such license at such time as the applicant provides to the city clerk proof of liability insurance hereinafter provided. Once issued, such license shall not be transferable.

(Code 1971, Sec. 5-305; Code 2003)

#### **5-606. Liability insurance.**

Before any taxicab license shall be issued hereunder, any person or entity whose license application has been approved by the governing body shall procure a liability insurance policy or policies issued by an insurance company or association authorized to transact business in the state of Kansas, establishing liability coverage for each taxicab to be so licensed of not less than \$25,000 for injury or death of any one person, and \$50,000 for injury or death of any number of persons in any one accident, and with coverage at least \$10,000 for property damage in any one accident, which liability insurance policy shall bind the obligors there under to pay compensation for injuries to persons or damage to property resulting from the operation of taxicabs. Such policy or policies of insurance shall include all other conditions and terms as may be required by all applicable laws.

The insurance policy or policies required by this section shall further provide that no insured may cancel such insurance until it provides at least ten (10) days advance written notice of such cancellation to the city clerk and such advance notice period thereafter expires.

A copy of the policy or policies procured by each insured hereunder shall be delivered to and maintained by the city clerk before any taxicab license issues to such insured.

Any taxicab license issued hereunder shall automatically terminate in the event any policy or policies of insurance required hereunder shall be cancelable or terminate, unless another policy or policies complying with this section shall be procured by the licensee and proof thereof be delivered to the city clerk.

No person or entity licensed by this chapter to operate taxicabs with the city shall permit any person to drive or operate a taxicab who is not the holder of a valid driver's license issued by the state of Kansas and applicable for the operation of such vehicles.

(Ord. 643, Sec. 1; Code 2003)

#### **5-607. Inspection of taxicabs.**

All operators of taxicabs shall display at all times so as to be visible to any and all passengers, a photograph of such driver or operator which display shall also contain the driver's name, age, address and social security number. The chief of police shall be and is hereby directed to make or cause to be made, inspection of all licensed taxicabs from time to time, and if, upon inspection of any taxicab, it shall be found unsatisfactory or unsafe for operation upon the streets of the city, notice in writing shall be given to the owner of such taxicab service of such fact and such person or service shall not operate said taxicab thereafter until the same has been put in a safe and fit condition and inspected by the police department.

(Ord. 643, Sec. 2)

#### **5-608. Penalty.**

Any person violating any of the provisions of this article shall, upon conviction thereof, be fined in accordance with the general penalty provisions set out in section 1-121 of this code. Each violation thereof shall be and is hereby declared to be a distinct and separate offense and punishable as such.

(Code 1971, Sec. 5-308; Code 2003)



## Article 7. Adult Entertainment Establishment and Adult Hotels

### 5-701. Definitions.

For the purpose of this article, the words and phrases used herein shall have the following meaning unless otherwise clearly indicated by the context:

(a) Adult Entertainment Establishment: Means any commercial establishment which is an adult bookstore, adult motion picture theater, adult hotel, adult motion picture arcade, or escort service as defined herein.

(b) Adult Bookstore or Adult Video Store: An establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes, or video reproductions, slides, or other visual representations which depict or describe "specific" sexual activities or "specified anatomical areas," or
- (2) Instruments, devices, or paraphernalia (as defined below) which are designed for use in connection with "specific sexual activities." A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specific sexual activities" or "specified anatomical areas" and still be categorized as "adult bookstore" or "adult video store" so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas" (as defined below)

(c) Adult Motion Picture Theater: An enclosed building designed for five or more patrons used for presenting any material distinguished or characterized by an emphasis on matters depicting, or relating to "specific sexual activities" or "specified anatomical areas" (as defined below) for observation of patrons therein. The term does not include an adult hotel as defined below.

(d) Adult Motion Picture Arcade: Any place at which slug or coin operated, electronically or mechanically controlled, still or motion picture machines, projector or other image producing devices are maintained to show images to five or fewer persons per machine at any time, and which presents material which is distinguished or characterized by an emphasis on depicting or describing "specific sexual activities" or "specified anatomical areas" (as defined below) for observation by patrons therein. The term does not include an adult hotel as defined below.

(e) Adult Hotel: Means a hotel or motel wherein a substantial or significant portion of the material presented over image-producing devices within individual rooms that are occupied by guests, are distinguished or characterized by an emphasis on matter depicting or describing "specific sexual activities" or "specified anatomical areas" (as defined below).

(f) Employee: Means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult entertainment establishment but shall not include independent contractors indirectly related to such operation such as janitorial services, construction, maintenance, pest control, and trash removal.

(g) Specified Anatomical Areas: Means the following:

(1) Less than completely and opaquely covered:

(A) Human genitals, pubic region;

(B) Anal cleft or cleavage of the buttocks; and female breasts below a point immediately above the top of the areola;

(2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(h) Specific Sexual Activities: Means the following:

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse or sodomy;

(3) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts with the intent to arouse or gratify the sexual desires of the entertainer, employer, or customer.

(i) Person: Means any person, partnership or corporation or joint venture.

(j) Operator: Any person operating, conducting or maintaining an adult entertainment establishment.

(k) Morals Charge: Includes those charges involving prostitution, pimping or promoting prostitution, indecent exposure, illegal use, possession or sale of narcotic or nonnarcotic drugs, sodomy, lewd and lascivious behavior, sexual battery, indecent liberties with a child, incest, bigamy, and crimes against nature.

(l) Diversion or Diversion Agreement: Means any formal referral of a defendant in a criminal case to a supervised performance program which upon successful completion results in the dismissal of the charges or complaint which is authorized pursuant to the laws of any city, state, or of the United States.

(m) Adult Entertainment includes any exhibition, performance, interaction, display or dance of any type, including, but not limited to, talking, singing, reading, listening, posing, computer internet activities, computer programs with sex based content, serving food or beverages, soliciting for the sale of food, beverages or entertainment, pantomiming, modeling, removal of clothing, or any service offered on a premises where such action is intended to arouse or excite the sexual desires of the entertainer, other entertainers, or the patron(s), or if the interaction is characterized by an emphasis on the exposure, depiction or description of "specified anatomical areas" of the conduct or simulation of "specified sexual activities."

(n) Escort is any person who is held out to the public as available for hire and who, for monetary consideration in the form of a fee, commission or salary, consorts with or accompanies, or who offers for monetary consideration, to consort with or accompany another or others to or about social affairs, places of entertainment or amusement within any place of public resort or within any private quarters.

(o) Escort Service is any person, as defined herein, which for a fee, commission, profit, reward, payment or other monetary consideration furnishes, refers, or offers to furnish or refer escorts, provides or offers to introduce patrons to escorts; or arranges for escorts to accompany patrons to or about social affairs, places of entertainment or amusement, about any place or public resort or within any private quarters.

(p) Escort Service Runner is any person, not an escort, who for a salary, fee, hire, reward or profit, as the agent for either an escort service or a patron, contacts or meets with escort patrons or escort services at any location other than the established open office, as defined hereunder, whether that person is employed by the escort service or any business, or is self-employed.

(Ord. 697; Code 2003, Ord. 903)

#### **5-702. License required.**

(a) No adult entertainment establishment shall be operated or maintained in the city without first obtaining a license to operate issued by the city.

(b) A license may be issued only for one (1) adult entertainment establishment located at a fixed certain place. Any person desiring to operate more than one (1) adult entertainment establishment must have a license for each.

(c) No license or interest in a license may be transferred to any other person or entity.

(d) It is unlawful for any employee or operator to knowingly work in or about, or to knowingly perform any service directly related to the operating of any unlicensed adult entertainment establishment.

(Ord. 697; Code 2003)

#### **5-703. Application for license.**

(a) Any person desiring to secure a license shall make application in duplicate to the city clerk's office. The application shall be verified and accompanied by the license fee. Both copies of the application shall be filed with the city clerk's office.

(b) The application for a license shall be on a form provided by the city clerk's office. A partnership application and the application of any officer or director of a corporation and any stockholders holding more than five percent (5%) of the stock of a corporate application shall furnish the following information under oath:

- (1) Name and address, including all aliases;
- (2) The name of the owner of the premises upon which the adult entertainment establishment is to be located;
- (3) The address of the adult entertainment establishment to be operated by the applicant;
- (4) A statement by the applicant that he or she is familiar with the provisions of this article and is complying with them.

(Ord. 697; Code 2003)

#### **5-704. License fees.**

For any adult entertainment establishment or adult hotel the annual license fee shall be as set out in Chapter 17.

(Ord. 697-A; Code 2003)

**5-705. License-eligibility requirements.**

To receive a license to operate an adult entertainment establishment, applicants must meet the following standards:

(a) If the applicant is an individual:

- (1) The applicant must be at least eighteen (18) years of age;
- (2) The applicant shall not have been convicted of or pleaded nolo contendere to or participated in a diversion agreement after having been charged with a felony or any morals charge as defined herein in any jurisdiction within the last five (5) years immediately preceding the date of application.

(b) If the applicant is a partnership, joint venture, corporation or any other type of organization where two (2) or more persons have a financial interest:

- (1) All persons having a financial interest in the partnership, joint venture or any other type of organization shall be at least eighteen (18) years of age. Financial interest in a corporation includes any officer or director of the corporation and any stockholder holding more than five percent (5%) of the stock of a corporation.
- (2) No person having a financial interest in the partnership, joint venture, corporation or other type of organization shall have been convicted of or pleaded nolo contendere to, or participated in a diversion program after having been charged with a felony or any morals charge within the immediate five (5) years preceding the date of the application.

(Ord. 697; Code 2003)

**5-706. Examination of application by the governing body.**

If an application for a license is in proper form and accompanied by the license fee as provided for in the approved schedule of fees, the governing body shall, after review and recommendation by the city clerk, examine the application. If the applicant is fully qualified pursuant to the guidelines set forth in this article the governing body shall issue a license to the applicant within thirty (30) days of the filing of the application. If the governing body fails to act on the application within thirty (30) days after it is filed, it shall be deemed granted. If the governing body denies the application within thirty (30) days of the filing of the application the application is deemed finally denied and the same application may not be made within one (1) year unless there are changed circumstances. If the governing body denies the application, the applicant may appeal the denial pursuant to the provisions of K.S.A 60-2101(d) and amendments thereto, within thirty (30) days of the denial. If an applicant is denied by the governing body over thirty (30) days after it is filed, the denial shall be of no effect except that this provision is not intended to limit the ability of the governing body to revoke the license for any of the reasons in Sections 5-713 and 5-714 of this article

(Ord. 697; Code 2003)

**5-707. Display of license required.**

The license shall be displayed in a conspicuous public place within premises licensed as an adult entertainment establishment.

(Ord. 697; Code 2003)

**5-708. Renewal of license.**

Every license issued pursuant to this article shall terminate December 31st of each year regardless of when the license was issued, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application for renewal to the city clerk's office. The application for renewal shall be filed in duplicate and dated by the city clerk. An application for renewal license filed after the expiration date of the license shall not be accepted if the premises the renewal license is being sought for does not comply with the distance requirements set forth in Section 5-713. A renewal application shall in all other respects be treated as an application for an initial license.

(Ord. 697; Code 2003)

**5-709. General regulations and prohibited conduct.**

Every operator or employee of an adult entertainment establishment shall comply with the following regulations and the failure to comply with the regulations shall be unlawful:

(a) No person under the age of eighteen (18) shall be employed in or around an adult entertainment establishment;

(b) No person under the age of eighteen (18) shall be permitted to enter or remain in an adult entertainment establishment;

(c) No persons shall be knowingly employed in or around an adult entertainment establishment who, within one (1) year prior to employment, was released from probation from a conviction for a crime of, or participated in a diversion agreement after being charged with a morals charge or felony;

(d) Every adult entertainment establishment and every person employed by the establishment in the conduct of his or her business shall admit to any and every part of the premises designated in the license at any time, any law enforcement officer or official of the city of its police department authorized by the chief of police, for inspection of the premises to assure compliance with the regulations of the city; PROVIDED HOWEVER, that this provision does not apply to rooms occupied by patrons of an adult hotel during periods of such occupancy.

(e) Every adult entertainment establishment must maintain for inspection a list of all employees providing services directly related to the operation of the establishment including their date of birth, race, sex, and social security number.

(f) Every act or omission by an employee of an adult entertainment establishment constituting a violation of the provisions of this article shall be deemed the act or omission of the licensee if such act or omission occurs either with the authorization, knowledge, or approval of the licensee, or as a result of the licensee's negligent failure to supervise the employee's conduct, and the licensee shall be punishable for such act or omission in the same manner as if the licensee committed the act or caused the omission. The licensee shall be responsible for the conduct of all employees while on the premises and any act or omission of any employee while on the premises constituting a violation of the provisions of this article shall be deemed the act or omission of the licensee for purposes of determining whether the licensee's license shall be revoked, suspended or renewed.

(Ord. 903)

**5-709a. Escort services.**

In addition to the other requirements as set forth regarding the regulation and control of adult businesses, escort services shall comply with the following regulations.

(a) Sexually oriented escort services prohibited. No person, whether as licensee, principal, officer, agent, servant or employee, shall conduct, manage, operate, maintain, or perform any sexual activity as defined by this section within the city, nor shall any such person offer the services of another to perform any sexual activity as defined above.

(b) Business office. An escort service shall maintain a business office which shall be open to the public during business hours.

(c) Business hours. Subject to the requirements of subsection (h) hereof, the escort service shall establish business hours during which escorts are available and shall post such business hours during which escorts are available and shall post such business hours at the entrance to the escort service office.

(d) Accessibility to law enforcement and reviewing departments. The escort service business office shall be accessible to law enforcement officers and employees of reviewing departments at all times during which escorts employed by the escort service are working, either during, prior to or following the established business hours.

(e) Management. The escort service office, during established and posted business hours, shall be managed on-site by the licensee or an adult establishment employee who shall have authority to bind the escort service.

(f) Copies of employee register. The escort service shall, in addition to the employee register required herein, maintain copies of all escorts and escort service runners who are employed by, or are providing services for, the escort service. Said copies shall be open to immediate inspection at the request of any law enforcement officer or employee of a reviewing department.

(g) Record of calls and referrals. The escort service shall maintain at its primary place of business, for a period of one (1) year, all records of escort calls and referrals, stating the name and driver's license number and state of issuance (or other form of photographic identification) of the adult patron. Such records shall include the date and time of referral, name of the escort who accompanied the adult patron, the fee or other consideration received from the adult patron, and a copy of the contract entered into between the escort service or the escort and the adult patron. Said records shall be open to immediate inspection at the request of any law enforcement officer or code enforcement officer employed by the city for such purpose.

(h) Hours of operation. No escort service shall be open at any time between the hours of 12:00 a.m. and 6:00 a.m.

(Ord. 697; Code 2003, Ord. 903; Code 2007)

#### **5-710. Alcoholic beverages.**

No alcohol, liquor or cereal malt beverage shall be sold or consumed on the premises of an adult entertainment establishment except this provision shall not apply to rooms rented and occupied by patrons in an adult hotel.

(Ord. 697; Code 2003)

#### **5-711. Private rooms and closed booths prohibited.**

(a) Every adult motion picture arcade shall be physically arranged in such a manner that the interior portion of all viewing areas are visible from a common area of the premises and shall not be obscured by any curtains, drapes, doors or other enclosure except under the following conditions:

- (1) The booth is designed for a single occupant;
- (2) The booth has a door or curtains which cannot be locked; which may extend downward not closer than fifteen (15) inches from the floor, and which has an open space at the top so that the top of the door or curtains does not extend upward more than six (6) feet from the floor;
- (3) Conspicuous signs state, "only one occupant per booth";
- (4) There are no openings between booths; and
- (5) It can readily be determined from outside the booth that there is no more than one occupant inside the booth.

(b) No licensee, manager, employee or designee shall permit or allow two (2) or more occupants to occupy any booth which has been designated as a booth designed for a single occupant.

(c) No person shall enter into or remain in a booth which has been designated with a sign stating "only one occupant per booth" while another occupant is in the booth.

(Ord. 697; Code 2003)

#### **5-712. Compliance with other regulations required.**

No license shall be granted for an adult entertainment establishment unless the licensee fully complies with the health regulations, building codes, zoning ordinances, fire prevention and safety regulations of the city.

(Ord. 697; Code 2003)

#### **5-713. Distance requirements.**

(a) No license shall be granted for an adult entertainment establishment or adult hotel which is located within one-thousand (1,000) feet of a residential zoning district, church, public or parochial school, government building, public park or other adult entertainment establishment or adult hotel.

(b) This distance is to be measured from the nearest property line of the residential zoning district, church, public or parochial school, government building, public park or other adult entertainment establishment or adult hotel to the nearest property line of the premises on which the adult entertainment establishment or adult hotel is proposed to be located or of any parking lot designated to be used by the patrons of such an establishment, PROVIDED HOWEVER, that;

- (1) Should a licensed establishment cease to be used for such purpose for a period of ninety (90) days or more, then and in that event, the existing license shall be deemed to expire at twelve p.m., noon, on the 91st calendar day of non-use. In no event shall this provision be construed to extend the term of a license issued under this section.

(Ord. 697; Code 2003, Ord. 903; Code 2007)

#### **5-714. Suspension and revocation of license.**

(a) The chief of police, after actual service of ten (10) days' written notice to the person or corporation holding or operating under a license for an adult entertainment establishment or adult hotel pursuant to this article shall have the authority to suspend such license for a period not to exceed thirty (30) days, for any violation of the provisions of this article or other ordinances or statutes regulating conduct in adult entertainment establishments or adult hotels; PROVIDED HOWEVER, that the licensee may appeal such order of suspension to the governing body within seven (7) days from the date of such order.

(b) The governing body, after actual service of ten (10) days' written notice to the person or corporation holding or operating under a license for an adult entertainment establishment or adult hotel, may cause to be suspended for a period of not more than thirty (30) days or may permanently revoke such license for the following reasons:

- (1) If the licensee has fraudulently obtained the license by giving false information in the application therefore;
- (2) If the licensee, manager, operator, or employee has violated any of the provisions of this article;
- (3) If the licensee has become ineligible to obtain a license under this article;
- (4) The nonpayment of any license fees payable hereunder;
- (5) For knowingly employing a person who has been, within one (1) year prior to the date of employment, or who during the period of employment is adjudged guilty of or participated in a diversion agreement after being charged with a felony or a morals charge, or within one (1) year prior to employment has been released from probation from a felony or a morals charge.

Provided, that if any of the grounds for revocation herein enumerated are violated by an employee, a manager, or designee, then in the absence of proof of knowledge by the licensee, there shall be no revocation except as herein provided, but there may be a suspension of not more than thirty (30) days; it being further provided that in the event any licensee is subjected to more than two (2) such suspensions in any twelve (12) month period, his or her license may be revoked on the third such violation.

Upon appeal taken from an order of suspension or revocation the court may stay the order of suspension or revocation upon a showing by the appellant and a finding by the court that a substantial likelihood exists that the movant will eventually prevail on the merits and that the movant will suffer irreparable injury unless the stay is granted. If there is no stay by the court, the order of suspension or revocation shall not be suspended during the pendency of any such appeal. In case of the revocation of a license of any licensee, no new license shall be issued to such person or to any person acting for or on his or her behalf, for a period of six (6) months after the revocation becomes effective.

(Ord. 697; Code 2003)

#### **5-715. Penalty.**

Any person who violates any provision of this article is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed five-hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(Ord. 697; Code 2003)



**5-716. Injunctions.**

The city attorney may bring an action in the District Court of the Eighteenth Judicial District or any other court having jurisdiction to enjoin any violation of this article.

(Ord. 697; Code 2003)

**5-717. Invalidity of part.**

Should any court declare any section, clause or provision of this article to be unconstitutional, such decision shall affect only such section, clause or provision so declared unconstitutional and shall not affect any other section, clause or provision of this article.

(Ord. 697; Code 2003)

**5-718. Nuisance declared.**

Any adult establishment established, operated, or maintained in violation of any of the provisions or requirements of either this adult entertainment code or any adult establishment license, shall be declared to be unlawful and a public nuisance, and may be prosecuted as such in the municipal court of this city. The city may, in addition to or in lieu of any other remedies set forth herein, commence and action to enjoin, remove, or abate such nuisance in the manner provided by the nuisance abatement procedure of this city or any other applicable law, and shall take such other steps and apply to such court or courts as may have jurisdiction to grant an abatement or to remove such public nuisance, restrain and enjoin any person from establishing, operating, or maintaining an adult establishment contrary to the provisions of this code.

(Ord. 903; Code 2007)

## **Article 8. Erotic Dance Studios**

**5-801. Definitions.**

The following words, as used in this article shall for the purpose of this article have the meanings respectively ascribed to them in this section:

(a) Entertainment: As used in this article, means any live exhibition, performance, display or dance of any type, removal of articles of clothing or appearing unclothed, pantomime, modeling or other personal service offered for amusement where one or more entertainers seek to arouse or excite the sexual desires of the entertainer, other entertainers or patrons. Entertainment as used in this article does not include portions of performances on theater, concert hall, music hall or auditorium stages wherein such displays are an integral part of a dramatic or comedic presentation.

(b) Erotic Dance Studio: Means any place of business, or “pop shop” open to the public, whether or not a cover charge is assessed, which emphasizes and presents live nude entertainment. Live entertainment includes but is not limited to, nude dancing and topless dancing.

(c) Moral Turpitude: Means those charges involving prostitution, procuring any person, soliciting of a child under eighteen (18) years of age for any immoral act involving sex; possession or sale of narcotics, marijuana, amphetamines, barbiturates or controlled substances; sodomy; lewd and lascivious conduct.

(d) Nude: Means any state of undress in which the human genitals, pubic region, buttock or female breast at a point below the top of the areola, is less than completely and opaquely covered.

(e) Pop Shop: Means an erotic dance studio where soft drinks and nonalcoholic beverages are served and/or consumed.

(Ord. 709; Code 2003)

#### **5-802. License required.**

It is unlawful for any person, whether as principal, officer, designee, servant or employee:

- (a) To conduct business in or operate an erotic dance studio without having first obtained a license.
- (b) To fail to comply with all regulations provided in this article.

(c) Any license issued pursuant to this section shall be issued for one particular premises which shall be stated in the application and on the license and shall be issued for the remainder of the calendar year and will expire December 31st of each year regardless of when the license was issued.

(Ord. 709; Code 2003)

#### **5-803. License fees.**

(a) For any erotic dance studio the annual license fee shall be as set out in Chapter 17.

(b) Application for a license renewal must be made no later than thirty (30) days prior to the date of expiration of the license.

(Ord. 709; Code 2003)

#### **5-804. License application.**

Any person desiring to secure a license under the provisions of this article shall make a verified application, which shall be filed with the city clerk. Such application shall contain:

- (a) The name and residence of the applicant and how long he or she has resided within the state;
- (b) The particular place for which a license is desired;
- (c) The name of the owner of the premises upon which the erotic dance studio is located;

(d) The names and addresses of all persons who hold any financial interest in the particular place of business for which a license is desired. Such application shall be accompanied by the license fee provided for in the approved schedule of fees.

One copy of the application shall be immediately transmitted by the city clerk to the chief of police of the city for investigation of the applicant. It shall be the duty of the chief of police to investigate such applicant to determine whether he or she is qualified as a licensee under the provisions of this article. The chief of police shall report to the city clerk no later than ten (10) working days upon the completion of the investigation. The city clerk shall schedule the application for consideration by the governing body at the earliest meeting consistent with current notification requirements.

(Ord. 709; Code 2003)

#### **5-805. Photographs of applicant accompanying application for license.**

No application for the issuance of an erotic dance studio license shall be granted unless the applicant submits to being photographed by the police department and a photograph received therefrom shall be attached to the application.

(Ord. 709; Code 2003)

#### **5-806. Examination of applicant by governing body issuance or denial of license.**

If the application for a license is in proper form and accompanied by the license fee as set out in the approved schedule of fees the governing body shall examine the application and, after examination of the application, the governing body, if they find that the applicant meets all of the qualifications set forth in this article, shall issue a license to the applicant; provided, that no license shall be issued to:

(a) A person who, within one (1) year immediately preceding the date of making application, has been convicted of a crime involving moral turpitude, or within one (1) year prior to the date of application has been released from probation from a conviction for a crime of moral turpitude. Provided that the terms “conviction” and “adjudged guilty” shall include being placed on diversion;

(b) A copartnership, unless one of the copartners is a resident of the city or county in which the premises covered by the license is located, and unless all members of such copartnership shall otherwise be qualified to obtain a license;

(c) A corporation, if any officer or director thereof, and/or any stockholder owning in the aggregate of more than twenty-five percent (25%) of the stock of such corporation would be ineligible to receive a license hereunder for any reason other than the citizenship or residency requirements.

(d) A person whose place of business is conducted by a manager or designee, unless such manager or designee possesses the same qualifications required of the licensee.

(Ord. 709; Code 2003)

#### **5-807. Suspension and revocation of license.**

(a) The chief of police, upon five (5) days’ written notice to the person holding an erotic dance studio license, shall have the authority to suspend such license for a period not to exceed thirty (30) days, for any violation of the provisions of this article or other ordinances or statutes regulating conduct or performances in erotic dance studios, which violation does not in his or her judgment justify a recommendation of revocation; provided, however, that the licensee may appeal such order of suspension to the governing body within seven (7) days from the date of such order.

(b) The governing body upon five (5) days written notice to the person holding an erotic dance studio license may permanently revoke or cause to be suspended for a period of not more than thirty (30) days such license for the following reasons:

- (1) If the licensee has fraudulently obtained the license by giving false information in the application therefor;
- (2) If the licensee, manager or employee has violated any of the provisions of this article or any rule or regulation made by the governing body;
- (3) If the licensee has become ineligible to obtain a license under this article;

- (4) The nonpayment of any license fees payable hereunder;
- (5) For knowingly employing a person who has been within one (1) year prior adjudged guilty of an offense involving moral turpitude or within one (1) year prior to employment has been released from probation from a conviction for a crime of moral turpitude. Provided that the term “adjudged guilty” shall include being placed on diversion.
- (6) For promoting sexual performance of a child or minor in violation of K.S.A. 21-3516. Provided, that if any grounds for revocation enumerated in this article are violated by an employee or a manager, then in the absence of proof of knowledge by the licensee, there shall be no revocation, except as herein provided, but there may be a suspension of not more than thirty (30) days; it being further provided, that in the event any licensee is subjected to more than two (2) such suspensions in any twelve (12) month period, his or her license may be revoked on the third such violation.

Any appeal taken from an order of revocation shall not suspend the order of revocation during the pendency of any such appeal. In case of the revocation of a license of any licensee, no new license shall be issued to such person or to any person acting for or on his or her behalf, for a period of six (6) months after the revocation becomes effective.

(Ord. 709; Code 2003)

#### **5-808. Transferability of license.**

No license issued under the provisions of this article shall be transferable, except, upon the death of a licensee, the surviving spouse, executor or administrator, if otherwise qualified, shall be entitled to the use of said license during the remainder of the license year.

(Ord. 709; Code 2003)

#### **5-809. Posting of license.**

The license so issued to an erotic dance studio shall be posted in a conspicuous place in the erotic dance studio.

(Ord. 709; Code 2003)

#### **5-810. Security provisions.**

At the discretion of the chief of police, security may be provided as deemed adequate by the chief of police.

(Ord. 709; Code 2003)

#### **5-811. Compliance with other regulations required.**

No license shall be granted for an erotic dance studio until the sanitary, building code, zoning ordinance, fire prevention and safety regulations of the city are fully complied with, and it is unlawful and a violation of the article to maintain or conduct an erotic dance studio without at all times complying with any sanitary, building code, zoning ordinance, fire prevention annual inspection and safety regulations of the city. Further, no license shall be granted for an erotic dance studio which is located within five hundred (500) feet of any church, public or parochial school, government building, public park or residential zoning district.

The distance is to be measured from the nearest property line of the residential zoning district, church, public or parochial school, government building, or public park to the nearest property line of the premises on which the establishment is located or of any parking lot designated to be used by the patrons of such establishment.

(Ord. 709; Code 2003)

**5-812. Ventilation, lighting, sanitation requirements.**

It is unlawful to maintain or conduct an erotic dance studio unless the same shall be kept clean, well ventilated and brightly lighted at all times when open for use. All stairways, halls, passageways and rooms adjacent to such erotic dance studio shall likewise be kept well-lighted at all times when the erotic dance studio is in use. Separate dressing rooms for men and women, and separate toilet facilities for men and women, shall at all times be maintained and kept in a sanitary condition, convenient and adjacent to any erotic dance studio while the erotic dance studio is in operation.

(Ord. 709; Code 2003)

**5-813. Private rooms and closed booths prohibited.**

Every erotic dance studio shall be physically arranged in such manner that the entire interior portion of the booths, cubicles, rooms or stalls wherein entertainment is provided is visible from a common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes or any other obstruction whatsoever.

(Ord. 709; Code 2003)

**5-814. Erotic dance studio capacity.**

It shall be the duty of the fire chief and the city inspector to determine the number of persons who can safely be accommodated at any one time in any building, premises or location where any erotic dance studio is located, which owner shall be required to post such certificate near the main exit in the building. Such owner, operator or licensee is required by this article, to limit the attendance at such erotic dance studio to such capacity as has been determined by the fire chief and city inspector.

(Ord. 709; Code 2003)

**5-815. Hours of operation.**

No erotic dance studio may be open or in use between the hours of 12:00 a.m. and 6:00 a.m.

(Ord. 709; Code 2003)

**5-816. Observance of regulations required.**

The following conduct by a licensee under this article, a licensee's manager, employee or designee; or any person under the direction and/or control of the licensee, occurring on the licensed premises shall be deemed contrary to the public welfare and is prohibited:

(a) The employment of any person in or around an erotic dance studio who is less than eighteen (18) years of age.

(b) The employment of any person as a dancer or entertainer in an erotic dance studio who has not obtained a special entertainer's license to perform in an erotic dance studio.

(c) Permitting any person under the age of eighteen (18) years to enter or remain at an erotic dance studio.

(d) Permitting any alcoholic liquor or cereal malt beverage to be sold or consumed on the premises of an erotic dance studio.

(e) Permitting any person to enter or remain at any erotic dance studio who is intoxicated.

(f) Performing or permitting others to perform as dancers in an erotic dance studio unless such performance occurs on a platform intended for the purpose.

(g) Performing or allowing entertainers to perform a dance closer than five (5) feet to any patron.

(h) Fondling or permitting others to fondle or caress any patron.

(i) Permitting patrons to fondle or caress any dancer.

(j) Allowing a patron to directly pay or directly give any gratuity to any dancer.

(k) Soliciting any pay or gratuity from any person.

(l) Encourage any person on the premises to touch, caress or fondle the breasts, buttocks or genitals of any other person.

(Ord. 709; Code 2003)

#### **5-817. Performers - license required.**

(a) License Required. No person shall be employed as a dancer or entertainer at any erotic dance studio who does not possess a current special entertainer's license to perform at an erotic dance studio.

(Ord. 709; Code 2003)

#### **5-818. Application.**

Any person desiring a special entertainer's license shall make a written application for such license to the city clerk. Such application shall provide the following information:

(a) Name and address of the applicant;

(b) Proof of the applicant's true age;

(c) Each applicant shall be photographed by the police department and such photograph shall be attached to the application. A copy of the application and photograph shall be sent to the chief of police for investigation of the applicant. It shall be the duty of the chief of police to investigate such applicant to determine whether he or she is qualified under the provisions of this article. The chief of police shall report to the city clerk no later than ten (10) working days upon the completion of the investigation. The city clerk shall issue or deny the license to perform in an erotic dance studio based upon the results of the police investigation.

(d) Every license issued pursuant to this article will expire at the end of the calendar year regardless of when the license was issued and must be renewed before performing in an erotic dance studio is allowed

in the following year. Application for renewal must be made to the license collector no later than thirty (30) days prior to the date of expiration of the license. The permit fee provided in Chapter 17 of the approved schedule of fees shall apply to permit renewals.

(Ord. 709; Code 2003; Code 2007)

**5-819. Persons to whom permit shall not be issued.**

No permit to perform in an erotic dance studio shall be issued to:

(a) Any person who has not attained eighteen (18) years of age;

(b) Any person who, within one (1) year immediately preceding the date of making application, has been convicted of any crime involving moral turpitude, or within one (1) year has been released from probation for conviction of a crime of moral turpitude. Provided, that the terms “conviction” and “adjudged guilty” shall include being placed on diversion.

(Ord. 709; Code 2003)

**5-820. Suspension and revocation of permit to perform.**

(a) The chief of police, upon five (5) days’ written notice to the person holding a special entertainer’s license, shall have the authority to suspend such license for a period not to exceed thirty (30) days, for any of the following reasons:

(1) False information or data was given or material facts were omitted from the application;

(2) The holder becomes ineligible to obtain a license;

(3) The holder is adjudged to have violated the regulations of Section 5-806 for conduct in an erotic dance studio.

Provided, however, that the holder of a license may appeal such order of suspension to the governing body within seven (7) days from the date of such order.

(b) The governing body, upon five (5) days’ written notice to the person holding a license may permanently revoke or cause to be suspended for a period of not more than thirty (30) days such license for any of the above reasons.

Any appeal taken from an order of revocation shall not suspend the order of revocation of a special entertainer’s license; no new license shall be issued to such person for a period of six (6) months after the revocation becomes effective.

(Ord. 709; Code 2003)

**5-821. Penalty.**

Any person who violates any provisions of this article is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not to exceed five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

(Ord. 709; Code 2003)

**5-822. Invalidity of part.**

Should any court declare any section, clause or provision of this article to be unconstitutional, such decision shall affect only such section, clause or provision so declared unconstitutional and shall not affect any other section, clause or provision of this article.

(Ord. 709; Code 2003)

## **Article 9. Mobile Ice Cream Vendors**

**5-901. Statement of purpose.**

It is deemed necessary and proper by the governing body of the city of Haysville, Kansas, in order to provide for the general health, safety and welfare of its citizens to regulate the vending of ice cream by mobile conveyances within the city.

(Ord. 537, Sec. 1; Code 2003)

**5-902. Ice cream street vendors - compliance.**

It is unlawful for any person, firm, partnership or corporation to conduct, hold, carry on, pursue or operate a business of vending, huckstering, peddling or similar enterprise, for selling ice cream products of any kind upon or within any public right-of-way, public street, alley, avenue, boulevard or sidewalk within the corporate boundaries of the city, unless the regulations set forth and contained in the sections of this article are complied with and followed.

(Ord. 537, Sec. 2; Code 2003)

**5-903. Definitions.**

The following words and phrases when used in this article shall, for the purpose of this article, have the meanings respectively ascribed to them in this section except when the context otherwise requires:

(a) Ice Cream Street Vendor: Means any person, firm, partnership, company, corporation or other entity who travels by any type of vehicle from house to house, or place to place, selling or offering for sale any ice cream food stuffs within the corporate limits of the City of Haysville; provided, however, that no person, firm, partnership, company, corporation or other entity shall be considered an ice cream street vendor when orders are taken for ice cream food stuffs to be delivered to the ultimate consumer on a prearranged day subsequent to the date of sale.

(b) Mobile Operations – Exception: For the purpose of this article, a “mobile vehicle operator” is one conducted from a truck, trailer or any other vehicle that travels from place to place and from which ice cream food products of any nature whatsoever are sold or distributed, except that this article does not apply to the mobile operations conducted by any milk delivery person.

(c) Motor Vehicle: Means every vehicle which is self propelled, but shall not include a motorcycle, a motor-driven cycle, or a motorized bicycle.

(d) Vehicle: Means every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway except devices used exclusively upon stationary rails or tracks.

(Ord. 537, Sec. 3; Code 2003)



**5-904. License permit procedure and vehicle inspection.**

(a) No ice cream street vendor shall engage in retail mobile operations unless a license has been issued by the city clerk.

(b) In order to secure such license, an ice cream vendor shall file with the city clerk an application on such form and containing such information as the city clerk may require, including but not limited to the following:

- (1) The name of the applicant, or if a firm, partnership, association, corporation, company or organization of any kind, the names and addresses of persons owning twenty percent (20%) or more of a financial interest therein, and the number and type of vehicles proposed to be operated by the applicant;
- (2) The name, social security number, driver's license number, permanent address and telephone number of any individual representing or employed by the applicant within the city;
- (3) The make, model, and license number of any vehicles to be used by applicant;
- (4) A statement as to whether or not the applicant or any individual representing or employed by the applicant within the city has been convicted, pled guilty or pled nolo contendere to any crime or any ordinance violation involving moral turpitude within the preceding five (5) years and the place and nature thereof. All statements made by the applicant upon the application or in connection therewith shall be under oath.

(c) A license issued under the provisions of this article is not assignable or transferable, and shall run to the exclusive benefit of the licensee.

(d) Vehicle Safety Inspection. The police department shall inspect the vehicles designated in the application and shall certify approval to the city clerk that such vehicles are suitable from the standpoint of safety for the conduct of an ice cream street vending business and that all state laws and local ordinances relating to safety have been complied with. The police department, after the issuance of a license hereunder, shall inspect the vehicle operated by the licensee once each year to determine that said vehicle is suitable from the standpoint of safety for the conduct of an ice cream street vending business and that all state laws and local ordinances relating to safety are being complied with.

(e) Vehicle Health Inspection.

- (1) The director of the Sedgwick County Health Department is authorized to enforce the rules and regulations of said department and to conduct periodic inspections, in addition to those inspections conducted by the police department, of all vehicles and equipment used in the sale or distribution of any ice cream food products of any nature whatsoever, for the purpose of enforcing said rules and regulations.
- (2) Before a license shall be issued for vending any ice cream food products of any nature whatsoever, it must also be approved by the Sedgwick County Health Department and such approval shall not be given unless the health department determines that the vehicle being used is clean and sanitary; that all food stuffs have been prepared in a licensed facility if required; that they are properly labeled, packaged or wrapped; and that they are maintained at suitable temperatures according to recognized standards.

(f) Liability Insurance. There shall be filed with the city clerk a certificate of insurance covering all motorized vehicles operated hereunder in such form as the city clerk may deem proper, issued by an insurance company approved by the Insurance Commissioner of the State of Kansas, and authorized to do business in the state of Kansas, insuring the public against injury, loss or damage resulting to persons or property from the use, maintenance and operation of any motorized vehicle operated hereunder for which such permit is granted in an amount of not less than fifty thousand dollars (\$50,000) for injury to any one person; and an amount of not less than one hundred thousand dollars (\$100,000) for injury to all persons injured in any one occurrence; and property damage not less than twenty-five thousand dollars (\$25,000) per each occurrence.

(g) License Fee. The applicant shall pay a fee as set out in Chapter 17 for each vehicle to be operated within the city prior to the issuance of a license to conduct retail mobile operations.

(Ord. 537, Sec. 4; Code 2003)

#### **5-905. Unlawful stopping, standing or parking.**

It shall be unlawful for an ice cream street vendor to stop, stand or park a vehicle:

(a) In any manner contrary to any ordinance relating to parking when attempting a sale or when making a sale; or

(b) In any street, alley, avenue, boulevard or sidewalk or other public right-of-way for the purpose of dispensing its products to customers, so as to obstruct the free flow of traffic in the street; provided, that an operator may stop, stand or park such vehicle at the curb side of the street, but that no vehicle will remain standing in any one location for a period exceeding ten (10) minutes.

(Ord. 537, Sec. 5; Code 2003)

#### **5-906. Places where sales prohibited.**

(a) Whenever any vehicle is used for the sale or dispensing of ice cream food products of any nature whatsoever upon a public street, alley, avenue, boulevard, sidewalk or other public right-of-way, said transaction shall occur on the side of the vehicle which is next to the curb of the street.

(b) It shall be unlawful for an ice cream vendor to sell, offer for sale or dispense ice cream products:

(1) to any person who is standing in the street;

(2) while operating on

(A) Broadway (U.S. 81);

(B) Grand Avenue (71st Street South);

(C) Main Street (Seneca); or

(D) Meridian Avenue

(3) within fifty (50) feet of any street intersection; or

- (4) in any public park, or any public parking lot without the express consent of the governing body.

(Ord. 537, Sec. 6; Code 2003; Code 2020)

**5-907. Time when sales unlawful.**

It shall be unlawful for an ice cream vendor to sell, offer for sale or dispense ice cream products:

(a) within two (2) blocks from the boundaries of any public or private school property for a period commencing thirty (30) minutes before the regular school day of any such school and continuing until thirty (30) minutes after the adjournment of the regular school day of any such school; or

(b) between 8:30 p.m. and sunset of each day, whichever is earlier, and continuing until 10:00 a.m. on the following day.

(Ord. 537, Sec. 7; Code 2003)

**5-908. Sound devices - regulation - time of use.**

No sound device or bell shall be allowed or used by any vehicle dispensing ice cream food products of any kind whatsoever, with the exception that amplified music or chimes are permitted; provided that such are not audible any distance greater than three hundred (300) feet and that they be turned off when the vehicle is stationary for the purpose of making sale or otherwise; and provided, that the use of amplified music or chimes is prohibited before 10:00 a.m. and after 8:30 p.m. or sunset of each day whichever is earlier.

(Ord. 537, Sec. 8; Code 2003)

**5-909. Required vehicle equipment.**

It is unlawful for any ice cream street vendor to operate a vehicle upon any street, alley, avenue or other public right-of-way for the purpose of selling, offering for sale or dispensing ice cream products:

(a) Unless there is a clearly marked sign visible from both front and rear with the wording "CAUTION - CHILDREN" marked upon the vehicle; and

(b) If the vehicle is a motor vehicle, such vehicle is equipped with an automatic backup warning device which is audible for a distance of not less than thirty (30) feet.

(Ord. 537, Sec. 9; Code 2003)

**5-910. U-turns, driving backwards prohibited.**

It is unlawful for an ice cream street vendor operating a vehicle to:

(a) Make a U-turn on any block; or

(b) Drive backwards to make or attempt to make any sale.

(Ord. 537, Sec. 10; Code 2003)

**5-911. Routes.**

It is unlawful for any ice cream street vendor to sell or attempt to sell along any particular route more than three (3) times during a twenty-four (24) hour period.

(Ord. 537, Sec. 11; Code 2003)

#### **5-912. Unauthorized passengers.**

No person other than the authorized operator of a vehicle and other persons expressly authorized by the owner or lessee of a vehicle shall be in or upon said vehicle.

(Ord. 537, Sec. 12; Code 2003)

#### **5-913. Penalty.**

Any person, firm, company, corporation or other entity who shall be found guilty in violation of this article shall be subject to a fine in accordance with the general penalty provisions set out in Section 1-121 of the code. Each day the violation is committed shall constitute a separate violation.

(Ord. 537, Sec. 13; Code 2003)

#### **5-914. Severability.**

Should any court declare any section, clause or provision of this article to be unconstitutional or otherwise void, such decision shall affect only such section, clause or provision and shall not affect any other section, clause or provision of this article.

(Ord. 537, Sec. 14; Code 2003)

### **Article 10. Pawnbrokers and Precious Metal Dealers**

#### **5-1001. Definition.**

As used in this article, the following definitions shall apply:

(a) Pawnbroker means any person who loans money on deposit or pledge of personal property or other valuable thing, other than intangible personal property or who deals in the purchase of personal property on the condition of selling the same back again at a stipulated price.

(1) Pawnbroker does not include any person operating under the supervision of the state banking commissioner, credit union administrator or the consumer credit commissioner of this state.

(b) Person means any individual, firm, company, partnership, corporation or association or other entity.

(c) Precious Metal means gold, silver or platinum group metals or any used articles or other used personal property containing such metals, but shall not include coins purchased for their numismatic value rather than their metal content or ingots or other industrial residue or by-products composed of such metals purchased from manufacturing firms.

(d) Precious Metal Dealer means any person who engages in the business of purchasing precious metal for the purpose of reselling such metal in any form.

(Ord. 604, Sec. 1; Code 2003)

**5-1002. Licensure; application; fee.**

(a) No person shall engage or continue in business as a pawnbroker or precious metal dealer without first obtaining a license therefor. If the person's place of business is inside the corporate limits of the city, the person shall obtain such license from the clerk.

(b) Application for a license shall be in writing and shall state the full name and place of the residence of the applicant. If the applicant is a partnership, the application shall contain the name and place of residence of each member thereof or, if a corporation or association, of each officer, shareholder or member thereof. The application shall include the address of the places where the business is to be conducted, the hours and days of the week during which the applicant proposes to engage in the business of pawnbroking or dealing in precious metals at each such place, and such other information as may be deemed necessary to determine the applicant's qualifications for a license in accordance with the provisions of this article. Each applicant also shall submit with the application:

- (1) A statement that the applicant is the holder of a valid registration certificate issued by the director of revenue pursuant to K.S.A. 79-3608 for each place of business for which application for a license is made; and
- (2) A detailed inventory and description of all goods, wares, merchandise, precious metals or other property held in pledge for sale at the time of the application at each place of business stated therein, indicating whether the same was received in pledge, purchased as secondhand merchandise or precious metal purchased for resale.

(c) The license application shall be in a form approved by the attorney general. Each application shall be accompanied by a fee as set out in Chapter 17, and will expire December 31st of each year regardless of when the license was issued. All such fees received by the city clerk shall be deposited in the city general fund.

(Ord 604, Sec. 2; Code 2003)

**5-1003. Same; qualifications.**

No license or any renewal thereof shall be granted to:

- (a) Any person who is not a citizen of the United States;
- (b) Any person who has not been an actual resident of the state of Kansas for at least two (2) years immediately preceding the date of application;
- (c) Any person who has been convicted of or has pleaded guilty to a felony under the laws of this state, or any other state, or of the United States, or shall have forfeited that person's bond to appear in court to answer charges for any such offense within the ten (10) years immediately prior to such person's application for a license;
- (d) Any person who has had his license revoked for cause under the provisions of this article;
- (e) Any person who is not at least twenty-one (21) years of age;
- (f) Any person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;

(g) Any person who does not own the premises for which a license is sought, unless that person has a written lease therefor for at least three-fourths (¾) of the period for which the license is to be issued;

(h) Any person whose spouse would be ineligible to receive a license hereunder for any reason other than the age, citizenship and residence requirements;

(i) Any partnership, unless all of the partners shall be eligible to receive a license as an individual; and

(j) A corporation, if any officer, manager, director or stockholder would be ineligible to receive a license as an individual.

(Ord 604, Sec. 3; Code 2003)

#### **5-1004. Transfer of stock by stockholder of corporate licensee; effect.**

It shall be unlawful for any shareholder of a corporate licensee to transfer any stock in said corporation to any person who would be ineligible to receive a license as an individual, any such transfer shall be null and void: provided, that if any such stockholder of a corporate licensee shall become deceased, and that person's heirs or devisees to whom said stock descends by descent and distribution or by will shall be ineligible to receive a license hereunder, then the legal representatives of said deceased stockholder's estate, that person's heirs and devisees shall have fourteen (14) months from the date of the death of said stockholder within which to sell said stock to a person eligible to receive a license hereunder, with such sale to be made in accordance with the provisions of the probate code and any amendments thereto. If said legal representatives, heirs and devisees shall fail, refuse or neglect to so convey said stock within the time hereinbefore prescribed, then said stock shall revert to and become the property of the corporation, for which the corporation shall pay to said legal representatives, heirs or devisees the book value of such stock. If the stock in any corporation shall be the subject of any trust heretofore or hereafter created, the trustee or trustees and the beneficiaries of each trustee and beneficiary of said trust who is twenty-one (21) years of age or older must be a person who would be eligible to receive a license, or the trustee shall be and that person is hereby authorized and required, within fourteen (14) months after the effective date of the trust, to sell said stock to a person eligible to receive a license under this article, and that person shall hold and disburse the proceeds thereof in accordance with the terms of the trust, or the license of the corporation shall be forfeited.

During the fourteen-month (14) periods hereinbefore mentioned, a corporation shall not be denied a license or have its license revoked if it meets all of the other requirements necessary to have a license as provided in this article.

(Ord. 604, Sec. 4; Code 2003)

#### **5-1005. License; contents; display; license for each place of business.**

The document or other instrument evidencing the license of a pawnbroker or precious metal dealer shall state the address at which the business is to be conducted and shall state fully the name of the licensee. If the licensee is a partnership, the license shall state the names of the members thereof and, if a corporation, the date and place of its incorporation and the names of all shareholders thereof. Such license shall be kept conspicuously posted in the place of business of the licensee and shall not be transferable or assignable. Not more than one place of business shall be maintained under the same license, but more than one license may be issued to the same licensee upon compliance with all provisions of this article governing the issuance of an initial license.

(Ord. 604, Sec. 5; Code 2003)

**5-1006. Change in location of place of business; notice; duplicate license; restrictions.**

Whenever a licensee shall change that person's place of business to another location within the same political subdivision by which that person is licensed, that person immediately shall give written notice thereof to the clerk of such subdivision who then shall issue a duplicate license which shall show, in addition to all of the information appearing on the old license, a record of the change of location and the date thereof, which new license shall be authority for the operation of such business under such license at such location. The licensee shall return the old license to the appropriate clerk as soon as the new license has been received and the change in location has taken place. No change in the place of business of a licensee to a location outside of the licensing subdivision shall be permitted under the same license.

(Ord. 604, Sec. 6; Code 2003)

**5-1007. Examination of books, accounts, records.**

Each licensee shall keep and use in the licensee's business such books, accounts and records as will enable the city or county issuing the licensee's license to determine whether such licensee is complying with the provisions of this article. Any such city or county may examine or cause to be examined the books, accounts, records and files used by any licensee or by any other person engaged in the business of pawnbroking or dealing in precious metals, irrespective of whether such person acts or claims to act as principal, designee or broker, or under or without authority of this article.

(Ord. 604, Sec. 7; Code 2003)

**5-1008. Suspension or revocation of license; notice and hearing.**

Any license issued under this article may be suspended or revoked, after due notice and public hearing, if the licensee:

- (a) Has failed to pay the annual license fee;
- (b) Has violated any provision of this article; or

(c) Has been convicted of or has pleaded guilty to a felony under the laws of this state, or any other state, or of the United States, or shall have forfeited that person's bond to appear in court to answer charges for any such offense, if such conviction or plea occurred subsequent to or within ten (10) years immediately prior to the date of the licensee's application for the license.

Any license issued under this article shall be revoked, after due notice and hearing thereon, if it shall be proved at the hearing that the licensee sold any handgun to a minor.

Said hearing herein provided shall be held within thirty (30) days after notice thereof, and the alleged violation determined by written order of the city issuing the license within sixty (60) days after such hearing is concluded; but no revocation or suspension or surrender of any license shall impair or affect the obligation of any preexisting lawful contract between the licensee and any borrower.

(Ord. 604, Sec. 8; Code 2003)

**5-1009. Loans secured by pledged goods; written contract required, contents; retention, disposition and redemption of pledged articles.**

Every loan made by a pawnbroker for which goods are received in pledge as security shall be evidenced by a written contract, in ink, a copy of which shall be furnished to the borrower. The loan contract shall set forth the loan period, which shall be one (1) month, the date on which the loan is due and payable and the charges, and it shall clearly inform the borrower of his/her right to redeem the pledge during the redemption period of two (2) months after due date. Except as otherwise provided herein, the holder of any such contract shall be presumed to be the person entitled to redeem the pledge, and the pawnbroker shall deliver the pledge to the person presenting the contract, upon payment of the principal and charges.

Every pawnbroker shall retain in that person's possession, after the date on which the loan became due and payable, every article pledged to him for a redemption period of two (2) months. During such period, the borrower may redeem the pledged articles, upon payment of the principal and charges. It shall be unlawful for any pawnbroker to sell or transfer title or possession of any pledged property until the expiration of such period of redemption.

If any pledged article is not redeemed within such redemption period, the pawnbroker shall become vested with all right, title and interest of the pledgor, and that person assigns, to such pledged article, to hold and dispose of as that person's own property. Any other provision of law relating to the foreclosure and sale of pledges shall not be applicable to any pledge, the title to which is transferred in accordance with this section.

(Ord. 604, Sec. 9; Code 2003)

#### **5-1010. Report of property pledged or purchased; required holding period for precious metal purchased; report not open to public inspection.**

On or before Tuesday of each week, or at more frequent intervals if required by city ordinance, every pawnbroker or precious metal dealer shall report the description of all property received in pledge or purchased as a pawnbroker or precious metal dealer during the preceding calendar week, in whatever quantity received. Such report shall include all property purchased as secondhand merchandise at wholesale, secondhand merchandise taken in for sale or possessed on consignment for sale and secondhand merchandise taken in trade. No such report need be made concerning property or merchandise acquired from another pawnbroker or precious metal dealer licensed in this state in transaction involving the purchase or other acquisition from the other pawnbroker or precious metal dealer of the other pawnbroker's or dealer's stock in trade, or a substantial part thereof in bulk, where the other pawnbroker has made the reports required by this section with respect to such property or merchandise.

(b) If a transaction required to be reported under this section takes place within the territorial limits of the city, the report shall be submitted to the chief of police.

(c) All reports made pursuant to this section shall comply with and be submitted in accordance with the terms of any applicable city ordinances or requiring such reporting.

(d) Every precious metal dealer shall retain in the dealer's possession for a period of ten (10) days all precious metal purchased as a precious metal dealer, and such metal shall remain in the condition in which it was purchased. The ten-day period shall commence on the date that the appropriate police chief receives the report of its acquisition in compliance with this section. If the police chief has probable cause to believe that any precious metal reported by a dealer has been stolen, the police chief may give written notice to the dealer to retain such metal for an additional period of fifteen (15) days. Upon such notice, the dealer shall retain such metal in an unaltered condition for the additional fifteen (15) day period unless the police chief notifies the dealer in writing the waiting period is terminated at an earlier time.



(e) Reports made pursuant to this section shall be available for inspection only by law enforcement officers and city and district attorneys and their employees, for law enforcement purposes.

(Ord. 604, Sec. 10; Code 2003)

#### **5-1011. Record of transactions.**

(a) At the time of making a loan, a pawnbroker shall enter in a book kept for that purpose:

- (1) The date, duration, amount and charges of every loan made by the pawnbroker;
- (2) A full and accurate description of the property pledged; and
- (3) The name, age, residence and driver's license or other personal identification number of the pledgor.

(b) At the time of purchasing precious metal, a precious metal dealer shall enter in a book kept for that purpose:

- (1) The date of the purchase;
- (2) A full and accurate description of each item purchased, including any identifying letters, numbers or marks on an item; and
- (3) The name, age, residence and driver's license or other personal identification number of the seller.

(c) The record required by this section shall be maintained by the pawnbroker or precious metal dealer at the pawnbroker's or dealer's place of business for not less than one year following the date of transaction.

(Ord. 604, Sec. 11; Code 2003)

#### **5-1012. Minors; prohibited transactions.**

(a) No pawnbroker shall receive in pledge, or as security for any loan, transfer, service, undertaking or advantage, anything of value from any person under the age of eighteen (18) years.

(b) No precious metal dealer shall purchase any precious metal from any person under the age of eighteen (18) years.

(Ord. 604, Sec. 12; Code 2003)

#### **5-1013. Periodic inspections to determine compliance with article.**

Law enforcement officers of the city have access during regular business hours to the place of business of any pawnbroker or precious metal dealer conducting business in the city. Access shall be for the purpose of periodically inspecting property pledged or purchased in the transaction of the business of the pawnbroker or precious metal dealer, and records relating to those transactions, to determine if the pawnbroker or dealer is complying with the provisions of this article.

(Ord. 604, Sec. 13; Code 2003)

**5-1014. Interest and charges on pawnbroker transactions; applicability of other laws; maximum charges; term of loans.**

(a) On and after July 1, 1972, no pawnbroker shall contract for, charge, or receive directly or indirectly on or in connection with any pawnbroker transaction any charges, whether for interest, storage, insurance, service fee, handling, compensation, consideration or expense which in the aggregate are greater than the charges provided and authorized by this article. Any other provisions of law relating to interest, storage and such charges shall not be applicable to any pawnbroker transaction made in accordance with this article.

(b) Whenever any loan is made by a pawnbroker for which goods are received in pledge, the following maximum amounts may be charged:

- (1) On any amount a charge may be added in an amount not to exceed ten percent (10%) per month or one hundred twenty percent (120%) per annum of the amount advanced to the borrower; and
- (2) The maximum amount of a loan authorized by this article shall not exceed \$300 per transaction.

(c) The term of any loan made under the provisions of this article shall be one (1) month. Loans may be extended or renewed by the payment of the charges herein provided monthly. The charges authorized herein shall be deemed to be earned at the time the loan is made and shall not be subject to refund. On loans under this article, no insurance charges or any other charges of any nature whatsoever shall be permitted.

(Ord. 604, Sec. 14; Code 2003)

**5-1015. Transactions in precious metals, requirements; refusal to redeliver stolen property to owner, effect.**

(a) A precious metal dealer shall require every person from whom the dealer purchases precious metal for resale:

- (1) Proof of identification; and
- (2) A signed statement saying that the seller is the legal owner of the precious metal or is a designee of the legal owner who is authorized to sell such metal and stating when, where and in what manner such metal was acquired by the seller.

(b) When converted or stolen property has been pawned or sold to a precious metal dealer and the pawnbroker or dealer refuses to redeliver such property to the rightful owner upon demand and presentation of a bill of sale or other proper evidence of ownership by the owner, and legal action by the rightful owner to recover the property becomes necessary, the court may assess the pawnbroker or dealer for reasonable attorney's fees incurred by the rightful owner if the court finds that the pawnbroker or dealer wrongfully withheld the converted or stolen property.

(Ord. 604, Sec. 15; Code 2003)

**5-1016. Prosecution of violations.**

Whenever that person has reason to believe a violation of this article has occurred, the city attorney or any of that person's deputies shall prosecute every case to final judgment in the city wherein the alleged offense was committed.

(Ord. 604, Sec. 16; Code 2003)

## Article 11. Fireworks; Sale and Discharge

### 5-1101. Fireworks.

Except as hereinafter provided, it shall be unlawful for any person to sell or discharge fireworks within the city as defined by the regulations of the fire ~~marshal~~marshal of the state of Kansas within the city.

(Ord. 748; Code 2003)

### 5-1102. Sale of fireworks.

Upon application to the city clerk, a permit to sell fireworks shall be granted upon the following conditions.

(a) All applications for a permit to sell fireworks shall be submitted to the city clerk at least ten (10) days prior to the granting of such permit. No permits shall be granted prior to June 24th of the year in which fireworks will be sold pursuant to such permit.

(b) Approval of the location upon which fireworks are to be stored and/or sold, provided, however, that no such location shall be within one-hundred fifty (150) feet of another permit location, measured structure to structure. If a tent is used for the construction of the fireworks stand, the material must be of a flame-retardant type. Each such location upon which fireworks are to be sold shall provide for the public not less than one (1) off-street parking stall per one-hundred (100) square feet of sales structure floor area and adequate ingress and egress aisles. Fireworks shall not be stored or sold within fifty (50) feet of any source of flame, sparks, or flammable or volatile liquids in excess of one (1) gallon, except in stores where cleaners, paints, and oils are handled in sealed containers only. A description of each location referred to herein shall be provided to and approved by the public works director or his/her designee of the city prior to the issuance of a permit to sell fireworks. Each vendor shall furnish without cost to the city such flagperson and attendants as are necessary to ensure the orderly parking of vehicles around each sale site, and shall in no way interfere with the normal flow of traffic on public roads. No vendor shall allow parking on public right-of-way around any sale site.

(c) Prior to issuance of the permit, an inspection will be made of the applicant's facility to determine the square footage of the stand/tent/building and other pertinent laws and no permit shall be issued for any premises not in compliance with such laws. The sale of fireworks will be allowed in areas zoned D, E, F and G in the city. No sales of fireworks shall occur at any location, building, structure, tent or other similarly describable enclosure in conjunction with the retail sales of non-fireworks related items except as allowed by staff at the written request of the vendor. Any items sold under this exception must be approved by city staff prior to any sale taking place.

(d) Approval of all safety precautions and equipment at each sales site by the public works director or his/her designee; such precautions to include fire extinguishers and such other equipment as required by applicable state and city laws and regulations.

(e) Each vendor shall obtain a policy of general comprehensive liability insurance for a minimum coverage of \$500,000 per occurrence, with the city of Haysville named as an additional insured and shall provide the city with a copy of the certificate of such insurance. Such policy or policies shall not be cancelable by the vendor upon less than thirty (30) days notice.

(f) Each vendor shall obtain a policy of product liability insurance for a minimum coverage of \$500,000 per occurrence for products sold and/or stored within the city by the vendor and shall provide the city with a copy of the certificate of such insurance. Such policy or policies shall not be cancelable by the vendor upon less than thirty (30) days notice.

(g) Each vendor shall at all times indemnify the City of Haysville, Kansas, its officials, representatives, designees and employees, and shall defend, save and hold them harmless, from and against any and all claims, actions, damages, liability and expense, including but not limited to attorneys and other professional fees, in connection with loss of life, personal injury and/or damage to property arising from or out of the storage, sale, discharge and/or transportation of fireworks by such vendor and vendor's customers, representatives, employees, contractors and designees.

(h) Permit fees shall be collected for each sale location based on square feet of the structure. The square footage shall be determined by the interior dimension measurements of the physical structure of the stand/tent/building. Permit fees as established by Chapter 17 shall be collected for each sale location and shall be based on the square footage of the structure or location.

(i) Permit fees as established by Chapter 17 shall be collected for each sale location and shall be based on the square footage of the structure or location. Each permit so issued shall be valid for forty-five (45) calendar days and then shall expire.

(j) No permit shall be issued or renewed to a holder who has failed to demonstrate financial responsibility. In this regard and by way of illustration, evidence that the holder of a permit has failed to pay the cost of merchandise when due, failed to pay costs associated with leased land or facilities when due, or failed to pay wages of employees when due in connection with sales of fireworks in prior years, may constitute sufficient grounds for the rejection of an application for a permit.

(k) The following fireworks shall be prohibited within the City of Haysville: the fireworks commonly referred to as Chinese lanterns.

(Ord. 748, Sec. 2; Ord. 748-A, Ord. 748-B; Code 2003; Code 2012)

#### **5-1103. Designated sale times.**

Fireworks permitted under this article shall be sold only during the following times; 8:00 a.m. to 10:30 p.m., June 27th through July 2nd and 8:00 a.m. to midnight July 3rd and July 4th.

(Ord. 748, Sec. 3; Code 2003)

#### **5-1104. Designated times for fireworks detonation.**

Fireworks, which may be displayed, detonated, discharged, and/or ignited within the city limits shall only be those devices commonly known as fireworks legal for sale within the state of Kansas. Residents of the city and their guests may detonate fireworks permitted under this article on their private property during authorized shooting hours as set forth in this article. The detonation of fireworks within the city shall be permitted only between 8:00 a.m. and 10:30 p.m. June 27th through July 2nd.

On July 3rd and July 4th detonation of fireworks will be permitted between the hours of 8:00 a.m. to midnight. On December 31st detonation of fireworks will be permitted between the hours of 6:00 p.m. to 1:00 a.m. January 1st. If June 27 – July 2 falls on a Friday or Saturday night, detonation times will be extended until midnight for Friday and Saturday only. Detonation may also occur within time frames approved through the City's Special Event Permit.

(Ord. 748, Sec. 4; Code 2003; [Code 2024](#))

#### **5-1105. Discharge of fireworks: emergency conditions.**

Upon the determination of the mayor and based upon recommendations of the city staff, the discharge of fireworks may be limited, suspended or prohibited within the city limits of the city even during those times generally permitted by this article. Such determination shall be made if it appears to the mayor that the discharge of fireworks constitutes an immediate hazard to the safety of property or persons within the city. Such limitation, suspension or prohibition shall be by emergency proclamation, signed by the mayor, which shall be publicized and posted at the City Hall. If thereafter, circumstances occur which minimize or eliminate the hazardous condition resulting in such proclamation, the proclamation may be rescinded or modified by subsequent proclamation with similar posting. In the absence of the mayor, the then serving president of the council shall be empowered to issue such proclamation.

(Ord. 748, Sec. 5; Code 2003)

#### **5-1106. Proceeds from fireworks permit sales.**

Proceeds from the sale of fireworks permits shall be used to fund capital improvements for the Haysville Park System and/or the July 4th public fireworks display.

(Ord. 748, Sec. 6; Code 2003)

#### **5-1107. Penalty connected with the sale of fireworks.**

The violation of any provision shall be punishable by a fine of \$2,500.00 and/or imprisonment for not more than one (1) year and/or revocation of any permit to sell fireworks. Any permit holder violating any provisions shall first be issued a warning by the police department, and on any second or subsequent violation of this article, the police department shall revoke the permit for sale and terminate the sale of fireworks by the violator. Any permit holder whose permit is revoked hereunder may appeal to the governing body by notice served upon the city clerk, and a hearing shall be called and held not less than twenty-four (24) hours from the date of the filing of such notice of appeal.

(Ord. 748, Sec. 7; Code 2003)

#### **5-1108. Penalty for unlawful detonation of fireworks.**

The violation of any provision contained in section 5-1104 of this article shall be punishable by a fine not to exceed two hundred fifty dollars (\$250.00) and forfeiture of any and all fireworks that were then in the possession of the alleged offender.

(Ord. 748, Sec. 8; Code 2003)

#### **5-1109. Public display of fireworks; special event permit required.**

(a) It shall be unlawful for any person or entity, other than as sponsored by the City of Haysville for the City as a whole, to give or provide a fireworks display for the public or for organized groups without

first obtaining a special event permit from the City of Haysville. The City shall not review an application for a special event permit until the Sedgwick County Fire Marshall, or his designee, has reviewed and approved the application. Said application shall be approved in accordance with the provisions of Chapter 12, Article 3.

(b) A public display of fireworks may be held upon private property as approved by the Sedgwick County Fire Marshall, or his designee. In such instance those elements of the Special event Application specifically associated with use of public property shall not be applicable. All application fees and the event review process shall be applicable to private property displays, except that the review of the event by the Recreation Director may not be applicable. If the terms of this section are in conflict with, or less restrictive than, Chapter 12, Article 3, the terms of this section shall apply. The review of the proposed event by the Public Works Director and Chief of Police shall be applicable to a private property fireworks display.

(c) No special event permit shall be approved unless the applicant furnishes a certificate of public liability insurance for the display in a minimum amount of \$1,000,000.00 for each occurrence including damage to vehicles, naming the City of Haysville as additional insured and providing for both workers compensation, which is written by an insurance carrier licensed to do business in Kansas. Insurance certificate shall not be cancelled by insured or insurer until written notice is provided to the City Clerk of the City of Haysville. In the event of cancellation of the insurance prior to the display, the special event permit shall automatically be revoked and void. Presenting a fireworks display after insurance has been cancelled shall be a violation of this code, and may be prosecuted as an unclassified misdemeanor in accordance with this Article. The application for the special event permit shall clearly state:

- (1) The name of the applicant.
- (2) The group for which the display is planned.
- (3) The location of the display. Shall include:
  - (A) Address of the grounds upon which the display is to be held;
  - (B) A diagram of the grounds on which the display is to be held. The diagram must indicate distances from the point of discharge of fireworks to:
    - (C) the perimeter of the grounds,
    - (D) to all structures located upon the grounds,
    - (E) all structures on abutting properties within 500 feet of the point of discharge,
    - (F) all abutting streets points of ingress/egress to the grounds, and
    - (G) the area at which the audience will be located.
- (4) The date, time and duration of the display.
- (5) The nature or kind of fireworks to be used.
- (6) The name of the person, firm or corporation that will make the actual discharge of the fireworks.

(7) The name of the person, firm or corporation that will discharge the fireworks. Must present a valid firework operators certificate issued by the State of Kansas Fire Marshal's Office.

(8) Anticipated need for police, fire or other municipal services.

(d) No special event permit shall be issued if in the opinion of the Sedgwick County Fire Marshall, or his designee, the location, nature of the fireworks or any other relevant factor creates a hazard, risk of harm, or risk of damage to persons or property.

(e) Prior to approval of any special event permit application, the Sedgwick County Fire Marshall shall have the power to issue reasonable rules and regulations for the granting of said special event permit. City law enforcement and the Sedgwick County Fire Marshall are authorized to terminate a fireworks display event if the event operator or party responsible for fireworks detonation violate any such rules and regulations.

(f) The Chief of Police of Haysville, Kansas, shall review the application to determine whether police or security shall be required as a condition of approval of the special event permit. Such review shall include determination of traffic control concerns, and identifying and preventing concerns arising from individuals watching the display in unsafe areas located off the display grounds. All costs of security or additional policing requirements shall be borne by the event operator.

(g) Only those persons actually approved as operators by the Fire Marshall, or designee, shall handle or discharge any fireworks at such a special event.

(h) Fireworks displays shall be completed by midnight on Fridays and Saturdays and 11:00 pm Sunday through Thursday nights.

(i) No individual, business, or organization shall receive more than one permit for special event of fireworks per calendar year. To limit negative impacts upon abutting properties, a site for a special event of fireworks shall only be authorized for a special event of fireworks once annually.

(j) A permit authorizing a special event of fireworks shall hereby require that the permittee remove all trash and debris from the property associated with the special event of fireworks, including both trash and debris generated by the display itself as well as by the attendees to the event.

## Article 12. Temporary Portable Businesses

### 5-1201. Definitions.

(a) Portable business shall mean and include any person authorized to sell food, flowers, or non-alcoholic beverages or offer for sale goods, wares, merchandise or services which is carried on from a cart, trailer or stand temporarily located on property as authorized by this article. A portable business shall not include the sale of goods directly from tables, racks, or boxes.

(b) All other items, not specifically defined herein, shall be defined in conformance with the Zoning Code of this City.

(Code 2020)

### 5-1202. Registration and fee.

Every person, firm, entity, association or corporation now or hereafter doing business in the corporate limits of the City of Haysville and maintaining a portable business, is required to hold a permit allowing such portable business to operate in the City of Haysville and shall pay a fee as set out in Chapter 17. All fees required by this article shall be credited to the general fund of the city in the same manner as business registration fees imposed upon permanent businesses.

(Code 2020)

### **5-1203. Information required.**

An application for a temporary portable business permit shall be developed by the City Clerk, which shall require the following information, as well as other information the City deems pertinent to issuing such permit:

- (a) Contact information of the applicant;
- (b) Name and nature of the portable business;
- (c) Proof of Kansas Retail Sales Tax Number;
- (d) Location of the portable business;
- (e) Relationship of the applicant to the property location of the portable business, including lease agreement if such location is leased to Applicant;
- (f) Dates requested for temporary portable permit;
- (g) A drawing which depicts the proposed location of the temporary portable business in relation to the lot and including:
  - (1) Proposed square footage of the area used
  - (2) The number of parking spaces that will remain available for the primary business use
  - (3) The number of parking spaces to be used by the temporary portable business
  - (4) Measurements of the setback from property lines
  - (5) Size and location of any signs used for the purposes of the business

(Code 2020)

### **5-1204. Permit.**

The City Clerk, upon confirmation from the Public Works Director, or his or her designee, that the applicant is in compliance of existing codes and regulations, and is operating a lawful business, shall issue a temporary portable business permit. Every permit issued pursuant to this article shall expire thirty (30) days from the issuance date, unless sooner revoked. Prior to expiration the permit holder desiring to renew a permit shall make application for renewal to the city clerk's office. A renewal application shall in all respects be treated as an application for an initial permit. There shall be no more than three (3) permits issued for a portable business on the same property in any twelve (12) month period based on the calendar year.



(Code 2020)

**5-1205. Permit is non-transferable.**

A permit is not transferable to any other person, firm, or corporation and cannot be used for any activity or at a location other than those listed on the application and approved for the temporary permit. Either moving the business to a new location, or transferring the business to a new owner/operator will require applying for a new permit.

(Code 2020)

**5-1206. Permit revocation.**

The City Clerk, or his or her designee, upon five (5) days written notice to the applicant holding any permit regulated by this article shall revoke such permit for any one of the following reasons:

- (a) If a permit has been fraudulently obtained by giving false information in the application.
- (b) Fraud, misrepresentation or false statement made in the course of carrying on the business.
- (c) Conducting the business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the City.
- (d) If there has been any violation of any of the provisions of this Article.
- (e) If the applicant has failed to obtain all other necessary permits including but not limited to: electrical; plumbing.
- (f) If any portion of the portable business is deemed an immediate safety hazard as determined by the Public Works Director, or his or her designee.
- (g) Unauthorized use of the public right-of-way for sale or display of merchandise.
- (h) Violation of a provision of the City's zoning, subdivision, or sign regulations.

Notice of the revocation of a permit shall notify the permit holder of the revocation of his or her permit in writing, setting forth the grounds for revocation, which shall be hand delivered to the permit holder or mailed to the permit holder's permanent address appearing on the permit application. Such notification shall be sent as soon as practicable but in no case beyond 24 hours from the time such permit is revoked.

(Code 2020)

**5-1207. Restriction on location.**

No portable business shall be permitted on a public right-of-way or public easement. Nor shall such business be located in any sight triangle, as determined by the Public Works Director, or his or her designee. The business shall be located on an all-weather surface.

The business or activities of a portable business must be upon property that is accessory to an existing primary use. No portable business shall be allowed to operate if such business would be in violation of the Haysville Zoning Regulations. No person shall conduct activities pursuant to this Article on unimproved

surfaces, or on aisleway area. If an actual conflict arises between the language of the City's zoning and subdivision regulations, and this Article, the more restrictive regulations shall prevail.

(Code 2020)

#### **5-1208. Inspection.**

Application for temporary portable business permit will constitute permission, from applicant, for inspection by the Public Works Director, or his or her designee, for the purpose of determining that the applicant has complied with applicable electrical code, zoning laws, and all other relevant regulations of the article and the code of the city.

(Code 2020)

#### **5-1209. Food vendors; special regulations.**

Before a license shall be issued for vending food, the operation must have the appropriate Food License from the Kansas Department of Agriculture.

(Code 2020)

#### **5-1210. Disturbances.**

No portable business, nor any person acting on behalf of such business, shall shout, make an outcry, blow a horn, ring a bell or use any sound device, including any loud-speaking radio or sound amplifying system for the purpose of attracting attention to such business or any goods, wares or merchandise for sale/sold by such business.

(Code 2020)

#### **5-1211. Exemptions.**

This article shall not apply to:

(a) Vendors participating in designated community events, as established by the Governing Body of the City, including but not limited to the Hometown Market, Fourth of July Celebration, Fall Festival, City Wide Garage Sale, and Community Expo, shall be exempt from the requirements of this Article, but may be required to receive a permit to participate in any such event by the organizers of such community event.

(b) Ice cream street vendors, as defined and covered in Article 9 of this chapter.

(c) Persons who take orders for merchandise or food when such merchandise or food is to be delivered to the ultimate customer on a day subsequent to the date of the sale.

(d) Sales by mobile food vendors that are regulated by Article 16 of this chapter.

(Code 2020)

#### **5-1212. Penalty.**

Any person, firm or corporation, company, partnership or other entity who shall be found guilty of violation of this article shall be subject to a fine of not less than fifty dollars (\$50) or more than one-thousand dollars (\$1,000); or imprisonment for not more than one hundred eighty (180) days; or both such fine and imprisonment. Each day the violation is committed shall constitute a separate offense.

(Code 2020)

#### **5-1213. Appeals.**

Any person aggrieved by the action of the chief of police, city inspector or city clerk in the denial of an application for a permit or license, or revocation of a license shall have the right to appeal to the governing body of the city within ten days after the denial of the application by filing with the city clerk a written notice of intention to appeal, setting forth fully the grounds for such appeal. The governing body shall, at its next meeting after the filing of such appeal, fix a time and place for a hearing thereon. Notice of such hearing shall be given to the applicant in the manner provided for notice of hearing on revocation of a license issued hereunder. The decision of the governing body on such appeal shall be final and conclusive.

(Code 2020)

#### **5-1214. Enforcement.**

In addition to all law enforcement officers of the City, the City Clerk, and his or her designees, shall have the power to enforce the provisions of this Article.

(Code 2020)

#### **5-1215. Compliance with state statute.**

Nothing in this chapter shall be interpreted to authorize any person licensed hereunder to transact business in violation of any state statute governing the conduct of transient merchants or portable businesses, nor shall compliance with the provisions of this chapter relieve any person from compliance with the state statutes requiring the licensing of transient merchants or portable businesses.

(Code 2010, Code 2020)

### **Article 13. Door To Door Sales**

#### **5-1301. Definitions.**

“Door-to-door salesperson,” “solicitor,” “canvasser,” and “peddler,” as used in this Article, mean any individual whose business is mainly or principally carried on by traveling either by foot, automobile or any other type of conveyance from place to place, from house to house or from street to street, taking or attempting to take orders for the sale of goods, wares, merchandise or personal property of any kind whatsoever, for present or future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he or she is collecting advance payments or not; and also includes any person who, without traveling from place to place, sells or offers any such goods for sale from any automobile or other type of conveyance; provided, however, that this definition does not include persons selling only to retailers, nor any person representing any tax-exempt charitable, educational, fraternal, dependent upon charitable gifts, or community service organization, persons with a regular newspaper delivery route or regular milk or food delivery route that do not generally solicit new business by door to door sales.

#### **5-1302. Permit required, exemptions.**

(a) It is unlawful for any person to engage in the business of door-to-door sales, solicitation, canvasser or peddler, as defined in this Article, within the City without first obtaining a permit as provided in this Article.

(b) Permits issued pursuant to this Article shall be valid for a period of thirty days, six months, or one year following the date of issuance.

(c) All persons engaging in the business of door to door sales, solicitation, canvasser or peddler as used in the article must carry a copy of the approved application on their person at all times while conducting business, and produce it for anyone to see such permit.

(d) The Chief of Police is hereby directed to adopt written regulations regarding identification measures with which door-to-door salespersons shall comply. Identification regulations shall include requirement that all door-to-door salespeople wear an i.d., or uniform identifying such person's company affiliation, and that a copy of the permit required by this Article be shown by all door-to-door salespeople at the beginning of each sales contact. A copy of the current regulations required by this section will be attached to the approved permit by the City Clerk, or the Clerk's designee, prior to giving such permit to the applicant.

### **5-1303. Application.**

Any person desiring to apply for a permit under the provisions of this Article shall file with the city clerk a sworn application in writing, in duplicate, on a form to be furnished by the city clerk, including the following:

(a) The name and description of the applicant;

(b) The permanent home address and local address of the applicant;

(c) A brief description of the nature of the business to be carried on or the goods or services to be sold, and the length of time such applicant has been engaged in such business;

(d) If employed, the name and address of the employer, together with credentials establishing such relationship; if the applicant is intending to use employees to carry out this business, the name of each such employee who will be working in the City and such identifying information as required by the Clerk;

(e) The length of time for which the permit is desired;

(f) If a vehicle(s) is/are to be used, a description of the same, together with the permit number or other means of identification;

(g) The names of at least two reliable persons who will certify as to the applicant's good character and business responsibility to enable an investigator to properly evaluate such character and business responsibility;

(h) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, giving the nature of the offense and the punishment or penalty assessed therefore; and

(i) A suitable release, authorizing the city's police department to conduct such background investigation of the applicant as the police chief may deem appropriate.

#### **5-1304. Fee.**

The application shall be accompanied by a fee as set out in Chapter 17 which shall be due and payable at the time the application is received. Such fee shall be set by the governing body in an amount appropriate to cover the cost of investigation of the applicant's background.

#### **5-1305. Investigation; authority.**

Upon receipt of any such application, the original thereof shall be referred to the Chief of Police, who shall cause such investigation to be made of the facts stated in the application and of the applicant's business and moral character as he or she deems necessary for the protection of the public good and shall report the results thereof to the city clerk within ten days after receipt of the application.

This investigation may be waived by the Chief of Police for those vendors, and those employees of such vendors, who have obtained such a background check conducted by the Haysville Police Department within the previous twelve months in association with a previously issued door to door permit issued pursuant to this Article, if neither such vendor, nor any of such vendor's employees, have generated complaints in association with such previously obtained permit. An investigation must be conducted upon all vendors, and applicable employees, pursuant to this Article at least annually.

#### **5-1306. Issuance of or denial of permit.**

(a) If the character and business responsibility of the applicant are found to be good and the facts stated in the application are found to be true, the Chief of Police shall endorse his recommendation for approval upon the application and return the same to the City Clerk who shall deliver to the applicant the permit. Such permit shall show the name, address and the kind of goods or services to be sold there under, the date of issuance and expiration date, together with the permit number or other identifying description of any vehicle proposed to be used in association with door to door sales carried out pursuant to such permit.

(b) If the applicant's character or business responsibility is found to be unsatisfactory or the facts stated in the application are found to be untrue, the Chief of Police shall endorse his recommendation for disapproval upon the application, and the reasons therefore, and return the application to the City Clerk, who shall notify the applicant that his application is disapproved and that no permit will be issued.

#### **5-1307. Revocation.**

(a) Permits issued under the provisions of this Article may be revoked by the Chief of Police or his or her designee after notice for any of the following causes:

- (1) Fraud, misrepresentation or a false statement contained in the application for a permit;
- (2) Fraud, misrepresentation or a false statement made in the course of carrying on the business provided for in the permit;
- (3) Any violation of the provisions of this Article;
- (4) Conviction of any crime or misdemeanor including but not limited to those crimes involving moral turpitude, fraud or misrepresentation;

- (5) Conducting the business of the permit in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public, including failure to honor a property owner's desire to be free from solicitation as indicated by the posting of a sign upon any property stating "no solicitation", or any analogous phrase.
- (6) Violation of any part of this Article by any representative of the permit holder, or by any individual, corporation, partnership, or organization that the permit holder represents.

(b) Revocation of a permit shall be immediate for any of the above listed reasons, or for any reason deemed to pose a risk to the health, safety, or welfare of the City. Individuals shall be notified verbally by the enforcing officer of the revocation of such permit. A written notification shall be mailed to the address provided on the permit application by registered mail. Failure to accept delivery of such registered letter shall not be a failure of notification.

(c) Notice for the revocation or denial of a permit given in writing shall set forth specifically the grounds for the denial or revocation. A request for an administrative hearing to appeal the decision to deny or revoke such application or permit must be made in writing to the City Clerk within five (5) days of receipt of such written notice.

#### **5-1308. Appeal; hearing.**

Any person aggrieved by the action of the Chief of Police or City Clerk in the denial of an application for a permit or permit shall have the right to appeal to the governing body of the city within ten days after the denial, or the revocation of a permit shall have the right to appeal to the governing body of the city within ten days after the denial or revocation of the permit, by filing with the City Clerk a written notice of intention to appeal, setting forth fully the grounds for such appeal, and providing all evidence to support such appeal. The governing body shall, at its next meeting after the filing of such appeal, fix a time and place for a hearing thereon. Notice of such hearing shall be given to the applicant in the manner provided for notice of hearing on revocation of a permit issued hereunder. The decision of the governing body on such appeal shall be final.

#### **5-1309. Hours of operation.**

No person shall engage in the business of door to door sales, solicitation, canvasser, or peddler between the hours of 8:00 p.m. and 10:00 a.m. unless permitted to do so under other applicable city ordinance.

#### **5-1310. Exemption.**

The provisions of this Article do not apply to any person required by city ordinance to obtain a mobile ice cream vending permit.

#### **5-1311. Penalty for violation.**

Any person who canvasses or solicits in the city contrary to the provisions of this Article or refuses to surrender his permit after the same has expired or has been suspended, revoked or canceled, or who otherwise violates any of the provisions of Article shall, upon conviction thereof, be found guilty of an unclassified misdemeanor, and may be punished by a fine of not more than five hundred dollars, imprisonment for not to exceed thirty days, or by both such fine and imprisonment.

(Code 2010, Ord. 1002)

# CHAPTER 8. HEALTH AND WELFARE

## Article 1. Public Health Standards

### 8-101. Definitions.

Unless the context specifically indicates otherwise, the following terms used in this article shall mean as follows:

(a) Waste or Wastes: Shall mean useless, unused, unwanted or discarded materials resulting from normal community activities. Wastes include solids, liquids or gases.

(b) Refuse: Shall mean all putrescible and nonputrescible waste materials (except body wastes) such as trash, garbage, tree trimmings, grass cutting, dead animals and industrial wastes but shall not include human or animal excrements, salvage or inert materials produced in connection with the erection or demolition of buildings.

(c) Trash or Rubbish: Shall mean all nonputrescible animal and vegetable wastes including but not limited to paper, cardboard, tin cans, glass, wood, yard clippings, crockery, metals, and ashes.

(d) Garbage: Shall mean the putrescible animal and vegetable wastes resulting from the handling, preparation, cooling and consumption of food;

(e) Industrial Refuse: Shall mean the solid wastes resulting from industrial processes.

(f) Dead Animals: Shall mean those that die in the normal course of community activity, excluding condemned animals at slaughterhouses or any other animals normally considered industrial refuse.

(g) Manure: Shall mean the body discharges of all animals except humans;

(h) Human Excreta: Shall mean the body discharges (both feces and urine) of humans.

(i) Sewage: Shall mean a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground surface and storm waters as may be present.

(j) Salvage Materials: Shall mean materials of some value that are obtained from the disassembly of various kinds of machinery and mechanical appliances and/or the demolition of buildings or similar structures;

(k) Salvage Yard: Shall mean any premises used for:

(1) The sale and resale of used merchandise;

(2) The disassembling of wrecked or used automobiles and sale of auto parts, and;

(3) The collection, sorting, storage and/or resale of various kinds of metal and/or used building materials.

(l) Foodstuffs: Shall mean all food used for human consumption;



(m) Rodents: Shall mean the so-called domestic rats, *Rattus norvegicus*, *Rattus rattus alexandrinus* and *Rattus rattus*, domestic mice, *Mus musculus* and other wild native rodents associated with the transmission of diseases affecting man or other animals.

(n) Insects: Shall mean the following classes of Arthropoda:

(1) Insecta; and;

(2) Arachnida, including flies, lice, cockroaches, bedbugs, plant bugs and mites, ticks, spiders and scorpions.

(o) Control Measures: Shall mean any chemical, structural, physical procedures, or processes designed to eradicate, minimize, prevent or otherwise limit the reproduction and/or infestation of insects, rodents or other animal populations detrimental to public health.

(p) Premises: Shall mean a lot, plot or parcel of land, including the dwellings and structures, if any, located thereon.

(q) Director of Community Health: Shall mean the director of the Sedgwick County Department of Community Health.

(r) Health Officer: Shall mean the director of the Sedgwick County Department of Community Health or authorized representative.

(s) City: Shall mean the City of Haysville, Sedgwick County, Kansas.

(t) Utility Committee: Shall be appointed by the mayor and be comprised of two councilmembers and the public works director.

(u) Code Enforcement Officer: Shall mean the code enforcement officer of the city.

(Code 1971, Sec. 7-101; Code 2003)

#### **8-102. Responsibility of code enforcement officer.**

The code enforcement officer or the health officer of the Sedgwick County Department of Community Health shall be responsible for the enforcement of this article and is hereby authorized to make such investigations, to issue notices, orders and directions as are necessary for the enforcement of the provisions of this article.

(Code 1971, Sec. 7-102; Code 2003)

#### **8-103. Responsibility of legal counsel.**

The city's legal counsel shall be responsible for the prosecution of all violators of the provisions of this article in the municipal court of the city.

#### **8-104. Notices.**

Whenever the code enforcement officer determines that there has been a violation of any provisions of this article, he or she shall give notice of such alleged violation to the person or persons responsible therefore as hereinafter provided. Such notices shall:

- (a) Be in writing;
- (b) Particularize the violations alleged to exist or to have been committed;
- (c) Provide a reasonable time for the correction of the violations particularized;
- (d) Be addressed to and served upon the owner and/or occupant of the premises.

(Code 1971, Sec. 7-104; Code 1984)

#### **8-105. Hearings.**

Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this article, who is aggrieved thereby, and who believes the same to be contrary to the policies or regulations of the city may request and shall be granted a hearing on the matter before the governing body. Such person shall file in the office of the city clerk a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the notice is served. Upon receipt of such petition the city clerk shall set a date to be heard at the next regular council meeting for such hearing. At the hearing, the petitioner shall be given an opportunity to be heard and to show why the notice should be modified or withdrawn. The proceedings at the hearing, including the findings and decision of the governing body, shall be summarized, reduced to writing and entered as a matter of public record in the office of the city clerk. The record shall also include a copy of every notice or order issued in connection with the matter. Appeals from the decision of the director of community health officer or designated representative may be made to the governing body within five (5) days after the decision has been declared. Whenever the director of community health or designated representative finds that an emergency exists which requires immediate action to protect the community health, he or she may request that the mayor issue an order reciting the existence of such emergency and requiring that such action be taken as they (the code enforcement officer or designated representative and the mayor) deem necessary to meet the emergency. The mayor shall determine whether the aforesaid order shall be issued. In the event that the mayor determines that an emergency exists, he or she may, without notice or hearing, issue the order. Notwithstanding the other provisions of this article, the order shall be immediately effective. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the code enforcement officer shall be afforded a hearing as herein provided as soon as possible. After such hearing, upon the recommendations of the code enforcement officer, the governing body shall determine whether the order shall be continued in effect, be modified or revoked.

(Code 1971, Sec. 7-105; Code 2003)

#### **8-106. Same; orders.**

After such hearing, the code enforcement officer or designated representative may sustain, modify or withdraw the notice, depending upon his or her findings as to whether the provisions of this article and the rules and regulations adopted pursuant thereto have been complied with. If the code enforcement officer or designated representative sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this article shall become an order if a written petition for a hearing is not filed in the office of the city clerk within ten (10) days after notice is served.

(Code 1971, Sec. 7-106; Code 2003)

#### **8-107. Sanitation standards for refuse.**

Sanitation standards for refuse in the city shall be as follows:

(a) Storage:

- (1) The owners or occupants of all residential premises shall store all refuse produced on such premises, in liquid tight containers covered with fly-tight, watertight lids or covers. All garbage that is produced on such residential premises shall be drained and wrapped in newspaper or similar material prior to being placed in the container. Garbage that is disposed of by garbage grinders shall otherwise be excluded from the provisions of this section;
- (2) All garbage that is not otherwise disposed of by garbage grinders from commercial or other establishments that process, sell or serve food products shall be stored in separate liquid tight containers with fly-tight and watertight lids or covers;
- (3) Owners or occupants of premises other than residential shall store all trash produced on such premises in suitable, liquid tight containers, covered with fly-tight and watertight lid or covers. In the event trash is of such quantity as to make it impractical to place the same in containers, the owner or occupant of such premises shall provide storage facilities for the trash as may be required by the code enforcement officer;
- (4) Bulky nonputrescible material may be stored on the ground near the refuse containers of all premises. Such material shall be tied securely in bundles less than four (4) feet in length and less than fifty (50) pounds in weight.

(b) Collection, Removal and Disposal:

- (1) The refuse from all premises shall be collected and removed at least once each week, in covered vehicles of watertight construction, inspected and approved for collection of refuse;
- (2) All vehicles used for the collection of refuse shall be kept in a clean and sanitary condition and shall be washed free of putrescible materials at the close of each day and shall be kept in safe mechanical condition;
- (3) All persons, other than those collecting and removing refuse from premises occupied by them, who collect or offer to collect refuse in the city, shall be licensed as required by this code and any amendments thereto;
- (4) All refuse collected from premises within the corporate limits of the city shall be disposed of at such locations and in such a manner as approved by the code enforcement officer;  
(Code 1971, Sec. 7-107(b)(1); Ord. 320; Code 2003)

**8-108. Sanitation standards for animals.**

Sanitation standards for animals for the city shall be as follows:

(a) **Diseased Animals or Fowl.** Any domestic animal or fowl suffering from a disease that is hazardous to other animals or humans shall be destroyed or placed in custody of a veterinarian in an animal hospital;

(b) **Animal Pen.**

- (1) **Location.** No animal pen, rabbit hutch, pigeon loft or similar structure or enclosure housing animals or fowl shall be located fewer than thirty-five (35) feet from a dwelling or street;

- (2) Fence. Barbed wire fences and electrically charged fences shall not be permitted, except on public land or properties for which agricultural classification permit is held or on top of a six (6) foot security fence;
- (3) Cleaning. Structures or enclosures used to confine fowl or animals shall be kept in a sanitary condition that will not produce offensive odors or breed flies. All accumulations of manure, straw or litter shall be removed from such structures or enclosures each day and placed in containers approved by the code enforcement officer for such purposes;
- (4) Removal of Manure. Accumulations of manure stored in approved containers shall be removed from all premises at least twice each week and disposed of in a manner approved by the code enforcement officer;
- (5) Feeding of Garbage to Animals. Domestic garbage or food scraps shall not be fed to animals or fowl harbored or kept in pens located within the corporate limits of the city.

(Code 1971, Sec. 7-108; Code 1984; Code 2003)

#### **8-109. Sewage and human excreta.**

Facilities for rules and regulations of disposal of sewage and human excreta shall be as follows:

(a) Facilities. All human excrements shall be discharged into a plumbing system connected to a sanitary sewer system, or septic tank system, as approved by the public works director or his/her designee and as otherwise required by this code and amendments thereto.

(b) Disposal. No owner or occupant of any premises within the corporate limits of the city shall discharge or permit to be discharged on the surface of the ground of any premises owned or occupied by him or her any sewage, industrial waste, septic tank effluent or any other liquid or solid wastes that are hazardous or dangerous to health;

(c) Privies. Privies shall not be used for the disposal of human excreta, except for construction projects located in unsewered areas in which case privies approved by the public works director or his/her designee will be permitted until such time as adequate plumbing facilities can be provided and except as otherwise permitted by the public works director or his/her designee.

(Code 1971, Sec. 7-110; Code 1984; Code 2003)

#### **8-110. Salvage yards.**

All salvage yards shall be located in accordance with city zoning regulations. All rackable salvage materials shall be stored on racks or in bins with at least eighteen (18) inches of clearance between the bottom of the rack or bin and the ground and a width of forty eight (48) inches or less. No rack or bin shall be closer than forty eight (48) inches to a wall, fence or adjacent bin or rack. Nonrackable materials shall be stored with an exposed perimeter or in a manner specified by the code enforcement officer to prevent rodent harborage and breeding. All ground surfaces except lawn areas shall be kept free of all grasses and weeds using soil sterilants, herbicides and/or other effective methods. An effective, continuous rodent poisoning using anticoagulant rodenticides or other effective methods shall be maintained at all salvage yards.

(Code 1984; Code 2003)

#### **8-111. Rodent control.**

Rodent control in the city shall be as follows:

(a) Rodent Proofing. Buildings or premises located in industrial and commercial zones and all premises with multi-family dwellings shall be maintained in rodent proof condition by proper application of structural materials or alterations approved by the city inspector for rodent proofing and applied in the manner specified by the city inspector;

(b) Screening. Exterior windows and doors of all buildings used for human habitation or for storage, preparation or serving of food shall be screened in a manner prescribed by the city inspector;

(c) Storage of Foodstuffs. All foodstuffs stored within buildings or premises described in subsection (a) shall be stored in an orderly manner so as to facilitate good housekeeping, prevent contamination and minimize food or harborage of rodents;

(d) Storage of Nonfoodstuffs. All nonfoodstuffs stored within buildings or premises described in subsection (a) shall be stored off the floor in a manner that will facilitate proper cleaning and minimize rodent harborage. All organic nonfoodstuffs shall be treated in a manner that will limit the access of such materials to rodents. All storage areas within the building shall be kept free of such trash and rubbish;

(e) Storage of Materials Outside Buildings. Materials stored outside buildings or premises described in subsection (a) shall be kept on racks that provide a clearance of eighteen (18) inches or more between the bottom of the rack and the ground surface and at least forty eight (48) inches away from a building, wall or fence. Refuse containers may be stored on a concrete slab as specified by the city inspector. The code enforcement officer shall have discretion to issue a waiver to property owners, valid for one year, to reduce the clearance level for storage of those materials that cannot feasibly be stored on racks or should not be stored 18" off the ground due to extreme size and weight of such materials. Inconvenience to the property owner shall not be grounds for issuance of such a waiver, and all such waivers must be annually renewed following an on-site inspection by the code enforcement officer. Initial issuance and subsequent reissuance of such waivers shall not be automatic, but based on articulable facts in existence at the time of each inspection.

(f) Rodent Eradication. When directed to do so by the code enforcement officer or representative of Sedgwick County Department of Community Health, the owners or occupants of any premises shall institute effective rodent eradication measures as recommended by the code enforcement officer or the representative of the Sedgwick County Department of Community Health.

(Code 1971, Sec. 7-112; Code 2003; Ord. 915)

## **8-112. Insect control.**

The control of insects in the city shall be as follows:

(a) Insect Breeding. All premises in the city shall be maintained free of conditions that encourage or permit any unnecessary breeding of insects that are annoying or dangerous to residents of the city;

(b) Screening. Exterior windows and doors of all buildings used for human habitation or for the storage, preparation or serving of food shall be screened in a manner prescribed by the city inspector;

(c) Whenever the city inspector shall find that it is impossible or impractical for owners or occupants to individually control populations of dangerous or annoying insects, he or she shall notify the city and it shall be the duty of the city to develop, in cooperation with the city inspector, a practical program for community wide control.

(Code 1971, Sec. 7-1136; Code 2003)

### **8-113. Construction of lake or pond, unlawful.**

It shall be unlawful for any person, persons, business or other entity, other than the city and its designees to construct or cause to be constructed, within the corporate limits of the city, any type, size or shape of lake, pond or reservoir, except when approved by the governing body by resolution. Any person, persons, business or other entity violating the provisions of this section shall upon conviction be punished by a fine of not more than \$2,000. The city shall have the right to cause the site of such lake, pond or reservoir to be restored to its original state as before the construction of such lake, pond or reservoir and that the reasonable costs of such restoration shall be charged against the violator of this section.

(Ord. 388)

### **8-114. Penalty.**

Any person who shall violate any provision of this article, other than section 8-113, or any provision of any rule or regulation adopted by the code enforcement officer, city inspector or representative from the Sedgwick County Department of Community Health pursuant to authority granted by this article shall, upon conviction thereof, be punished by a fine in accordance with the general penalty provisions set out in section 1-121 of this code. Each day that any violation of this article continues shall constitute a separate offense and punishable hereunder as a separate violation.

(Code 1971, Sec. 7-114; Code 1984; Code 2003)

### **8-115. Food handler's cards.**

No person operating a restaurant subject to annual inspection by the State of Kansas shall allow any employee to engage in any food handling whatsoever unless the employee has attended a food handlers instructional class that is provided or approved by the Wichita/Sedgwick County Health Department. Each employee shall maintain in his or her possession a food handler's card issued by the health officer certifying that the employee has received such instruction or has passed such examination.

A copy of such food handler's certificate shall be maintained at the business, and shall be shown to any City code Inspector/Enforcement Officer who requests to view such certificate. This section shall be administratively enforced through Article 5-101, business licensing and registration. Additionally, the owner or manager of any such business may be prosecuted for failing to maintain proof of valid food handler's certificates for all employees pursuant to section 8-114 above.

(Code 2010)

## **Article 2. Solid Waste Code**

### **8-201. Solid waste code incorporated.**

In accordance with K.S.A. 12-3301, et seq., the Solid Waste Management Plan Update January 2001 to 2002 as prepared and published by the Environmental Health Division, Sedgwick County Department of Community Health is hereby adopted by reference in its entirety to be applicable to the city. However, and notwithstanding any other provisions herein to the contrary, in the event any provisions contained within this article are in conflict with said code, then, and in that event, this article and the provisions hereof shall control. No fewer than three (3) copies of the Solid Waste Management Plan as incorporated by reference

shall be on file with the city clerk to be available for inspection by the public at all reasonable business hours. The filed copies of the code shall be marked or stamped “Official Copy as Incorporated by the Code of the City of Haysville, Kansas.” All sections or portions of the filed copies of the standard code intended to be omitted or amended by further ordinance(s) shall be clearly marked to show any such deletion or amendment.

(K.S.A. 12-3009; Ord. 351; Sec. 1; Code 2003)

## **8-202. Trash containers and accessibility to solid waste.**

Each owner of each occupied single family dwelling and each multiple family dwelling, apartment and mobile home park shall make available to the occupants and the collector, residential trash containers herein defined or as provided for in section 8-107 which shall at all times be made available for convenient, unobstructed access to both the solid waste collector and the occupant. Access shall not be considered obstructed as long as the collector is able to pick up the container, whether or not the same is located in any unlocked fence or garage.

All dogs shall be kept away from the collector. No owner or occupant shall in any manner interfere with the solid waste collector in the lawful collection of solid waste. All containers shall be of a thirty (30) or thirty-five (35) gallon; or eighty (80) to one-hundred (100) gallon, self-contained wheel container size. All solid waste shall be entirely enclosed within the container(s), and yard waste in plastic sacks where used, and the area around the containers shall be kept neat and clear and free of solid waste.

(Ord. 351-B; Ord. 351-D; Sec. 2; Code 2003; Ord. 904; Ord. 910; Code 2007)

## **8-202a. Refuse containers.**

(a) GENERAL STORAGE. All solid waste shall be stored so that:

- (1) it does not attract birds; or rats, flies, mosquitoes or other disease vectors;
- (2) it does not provide shelter or a breeding place for disease vectors;
- (3) it does not create a health or safety hazard;
- (4) it is not unsightly; and
- (5) the production of offensive odors is minimized

(b) RESIDENTIAL. No garbage and trash receptacles shall be stored in a front yard a distance of more than six (6) feet from the front of the house. The requirement in this subsection shall not apply on those days that refuse collection has been scheduled for that location.

(c) COMMERCIAL. The owner or occupant of every institutional, commercial, industrial, business, apartment building with four or more residential units, or other non-residential establishment, from which solid waste collection is made under these regulations, shall place all solid waste in proper containers, including dumpsters, that have been designed and manufactured specifically for storage and collection of solid waste, except as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat, and sanitary condition at all times.

All solid waste containers, whether containing solid waste or not, shall be screened at all times other than when placed out for collection within the allowable collection time period, and such containers shall



be located on an all-weather surface located behind the existing building line or at another location approved in writing by the enforcing officer. Screening shall be provided to reasonably hide from ground level view all trash receptacles from public view. Walls and fences may be used in combination with berms and plantings to screen commercial trash receptacles from view when such trash receptacle is visible from adjoining street rights-of-way or from adjoining properties which are zoned to be used for residential purposes. Said all weather surface and screening shall be constructed pursuant to a permit issued by the city, and shall conform to the meaning of those terms as utilized by the nuisance and zoning codes of this city. The fee for said permit is hereby waived.

An exception to this section is made for certain industrially zoned properties. Solid waste containers located in areas zoned as industrial may be stored behind structures located upon the property to screen such containers from view from the street when such industrially zoned property is abutted by other industrially zoned property on all sides except for the street frontage. This exception specifically excludes industrially zoned properties abutting residential or commercial properties.

(d) NOTICE OF VIOLATION. Any person or entity the enforcing officer finds to be in violation of this section shall be served written notice of such violation. The city clerk, or the clerk's designee, shall cause notice to be served by certified mail, return receipt requested, or by personal service or, by posting notice at the property and in the City's newspaper, or in the event the owner or lessee thereof does not reside within the corporate limits of the city, by mailing such notice by certified mail, return receipt requested, to the owner's or lessee's last known address.

- (1) The notice shall describe in writing the conditions constituting the violation.
- (2) The notice shall also inform the person or entity receiving such notice that such person or entity shall have such time, to be specified in the notice and not to exceed ten (10) days from the date specified in the notice, to remove and abate the violation from the property or premises.
- (3) Notice of any specific violation of this section, including improper storage and improper screening of solid waste, once given, shall not be necessary again within a twelve month period. Such notice shall be deemed sufficient to inform such property owner or lessee of a violation of the requirements of sanitary and aesthetic storage of solid waste within the community.

(e) PROSECUTION.

- (1) When the code enforcement officer determines that the property owner or lessee has failed to remove and abate the violation within the time set forth in the notice, or has allowed the violation to reoccur within twelve months of the initial notice of violation, the officer may file a complaint in the municipal court of the city against such person alleging a violation of this section.
- (2) Failure to remove and abate the violation may also result in removal and abatement of the violation by the city as provided by section 8-205.
- (3) Any person convicted of a violation of this section of this article shall be punished by a fine in accordance with the general penalty provisions set out in section 1-121 of this code. Each day that any violation of this article continues shall constitute a separate offense and be punishable hereunder as a separate violation.

(Ord. 904; Ord. 910; Code 2022)



**8-203. Dumping waste prohibited.**

It shall be unlawful for any person to place, leave or dump any garbage, rubbish, trash or debris on any property, improved or vacant, not his or her own and without the direct and express permission of the property owner. Any health and sanitation ordinances shall continue to apply regardless of ownership of the property.

(Ord. 455, Sec. 1)

**8-204. Weekly collections, nonpayment of bills.**

The occupant of all nonresidential premises and the owner of all single family dwellings and apartments and mobile home parks, shall arrange, contract and pay for the collection of, and have collected solid waste at least weekly by a solid waste collector licensed by the city and a valid permit obtained from the Sedgwick County Department of Community Health, with such service being at all times in accordance with the terms of this article, the Solid Waste Code of Sedgwick County, Kansas, adopted herein and the solid waste system of Sedgwick County, Kansas. If the utility committee referred to in this article or the Sedgwick County Department of Community Health determines that, in the interest of health and safety, there shall be more frequent collections, then the occupant or owner shall, within fourteen (14) days after receipt of such determination, commence the collection as recommended. It shall be the duty of every solid waste collector to notify the city clerk in writing within five (5) days whenever any customer is dropped by the collector for nonpayment of bills.

(Ord. 351-C, Sec. 3; Code 2003)

**8-205. City's right to collect.**

In addition to such other rights and remedies as may be allowed either in law or in equity or under the terms hereof, in the event said occupant and/or owner shall, for any reason, fail or refuse to comply with section 8-204, then and in that event the city may, in addition to any other rights, remedies or penalties provided for herein arrange for the collection and disposal of the solid waste and the owner shall be responsible for the cost of the collection and disposal.

(Ord. 351, Sec. 4)

**8-206. Notification.**

The city may assume the responsibility for the collection of solid waste for any nonresidential premises and shall assume the responsibilities for the collection of solid waste from any single family dwelling and multiple family dwellings and apartments and mobile home parks, only after the city has been notified and a determination made that the terms hereof have been violated. In such an event the city shall forward a seven (7) day written notice to the owner that solid waste has not been collected with the terms hereof. The owner shall have ten (10) days from the date of forwarding the notice to cause the solid waste to be collected. Notice shall be deemed properly served upon the owner if a copy thereof is served upon him or her personally, or if a copy thereof is sent by certified mail to the owner's last known address. The owner, for all purposes herein contained, shall be considered the taxpayer listed as such, in the ad valorem tax rolls of Sedgwick County, Kansas, unless the owner presents such written evidence as the "Utility Committee" may require to show that he or she has transferred ownership.

(Ord. 351, Sec. 5)

**8-207. City's obligation to collector.**

The city shall not be responsible for any collection of bills incurred prior to the date the city authorized collection and contracts for services to be rendered. The city shall pay to the collector such reasonable rates as may be negotiated. The collector shall not be paid until such time as the city has collected for its services from the owner.

(Ord. 351, Sec. 6)

#### **8-208. Rights and remedies.**

In the event the city, for any reason, collects the solid waste of any owner as herein provided, and in the event the bill for collection is not, for any reason, paid within sixty (60) days after mailing as herein provided, the cost of removal and collection of the solid waste shall be a lien against the real property of the owner. Such lien, including as a part thereof an allowance for costs, shall be assessed in the manner provided under the terms of K.S.A. 65-3410, which provides in part: "Delinquent fees shall constitute assessments against the respective parcels of land and are a lien against the property for such delinquent fees. The assessments may be collected at the same time and in the same manner as ordinary ad valorem taxes are collected."

(Ord. 351, Sec. 7)

#### **8-209. License required of collector.**

All solid waste, excepting only as provided in the said Solid Waste Code for Municipalities, shall be collected by a person, firm or corporation licensed by the city as well as by the Sedgwick County Department of Community Health and no contract shall be let to or agreement entered into with, or solid waste picked up by any other person, firm or corporation, unless same are so licensed.

(Ord. 351, Sec. 8; Code 2003)

#### **8-210. Solid waste collection vehicle standards, maintenance and licensing.**

All solid waste collection vehicles of each solid waste collector shall be licensed, maintained and operated in accordance with the definitions and other sections of this code. Each solid waste collector other than governmental agencies, shall for each solid waste collection vehicle operated by the collector, pay an annual license fee as approved by the board of county commissioners. The board of county commissioners may arrange for reciprocity with the city in recognizing licensing by the city. Each solid waste collection vehicle when not in use shall be maintained or parked in accordance with the zoning or other regulations applicable in the city or county, and in any event in such a manner and location so as not to create a nuisance. No solid waste collection vehicle shall be stored or parked other than for collection purposes, or maintained on a public street or residential premises. Each solid waste collection vehicle prior to licensure each year shall receive such inspection as determined by the city to determine that such vehicle is operating in accordance with state statutes relating to safety and in accordance with the county solid waste management plan. Each solid waste collection vehicle shall be maintained in a safe and operable manner without production of excessive noise, be capable of providing collection services for which it is licensed or designated, including any necessary equipment, kept in a clean condition and appropriately painted.

(a) Each solid waste collector shall provide collection service in accordance with a schedule as agreed by such solid waste collector and his or her individual customers and/or the city. Each solid waste collector shall be responsible for replacing all solid waste dumpsters back into the screened area provided for such dumpster by the property owner/lessee. In the case of breakdowns of collection equipment the solid waste collector shall maintain standby equipment or otherwise arrange for collection service as ~~scheduled~~ practicably possible.

(b) Residential solid waste collection service shall be scheduled and provided only during the hours of 6:00 a.m. and 7:00 p.m. on Monday through Saturday. Commercial solid waste collection service shall be scheduled and provided only during the hours of 3:00 a.m. and 7:00 p.m. on Monday through Saturday. These times may be adjusted by City Administration during times of emergency, or when necessitated due to conditions affecting public health, or the safety and well-being of workers or citizens.

(Ord. 351-C, Sec. 5; Code 2003; Ord. 910; Ord. 989, Code 2013; Code 2024)

#### **8-211. Exemptions and hearings.**

Any owner, or if applicable, occupant, required by this article to arrange and pay for the collection of solid waste collection services and disposal fee, may, when the owner, or, if applicable, occupant, is not in fact producing solid waste requiring the collection and disposal of solid waste as herein required, petition the utility committee, in writing, to provide relief from such fees and/or services. The owner shall supply the committee with such information and complete such forms as they may require. The utility committee shall, after hearing such grievance make its recommendation to the governing body for final determination. If the utility committee determines that the collection of solid waste from the subject premises is not necessary or not required as frequently as provided for herein, it may recommend such partial relief as may be determined from the circumstance involved. If any aggrieved person is not satisfied with the utility committee's recommendation then the person may, within thirty (30) days after said determination, appeal in writing to the governing body; no collection services may be ceased or limited until thirty (30) days after the governing body makes its determination as hereinabove provided.

(Ord. 351-A, Sec. 10)

#### **8-212. Penalty.**

In addition, the municipal court is hereby authorized, upon proper motion, empowered and directed to abate or suppress any violation of this article and for the purpose of carrying out the provisions of this section, the municipal court is hereby authorized, after giving proper notice, to give to any city law enforcement officer or health officer the right to enter into or upon any premises or establishment for the purpose of making thorough examinations and for the further purposes of causing any violations to be abated or suppressed. Any person convicted of a violation of this article shall be punished by a fine in accordance with the general penalty provisions set out in section 1-121 of this code. Each day that any violation of this article continues shall constitute a separate offense and be punishable hereunder as a separate violation.

(Ord. 351, Sec. 12; Code 1984; Code 2003)

### **Article 3. Solid Waste; Commercial Collection, Disposal**

#### **8-301. Collect, dispose; solid waste.**

No person, firm, company, corporation or other entity shall, within the city limits, collect or dispose of solid waste unless licensed by the appropriate Sedgwick County agency, and the city, and in addition, the collector or any collector shall at all times remain in compliance with the Solid Waste Code for Municipalities for Sedgwick County, Kansas, hereinafter referred to as code, and published by the Environmental Health Division of the Sedgwick County Department of Community Health, and with the terms of this article. In addition the collector shall at all times comply with all other federal, state and local

rules, regulations and laws established by governmental entities or agencies having jurisdiction in the premises.

(Ord. 350, Sec. 1; Code 2003)

### **8-302. Contracts.**

The city may be required under section 8-201:211 of this chapter and any additions or substitutions thereof which may be enacted by the city to contract with licensed solid waste collectors for the collection of solid waste within the city limits.

(Ord. 350, Sec. 3)

### **8-303. Collector to provide insurance.**

Prior to any contract being let or executed the solid waste collector shall execute such contracts and applications as may be required by the governing body and, in addition, shall deliver to the city clerk the contracts of insurance herein provided for.

(Ord. 350, Sec. 4; Code 2003)

### **8-304. Collector to submit evidence of insurance.**

The collector or any collector shall secure and maintain throughout the duration of any contract with the city and at all times when acting for and on behalf of the city, such insurance as is hereinafter required. The collector or any collector shall submit evidence of insurance with executed contract documents. Insurance shall be considered acceptable when provided in one of the following methods:

(a) By the issuance of the original policy designating the collector and the city by name as the insured parties under the provisions of the policy;

(b) By endorsement to an original policy when the endorsement shall extend to the city the same coverage and protection stipulated in the paragraph above;

(c) By separate contingent policy providing the required insurance coverage for the protection of the city.

A duplicate of the original of each policy shall be furnished showing specifically the coverage and limits together with the underwriter thereof for approval by the city. Regardless of such approval by the city, it shall be the responsibility of the collector to maintain adequate insurance coverage at all times and the failure to do so shall not relieve the collector or any collector of any contractual obligation or responsibility. The failure by any collector to maintain insurance coverage as required by this article shall be considered a failure in contract performance, a violation of this article and shall be treated as such by the city. Satisfactory certificates of insurance filed with the city shall note that thirty (30) days written notice will be given to the city and to the surety before any policy covered thereby is changed or canceled.

(Ord. 350, Sec. 5; Code 2003)

### **8-305. Types of insurance.**

The collector or any collector shall provide the following insurance and shall list the city as an additional insured and shall provide the city with a copy of the insurance certificate. Such policy or policies shall not be cancelable by the vendor upon less than thirty days notice to the city.

(a) Worker's Compensation and Employer's Liability. This insurance shall protect the collector or any collector against all claims under the worker's compensation law of the state of Kansas. In addition, the insurance procured by the collector shall protect the collector or any collector against claims for injury, disease or death of its employees that, for any reason, may not fall within the scope of coverage of collectors' worker's compensation insurance.

The liability insurance limits shall not be less than the following:

Bodily injury - \$100,000 each person

Bodily injury - \$300,000 each occurrence

Property damage - \$50,000 each occurrence

Such policy may be written to allow the first \$500 of a liability for damage to property to be deductible;

(c) General Liability. This insurance shall be written in comprehensive form and shall protect the collector or any collector against all claims arising from injuries to any person or damage to property of others arising out of any act or omission of the collector or any collector, and in addition, this policy shall specifically provide the collector or any collector protective liability insurance, and contractual liability insurance covering the obligations stipulated below. The collector shall provide and maintain insurance to protect the city against any and all claims for damages, for personal injury, including accidental death, as well as from collector, any of his or her subcontractors, or by anyone directly or indirectly employed by the collector or his or her subcontractors. The liability limits shall not be less than the following:

Personal injury - \$100,000 each occurrence

\$300,000 aggregate or single limit of \$300,000

Property damage - \$50,000 each occurrence

\$100,000 aggregate

Such policy may be written to allow the first \$500 of liability for damage to property to be deductible.

(Ord. 350, Sec. 6; Code 2003)

### **8-306. Duties of collector.**

The collectors or any collector shall, by virtue of his or her contract or agreement with the city or by his or her acting on behalf of the city, bind himself or herself to indemnify, defend, punctually pay and save harmless the city and all of its officers, agents, representatives and employees from all suits, claims, demands or actions of every kind or description arising from or relating to any acts, omissions or negligence of the collectors or any collector, his or her employees, designees or subcontractors. The collectors or any collector shall likewise bind himself or herself to punctually pay, defend, indemnify and save harmless the city and all of its officers, agents, representatives and employees for and on account of any injury or damages received or sustained by the collectors or any collector, his or her designees, employees or subcontractors on account of any claim or amount recovered for royalty or infringement of patent, trademark, copyright or on account of any claim or amount recovered under the worker's compensation law.

(Ord. 350, Sec. 7; Code 2003)

**8-307. Streets to be kept clear.**

The collectors or any collector shall not obstruct streets or alleys. The collectors or any collector is granted the privilege of using the streets for the work specified, but he or she is not granted exclusive use of such streets. The collector or any collector shall handle the work in a manner which shall cause the least inconvenience to the public or property owners and shall perform his or her labors in a courteous, prompt manner.

(Ord. 350, Sec. 8)

**8-308. Permit required.**

No person, firm, company, corporation or other entity shall, within the city limits, collect or dispose of solid waste unless a permit is first obtained from the city clerk prior to the issuance of the license. The collectors or any collector shall deliver to the city clerk copies of certificates of insurance reflecting compliance with the safety responsibility laws of the state of Kansas and such insurance as may be required by the state of Kansas prior to the operation of a motor vehicle upon the highways of the state. The insurance shall be kept in full force and effect at all times and shall name the city of Haysville as an additional insured and collectors shall provide the city with a copy of the certificate of insurance. In addition, the collectors shall deliver to the city clerk written evidence that the collector has complied with the Solid Waste Code for Municipalities and this article and that the collector's vehicle or vehicles in all respects comply with the provisions of this code. In addition, the collectors or any collector shall, if applicable, deliver to the city clerk the insurance certificates required by this article, and such information as may be reasonably required to assure the governing body that the terms of this article are and will be complied with. The collectors or any collector and all employees shall at all times remain licensed to operate a motor vehicle under the laws of the state of Kansas.

(Ord. 350, Sec. 9; Code 2003)

**8-309. Route lists.**

Any collector collecting solid waste in the city shall make, keep and maintain a detailed, itemized written list setting forth the names and addresses of all resident owners and in addition, the names and addresses of any parties with whom the collectors or any collector has contracted for the collection of solid waste and the addresses from which the solid waste is being collected. Such list shall be made available to the city by the collectors or any collector upon request of the city.

(Code 1984)

**8-310. Revocation of license.**

Any and all contracts and licenses hereunder are subject to revocation for any violation of this article or upon the failure of the collectors or any collector to comply with any of the terms of the contract or license with the city or for any reason shall consider any work stoppage which interrupts the normal and regular collection of solid waste. In the event any collectors or collector shall fail to comply with any of the provisions of this article the city clerk may, with the consent of the governing body, upon ten (10) days notice to the collectors or collector, revoke and cancel any contract or license. Any collectors or collector may appeal such revocation order within ten (10) days to the governing body.

(Ord. 350-A)

**8-311. License fee.**

A license fee as set out in Chapter 17, for each license issued hereunder shall be paid to the city clerk. The license shall expire at the end of the calendar year regardless of when the license was issued.

(Ord. 350-C; Ord. 350-D; Code 2003; Code 2007)

### **8-312. Penalty.**

The violation of any portion of this article shall be punished in accordance with the general provisions set out in section 1-121 of this code. Each day the violation continues shall be considered a separate offense. In addition, the municipal court is hereby authorized, empowered and directed to abate or suppress any violation of this article.

(Ord. 350, Sec. 13; Code 2003)

## **Article 4. Nuisances**

### **8-401. Nuisances unlawful; defined.**

It shall be unlawful for any person to maintain, cause or permit any nuisance within the city limits. For the purpose of this article “nuisance” shall mean:

(a) Filth, excrement, lumber, brush, rocks, dirt, cans, paper, trash, metal or any other offensive or disagreeable thing or substance thrown or left or deposited upon any street, avenue, alley, sidewalk, park or public or private enclosure or lot, whether vacant or occupied;

(b) Dead animals not removed within twenty-four (24) hours after death;

(c) Any place, structure or substance which emits or causes to be emitted any offensive, disagreeable, noxious or nauseous odors;

(d) Stagnant ponds or pools of water;

(e) All grass, weeds or other unsightly vegetation not commonly used for ornamental purposes, and not exempted as an approved indigenous planting, or not normally cultivated or grown for commercial or domestic use;

(f) Unused, unattended, damaged, or abandoned items found or located upon any street, avenue, alley, sidewalk, park or public or private enclosure or lot, whether vacant or occupied, including, such items to include but shall not be limited to, iceboxes, refrigerators, freezers, washers, dryers, dishwashers, hot water heaters or similar devices or equipment, or signs as defined within the City’s sign regulations (e.g., section 4-1400s);

(g) Any thing or things that, by virtue of the place or manner in which it is or they are maintained, permitted, stored, positioned, placed or otherwise situated, injures, impedes, obstructs or hinders the public or any neighborhood to include maintaining or strewing items across property to that degree that results in an unsightly appearance constituting a blight to adjoining property, the neighborhood or the city. A blighting influence shall be presumed based upon 1) the quantity of items strewn about or maintained upon a property being in excess of twelve (12), 2) the quality of items strewn across property being in a junked, wrecked, damaged, dismantled, deteriorating, inoperable, or abandoned state, and/or 3) evidence that vermin, noxious weeds, or other public health hazards are attracted to, protected by, or residing within such items.



(h) Any fence, structure, thing or substance placed upon or being upon any street, sidewalk, alley or public ground so as to obstruct the same, except as permitted by the laws of the city; or,

(i) Any act or failure to act that causes or permits a condition to exist which injures or endangers the public health, safety or welfare;

(j) Salvage material, industrial material or commercial material located upon premises located within an area zoned for residential purposes, except building materials to be used within ninety (90) days in conjunction with a construction project on such premises;

(k) Piles or otherwise disorderly, un-stacked, accumulations of wood located upon any residential or commercial properties, or vacant lots in residential or commercial areas. Firewood may be stored in stacks at least (6) inches off the ground and must not be in contact with any adjacent structures. Mulch may be stored in piles that are no more than five (5) feet high and set back from any property line by ten (10) feet, and shall be appropriately screened by fence or other approved screening method to prevent mulch blowing onto adjoining properties or from being viewed from any public roadway.

(l) Any recreational vehicle or commercial storage not maintained on an all-weather surface.

(Code 2007; Code 2019; Code 2022)

#### **8-401a. Nuisance automobiles.**

(a) Policy. The governing body of the city finds that junked, wrecked, dismantled, inoperable and abandoned vehicle(s), in and upon private real property within the city is a matter affecting the health, safety and general welfare of the citizens of the city for the following reasons:

- (1) Such properties and conditions serve as a breeding ground for flies, mosquitoes, rats and other insects and rodents;
- (2) They are dangerous to persons, particularly children, because of broken glass, sharp metal protrusions, insecure mounting on blocks, jacks or supports, potential for entrapment, and because they are a ready source of fire and explosion;
- (3) They encourage pilfering and theft, and constitute a blighting influence upon the area in which they are located, thereby causing a loss in property value to surrounding property; and
- (4) They constitute a fire hazard in that they block access for fire equipment to adjacent buildings and structures, and leak environmentally harmful fuels and lubricants onto/into the ground.

(b) Definition of “nuisance automobile”:

- (1) any passenger vehicle, automobile, trailer, camper top or shell, motor home, recreational vehicle, pickup camper, boat or other device or means of conveyance, other than a bicycle, which is Located on any residential or commercial property and not kept or maintained on an all-weather surface free of weeds or grass or from other debris; or
- (2) any motor vehicle or other means of conveyance other than a bicycle which is:
  - (A) required by any applicable law to be registered and which does not have displayed thereon a current registration plate or temporary permit or placard;



- (B) any motor vehicle or other means of conveyance, other than a bicycle, which is parked in violation of any ordinance of the city;
- (C) any motor vehicle or other means of conveyance, other than a bicycle, which is incapable of moving under its own power;
- (D) any motor vehicle or other means of conveyance, other than a bicycle, which is junked, wrecked or inoperable. For purposes of this article, any one or more of the following conditions shall raise a rebuttable presumption that any motor vehicle or other means of conveyance, other than a bicycle, upon which such condition or conditions is or are found, is junked, wrecked or inoperable:
  - (i) absence of display of current registration;
  - (ii) placement of such vehicle or other means of conveyance, or parts thereof upon jacks, jack stands, blocks or other supports; or
  - (iii) absence of one or more parts of such vehicle or other means of conveyance when such part is necessary for the lawful operation upon streets, roads or highways.

(3) any motor vehicle parked in a residential yard shall be located on an all-weather or hard surface, as defined by the Haysville Zoning Code. Any motor vehicle not parked on an all-weather or hard surface when such vehicle is parked in an area located within a residential yard shall be declared a nuisance vehicle. If any language of the Haysville Zoning Code shall be deemed to be in conflict with this provision, the more restrictive interpretation shall govern.

(c) Exceptions. This section on nuisance automobiles shall not:

- (1) be construed to prohibit lawfully zoned automotive businesses, or lawfully maintained parts cars (as defined within the City's zoning code) kept in compliance with all applicable zoning regulations and maintained on an all-weather surface;
- (2) apply to any person, firm, corporation or partnership or their agent with one vehicle inoperable for a period of thirty (30) consecutive days or less which is maintained in such a condition that it visually does not appear to be inoperable, is not leaking fluids, and no portions of the vehicle, such as tires, doors, or hood are missing;
- (3) apply to any person, firm or corporation or their agent who is conducting a business enterprise in compliance with existing zoning regulations and who places such vehicles behind screening of sufficient size, strength and density to screen such vehicles from the view of the public using adjacent thoroughfares and to prohibit ready access to such vehicles by children, provided however, that nothing in this section shall be construed to authorize the construction of any such fence or screen where such construction is prohibited by ordinance;
- (4) apply to any vehicle which is enclosed in a garage or other building;
- (5) apply to a single inoperable vehicle stored within an enclosed and screened area of the backyard in a manner that is tidy and inoffensive to neighbors, protected by a weather

resistant automobile cover in good condition, maintained upon an all-weather surface in compliance with the definition as set forth in the City's zoning code.

(Ord. 817; Ord. 819; Code 2003; Ord. 906, Code 2007; Code 2015; Code 2022)

#### **8-402. Enforcing officer; defined.**

For the purposes of and to effect this article, the term "enforcing officer" means the public works director or the director's designee. All citations for violation of this code shall be issued by the enforcing officer.

Law enforcement officers shall be authorized to take reports from complainants, serve as witnesses to violations, and sign a complaint as a witness or victim.

(Ord. 817; Ord. 819; Code 2003; Ord. 906, Code 2007)

#### **8-403. Same; duties.**

The enforcing officer is hereby authorized to exercise such powers as may be necessary to carry out the purposes of this article including, but not limited to:

(a) Inspect properties and premises to detect, confirm or investigate reported or actual violations of this article;

(b) Seek orders from a court of competent jurisdiction for the purpose of entering upon premises or property when such officer, when exercising the power and authority vested in such officer by this article, has been denied entry to premises or property when engaged in the performance of such officer's duties under this article;

(c) Report to the governing body all nuisances said officer believes to exist within the city; and

(d) Receive such reports, complaints and petitions as may be provided for in this article.

(Ord. 817; Ord. 819; Code 2003)

#### **8-404. Complaint of nuisance condition; inquiry and inspection.**

The enforcing officer shall make inquiry and conduct inspections of property or premises:

(a) upon receiving a written complaint or complaints signed by an individual stating that a nuisance exists and describing the same and its location;

(b) upon receiving information that a nuisance may exist from any governmental entity, officer or employee; or

(c) when it appears to the enforcing officer that conditions constituting a nuisance exist.

The enforcing officer shall, upon making inspection and inquiry, make immediate written report of such officer's findings in compliance with departmental policy and this code.

(Ord. 817; Ord. 819; Code 2003; Ord. 906; Code 2007; Code 2015)

#### **8-405. Right of entry.**

The enforcing officer has the right of access and entry upon any public or private property, at any reasonable time to make inquiry and inspection to determine if a nuisance exists, and to effect any other purposes of this article.

(Ord. 817; Ord. 819; Code 2003)

#### **8-406. Unlawful interference.**

It shall be unlawful for any person to interfere or attempt to interfere with, or to prevent or attempt to prevent, the enforcing officer and/or the service agent, or any contractor authorized by the City to abate such nuisance, from entering upon any property, or from proceeding with abating any nuisance described in 8-401 and 8-401a, or from accomplishing any other lawful purpose of this article. Any person violating this section shall be guilty of a violation of this article and shall be subject to such fines and penalties as provided for in section 8-408(b).

(Ord. 817; Ord. 819; Code 2003; Ord. 906)

#### **8-407. Administrative action; notice to abate; proof of compliance.**

(a) The enforcing officer shall provide written notice to the owner or lawful agent in charge of any premises in the city upon which a nuisance condition exists in violation of this article. If the property is occupied by a non-owner, such occupant shall also receive notice of the violation. Such notice shall be served upon such owner, occupant or agent in charge by certified mail, return receipt requested, or by personal service, door hangers, conspicuously posting notice of such order on the property, personal notification, communication by telephone, or first class mail. Notice shall also be provided in accordance with 8-416 if applicable. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail, and shall include the following information:

- (1) Specific notice in the form of an administrative order that the property is being maintained in violation of this article.
- (2) An administrative order directing the owner or lawful agent in charge of the property to abate the nuisance condition within five (5) days of the date of the notice, such compliance date to be stated on the face of the notice.
- (3) Notice within the administrative order that the owner, or lawful agent of the owner may appeal the notice by requesting, before the compliance date in a written notice of appeal directed to the city clerk, an administrative hearing as provided for within this Article. A lawful agent may be identified by a valid power of attorney, or other similar legal designation. If the described nuisance has been determined by the compliance officer to represent a menace or immediate danger to the community, such nuisance condition shall be made safe pending the outcome of the administrative hearing. The Director of Public Works shall either approve the temporary safety measures undertaken by the property owner, occupant, or agent in charge, or shall cause the nuisance condition to be made safe.
- (4) Notice within the administrative order that if the nuisance condition is not corrected, the city may proceed to abate such nuisance condition and assess the cost of the abatement, including any reasonable administrative fee as provided within K.S.A. 12-1617e(d) and K.S.A. 12-1,115.

- (5) Notice within the administrative order that an opportunity will be provided for payment of the assessment and, if the assessment is not paid, the city shall cause an amount equal to such assessment to be assessed against the property as a special assessment.
- (6) Notice within the administrative order that no further notice shall be given prior to removal of a nuisance condition upon such property after the five (5) day period provided herein. And,
- (7) Notice within the administrative order that the enforcing officer should be contacted immediately if there are any questions regarding compliance with the administrative order.

(b) The owner, occupant, or agent in charge of the property shall provide proof to the enforcement officer of the completion of the abatement of the nuisances described within the notice provided pursuant to subsection (a).

(Code 2015)

#### **8-408. Uniform complaint and notice to appear; right to proceed; fines and costs.**

(a) In addition to the administrative process described within 8-407, the enforcing officer is hereby authorized to issue to the owner, occupant or agent in charge of the property a uniform complaint and notice to appear in municipal court charging a violation of the applicable section of this article. Should such owner, occupant or agent in charge of such property contest the charge, the city shall not be precluded from otherwise abating the nuisance created thereby during the pendency of the case through administrative or civil action.

(b) Any person found guilty, or entering a plea of guilty or nolo contendere to violating any section of this article shall be guilty of a Class C Violation. Each day that any violation of this article continues shall constitute a separate offense and is punishable under this chapter as a separate violation.

(c) Any person convicted pursuant to this article shall also be assessed court costs as provided by Chapter 17, Fee Schedule, of the Haysville City Code, compliance with the administrative order described in 8-407, mailing costs, and costs of both temporarily making the nuisance condition safe and abatement may be ordered as either additional costs of the action or as restitution, as applicable.

(Code 2015; Ord. 1075; Code 2022)

#### **8-409. Abatement by city; procedure.**

(a) If within five (5) days after the compliance date as set forth with the administrative notice as required by section 8-407 the owner, occupant or agent in charge of the premises neglects or fails to comply with the directives contained in the notice, and such owner, occupant, or agent in charge fails to timely file a notice of administrative appeal, the enforcing officer shall abate the nuisance in conformance with the provisions of this article. This provision shall also apply if the owner, occupant or agent in charge of the premises neglects or fails to comply with any decision of a hearing panel within either five (5) days, or such other time as determined by the hearing panel.

(b) The costs incurred by the city for any action undertaken by the enforcing officer pursuant to or incidental to this article shall be reported in detail and in writing by said officer to the city clerk. The city clerk shall keep an account of such costs, as well as any and all costs of notices, service and/or mailing of notices and publication of notices, required by this article. The city clerk shall immediately cause the

reporting and accounting required by this section to be entered in the appropriate city record and shall report the same to the governing body.

(c) The city clerk shall, within ten (10) days of receipt of the enforcing officer's report of costs, give notice by certified mail to the owner, occupant or agent in charge of the property of the costs required to be reported by subsection (b) of this section and such notice shall include a statement requiring payment of the costs to the city within thirty (30) days following receipt of such notice. Should the owner, occupant or agent in charge of the property refuse to take delivery of the notice and return is made to the city indicating such refusal, the city clerk shall send to the owner, occupant or agent in charge of the property, by first class mail, the notice previously sent and receipt by the owner, occupant or agent in charge of the property shall be deemed to have occurred upon such mailing. The city clerk shall make and maintain records detailing the method and time of sending and receipt of such notice. If the owner, occupant, or agent in charge fails to take receipt for undetermined reasons, the City Clerk may publish notice once in the City's newspaper.

(Ord. 817; Ord. 819; Code 2003; Ord. 906; Code 2007; Code 2022)

#### **8-410. Administrative appeal; hearing.**

(a) If the recipient of the notice of abatement makes a request for hearing to the city clerk prior to the compliance period as described with 8-407 above, then the City shall schedule a hearing before a designated hearing panel as soon as practicable. If the nuisance condition is deemed by the compliance officer to represent an immediate menace or danger to the health of the inhabitants of the community, such nuisance condition shall be made safe by either the party responsible for the property, or the City. Costs of such temporary action shall be additional costs of this nuisance abatement action. At the hearing, the hearing panel shall hear all evidence submitted by the owner, the owner's designee, lien holders of record, occupants or other parties in interest in the property upon which the nuisance is situated and all evidence submitted by the city. The hearing provided for in this section need not be conducted according to formal rules of evidence.

(b) The hearing panel shall prepare a written description of findings and an appropriate order. The order shall be sent by certified mail to all parties with a legal interest in the property within five (5) days of the conclusion of the hearing, unless otherwise stated at the hearing. The hearing panel's order shall describe the relevant facts relied upon, state the specific Code provisions being relied upon, and state any such other stipulations, methods of abatement, or orders as deemed necessary by the hearing panel. If abatement is ordered, the order shall also fix a reasonable period of time, not more than ten (10) days from the date of publication, unless for good cause shown the hearing panel provides for the opportunity for an extension of time, to complete the abatement of any nuisances found by the hearing panel, and a statement that if the person or entity or owner fails to complete the abatement within the time provided, the enforcing officer shall cause the nuisance to be removed and abated in compliance with this article.

(c) The determination by the hearing panel shall be a final order of the city, and appeals of this action may be taken as allowed by law.

(d) The hearing panel shall be designated by the Mayor, and shall consist of three members: a chair and two others, all with an equal vote. All actions shall be by majority vote. The chair of the hearing panel shall be a member of the governing body representing the ward wherein the violation is alleged to have occurred.

(e) All findings of the hearing panel shall be forwarded to the governing body for informational purposes.

(Ord. 817; Ord. 819; Code 2003; Ord. 906; Code 2007; Code 2015)

**8-411. Authorization to contract for services.**

The enforcing officer is hereby authorized to contract for and obtain such services and equipment, public or private, the officer deems necessary and appropriate to complete the tasks enumerated herein, and the enforcing officer shall adhere to and comply with all applicable laws, regulations, ordinances and city policies concerning procurement of services and equipment. The City and/or any authorized contractor shall not be responsible for damage to property due to reasonable methods of gaining entrance onto the property.

(Ord. 817; Ord. 819; Code 2003; Ord. 906; Code 2007)

**8-412. Site to be made safe.**

Part of removal and abatement of any nuisance pursuant to this article or otherwise, is removing the menace and danger to the health of the community. Thus, the person, entity or owner shall take any and all action necessary to make the premises safe. In the event the owner fails to abate the nuisance as prescribed by this article, or abates the nuisance by creating another menace or danger to the community, the enforcing officer may proceed to make the site safe, and such costs shall be included as costs of this action.

(Ord. 817; Ord. 819; Code 2003; Code 2015)

**8-413. Assessment, funding and payment of costs.**

(a) Should the costs remain unpaid after thirty (30) days of receipt of the notice by the owner, the city clerk, or designee, may sell any salvage from the removal and abatement process and apply the proceeds of such sale to pay said costs. Any proceeds received which are in excess of said costs shall be remitted to the owner within thirty (30) days of the conclusion of the sale.

(b) Should the proceeds of any sale held pursuant hereto be insufficient to cover said costs or if there exists no salvage, the city clerk shall, at the time required by law for the certification of other city taxes, certify the unpaid portion of said costs to the Sedgwick County Clerk for extension of the same on the county tax rolls against the property upon which the structure was located.

(c) In addition to levying a special assessment against the property upon which the structure was located as provided for in this section, the city may also elect to collect the unpaid portion of the costs provided for herein in the manner provided by K.S.A. 12-1,115 and amendments thereto, may pursue such remedy without limiting its ability to levy the special assessments, but only until such time as the full costs and any applicable interest has been paid in full.

(d) If there is no salvageable material, or if the moneys received from the sale of salvage are insufficient to pay the costs incurred by the city pursuant to this article and/or the costs associated with the notices required by this article, such costs or any portion thereof in excess of that received from the sale of salvage may be financed, until such time as the costs are paid out of the general fund or by the issuance of no-fund warrants. Whenever no-fund warrants are issued, the governing body shall make a tax levy at the tax levying period for the purpose of paying such warrants and the interest thereon. All such tax levies shall be in addition to all other levies authorized or limited by law and shall not be subject to the aggregate tax levy prescribed in Article 19 of Chapter 70 of the Kansas Statutes Annotated and amendments thereto. Such warrants shall be issued, registered, redeemed and bear interest in the manner and in the form prescribed by K.S.A. 79-2940 and amendments thereto, except they shall not bear the notation required by said section and may be issued without approval of the state Board of Tax Appeals.

(Ord. 817; Ord. 819; Code 2003)



**8-414. Disposition of moneys received.**

When and if paid, all moneys received from special assessments levied under the provisions of this article, or from an action under K.S.A. 12-1,115 and amendments thereto, shall be placed in the general fund of the city.

(Ord. 817; Ord. 819; Code 2003)

**8-415. Immediate hazard.**

(a) When the enforcing officer believes that any real or personal property constitutes an immediate health or safety hazard, the officer shall inform the Mayor, Director of Governmental Services, or the Director of Public Works. At the direction of any of those three named City Officials the enforcing officer is authorized to take immediate action to secure the property, and shall place the matter before the governing body at their next regularly scheduled meeting for a determination that a nuisance exists which constitutes an immediate hazard.

(b) When in the governing body's opinion any nuisance exists which constitutes an immediate hazard requiring immediate action to protect the public or adjacent property, the governing body may direct the enforcing officer to take immediate action, without delay, to protect the safety of persons and properties including, but not limited to, the erection of barricades, or causing the property upon which the nuisance is located to be vacated or otherwise made safe. Such action by the governing body and enforcing officer may be taken without prior notice or hearing of the owners, agents, lien holders, occupants or other parties in interest. The costs of any action under this section shall be reported and documented, notice of costs shall be afforded and the costs shall be assessed in the same manner as provided in section 8-413.

(c) An "Immediate vehicle hazard" means any unattended vehicle which has been placed on jacks, blocks or a stand unless such vehicle is placed in a garage or other building, or any vehicle leaking excessive amounts of a poisonous or flammable liquid.

(Ord. 817; Ord. 819; Code 2003; Ord. 906; Code 2007)

**8-416. Notice to owner.**

(a) Notwithstanding any other provision of this article or of law, prior to assessment of costs as a tax lien against the property, any and all notices required by this article shall also be served upon the owner or, in the event the property or premises is unoccupied and the owner thereof does not reside within the corporate limits of the city, by mailing such notice by certified mail, return receipt requested, to the owner's last known address. If the property owner fails to accept notice, or if the property owner cannot be identified, the City shall publish the notice of violation one time within the City's newspaper.

(b) Should there occur a change in the record owner of title to property subsequent to the giving of notice pursuant to this section, the city may not recover any costs or levy an assessment for costs of abatement or correction of a nuisance condition on such property unless the new record owner of title to such property is provided notice as required by this article.

(Ord. 817; Ord. 819; Code 2003)

**Article 5. Unsafe or Dangerous Structures**

### **8-501. Purposes.**

The governing body has found that there have existed, do exist and may exist from time to time in the future, within the corporate city limits, structures which are unfit for human habitation or use because of dilapidation, defects or conditions creating the hazards and risks of fire, accident or other catastrophe, structural defects, deterioration or other conditions which render such structures unsafe, dangerous, unsanitary, hazardous or otherwise inimical to the general welfare of the city or conditions which provide a general blight upon the neighborhood or surrounding properties in and around said structures. It is hereby deemed necessary by the governing body to require or cause repair, closing, rehabilitation, removal or demolition of such structures as provided in this article.

(Ord. 763; Ord. 814; Code 2003)

### **8-502. Definitions.**

For and to effect the purposes of this article, the following words, terms and phrases shall have the following meaning:

(a) Enforcing Officer: Means the public works director of the city or such director's designee or authorized representatives.

(b) Structure. Shall include any building, wall, superstructure or other structure which requires location on or attachment to the ground or attachment to a surface or thing directly to the ground.

(c) Abandoned Property: Means any residential or commercial real estate for which taxes are delinquent for the preceding two (2) years and which has been unoccupied continuously by persons legally possessed of such property for the preceding one year.

(d) Organization: Means any nonprofit corporation organized under the laws of the state of Kansas having among its purposes the improvement of housing.

(e) Rehabilitation. Any process of improving the property including, but not limited to, bringing property into compliance with applicable fire, housing and building codes.

(f) Parties in Interest. Means any owner or owners of record or their agent(s), judgment creditor, lienholder, tax purchaser, occupant or party having any legal or equitable title or interest in the property.

(g) Last Known Address. Includes the address where the property is located or an address as listed in the tax records.

(h) Low or Moderate Income Housing. Means housing for persons and families with incomes within limitations prescribed by the federal Department of Housing and Urban Development pursuant to Section 8 of the federal Housing and Community Development Act of 1937 as amended.

(i) Governing Body: Means the mayor and city council of the city of Haysville.

(Ord. 814: Code 2003)

### **8-503. Enforcing officer; duties.**

The enforcing officer is hereby authorized to exercise such powers as may be necessary to carry out the purposes of this article including, but not limited to, the following:



(a) Inspect any structure which appears to be unsafe, dangerous, hazardous or unfit for human habitation, and to enter upon premises or property upon which is located any structure at reasonable hours for the purposes of making inspection;

(b) Seek orders from a court of competent jurisdiction for the purpose of entering upon premises or property upon which a structure is located when such officer has been denied entry by the owner or occupant of such premises or property;

(c) Report to the governing body all structures which said officer believes to be unsafe, dangerous, hazardous or unfit for human habitation;

(d) Receive such reports and petitions as may be provided for in this article.

(Ord. 763; Ord. 814; Code 2003)

#### **8-504. Procedure; petition; enforcing officer's initiative; preliminary investigation and report of finding.**

Whenever there is filed with the enforcing officer or city clerk a petition by and bearing the signatures of at least five (5) residents of the city charging that any structure within the city is unsafe, dangerous, hazardous or unfit for human habitation and identifying the location of such structure, the enforcing officer shall, after making or causing to be made a preliminary investigation, report such petition and officer's findings to the governing body. In the event no petition is filed with the enforcing officer or city clerk as provided herein, the enforcing officer may, of the officer's own initiative, file with the governing body a written statement that any structure appears to be unsafe, dangerous, hazardous or unfit for human habitation. All written statements submitted to the governing body by the enforcing officer pursuant to this section shall describe the structure and its location. The enforcing officer shall be available upon request of the governing body to appear before it to provide additional information.

(Ord. 763; Ord. 814; Code 2003)

#### **8-505. Same; notice.**

Upon receiving a report as provided in section 8-504, the governing body shall by resolution fix a time and place at which the structure's owner, the owner's agent and any party in interest may appear before the governing body and show cause why the structure should not be condemned and ordered repaired or demolished.

(Ord. 763; Ord. 814; Code 2003)

#### **8-506. Same; publication and notice.**

(a) The resolution provided for in section 8-505 shall be published once each week, on the same day of each week for two (2) consecutive weeks, in the official city newspaper. At least thirty (30) days shall elapse between the last publication and the date fixed for the hearing.

(b) Within three (3) days of the first publication, the city clerk shall cause a copy of the resolution to be mailed by certified mail, marked "deliver to addressee only," to the structure's owner, the owner's agent and any party in interest at the last known address.

(Ord. 763; Ord. 814; Code 2003)

#### **8-507. Same; hearing, findings; resolution; contents; notice.**

(a) On the date fixed for the hearing or any adjournment or continuation thereof, the governing body shall hear all evidence submitted by the owner, the owner's agent, lienholders of record, occupants or other parties of interest in the structure and all evidence submitted by the enforcing officer filing the statement. Upon hearing such evidence, the governing body shall make findings by resolution.

(b) If, after notice and hearing as provided for in this article, and upon hearing the evidence provided for in subsection (a) of this section, the governing body determines that a structure is unsafe, dangerous, hazardous or unfit for human habitation, it shall set forth in writing in the form of a resolution its findings of facts supporting such determination. The resolution shall also fix a reasonable period of time, to be determined by the governing body, within which the repair, removal or demolition of the structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time period established by the resolution, or fails to diligently prosecute and pursue the same until the work is completed, the governing body shall cause the structure to be razed and removed. The resolution provided for in this section shall be published once in the official city newspaper and the city clerk shall mail a copy of the resolution to the structure's owner and any party in interest at the last known address in the same manner as provided for the notice of hearing.

(c) If the governing body finds that the structure is abandoned property, the governing body may authorize the rehabilitation of such property as provided for by section 8-517. Such findings and authorization shall be set forth in the resolution provided for in this section.

(Ord. 763; Ord. 814; Code 2003)

#### **8-508. Duty of owner.**

It shall be the duty and obligation of any owner of a structure within the city which knows, or should know, or which is found pursuant to the provisions of this article to be unsafe, dangerous, hazardous or unfit for human habitation, to render the structure secure and safe, or to cause its removal or demolition.

(Ord. 763; Ord. 814; Code 2003)

#### **8-509. Failure to comply.**

(a) If, within the time specified in the resolution provided for in section 8-507, the owner fails to comply with said resolution and any orders contained therein to repair, alter, improve or vacate the structure, the enforcing officer may cause the structure to be repaired, altered, improved, vacated or closed.

(b) If, within the time specified within the resolution provided for in section 7-507, the owner fails to comply with said resolution and any order contained therein to remove or demolish the structure, the enforcing officer may cause the structure to be removed or demolished.

(Ord. 763; Ord. 814; Code 2003)

#### **8-510. Site to be made safe.**

Upon removal of any structure pursuant to this article or otherwise, the owner shall fill any basement or excavation located upon the premises upon which was located the structure, secure all utilities and shall take any other action necessary to leave the premises in a safe condition. In the event the owner fails to take such actions as are prescribed by this section, the enforcing officer may proceed to make the site safe.

(Ord. 763; Ord. 814; Code 2003)

#### **8-511. Authorization to contract for services.**

In the event the owner fails to comply as set forth in section 8-509 and it becomes necessary for the enforcing officer to repair, alter, improve, vacate, close, remove or demolish the structure, and/or make the site safe as provided for in this article, the enforcing officer is hereby authorized to contract for and obtain such services and equipment, public or private, the officer deems necessary and appropriate to complete tasks enumerated herein, and the enforcing officer shall adhere to and comply with applicable laws, regulations, ordinances and city policies concerning procurement of services and equipment.

(Ord. 763; Ord. 814; Code 2003)

## **8-512. Assessment, funding and payment of costs.**

(a) The costs incurred by the city for any action undertaken by the enforcing officer pursuant to or incidental to sections 8-509 and 8-510 shall be reported in detail and in writing by said officer to the city clerk. The city clerk shall keep an account of such costs, as well as any and all costs of notices, required by this article. The city clerk shall immediately cause the reportings and accountings required by this section to be entered in the appropriate city record and shall report the same to the governing body.

(b) The city clerk shall, within the ten (10) days of receipt of the enforcing officer's report of costs, give notice by restricted mail to the owner of the structure of the costs required to be reported by subsection (a) of this section, and such notice shall include a statement requiring payment of the costs to the city within thirty (30) days following receipt of the notice. Should the owner refuse to take delivery of the notice and return is made to the city indicating such refusal, the city clerk shall send to the owner, by first class mail, the notice previously sent and receipt by the owner shall be deemed to have occurred upon such mailing. The city clerk shall make and maintain records detailing the method and time of sending and receipt of such notice.

(c) Should the costs remain unpaid after thirty (30) days of receipt of the notice by the owner, the city clerk may sell any salvage from the structure and apply the proceeds of such sale to pay said costs. Any proceeds received which exceed said costs shall be remitted to the owner within thirty (30) days of the conclusion of the sale.

(d) Should the proceeds of any sale held pursuant to subsection (c) be insufficient to cover said costs, or if there exists no salvage, the city clerk shall, at the time required by law for the certification of the other city taxes, certify the unpaid portion of said costs to the Sedgwick County Clerk for extension of the same on the county tax rolls against the property upon which the structure was located.

(e) In addition to levying a special assessment against the property upon which the structure was located as provided for in subsection (d), the city may also elect to collect the unpaid portion of the costs provided for herein in the manner provided by K.S.A. 12-1,115 and amendments thereto, and may pursue such remedy without limiting its ability to levy the special assessment, but only until such time as the full costs and any applicable interest has been paid in full.

(f) If there is no salvageable material, or if the moneys received from the sale of salvage or from proceeds of any insurance policy in which the city has created a lien pursuant to K.S.A. 40-3901 et. seq. and amendments thereto, are insufficient to pay the costs incurred by the city pursuant to this article and/or the cost associated with notices required by this article, such costs or any portion thereof in excess of that received from the sale of salvage or any insurance proceeds may be financed, until such time as the costs are paid, out of the general fund or by the issuance of no-fund warrants. Wherever no-fund warrants are issued, the governing body shall make a tax levy at the tax levying period for the purpose of paying such warrants and the interest thereon. All such tax levies shall be in addition to all other levies authorized or limited by law and shall not be subject to the aggregate tax amendments thereto. Such warrants shall be issued, registered, redeemed and bear interest in the manner and in the form prescribed by K.S.A. 79-2940

and amendments thereto, except they shall not bear the notation required by said section and may be issued without approval of the State Board of Tax Appeals.

(K.S.A. 12-1,115; K.S.A. 12-49-3901; K.S.A. 79-2940; Ord. 763; Ord. 814; Code 2003)

### **8-513. Disposition of moneys received.**

When and if paid, all moneys received from special assessments levied under the provisions of this article or from an action under K.S.A. 12-1,115 and amendments thereto, shall be placed in the general fund of the city.

(K.S.A. 12-1,115; Ord. 763; Ord. 814; Code 2003)

### **8-514. Certification to county appraiser.**

Whenever any structure is removed or demolished under the provisions of this article, the city clerk shall certify to the County Appraiser of Sedgwick County that such structure, describing the same, has been removed or demolished.

### **8-515. Immediate hazard.**

When, in the governing body's opinion any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public or adjacent property, the governing body may direct the enforcing officer to take immediate action, without delay, to protect the safety of persons and properties including, but not limited to, the erection of barricades; causing the property upon which the structure is located or the structure to be vacated, taken down, repaired, shored or otherwise made safe. Such action by the governing body and enforcing officer may be taken without prior notice or hearing of the owners, agents, lienholders, occupants or other parties in interest. The authority described within this Section may also be exercised by the Mayor or Chief Administrative Officer, but emergency action ordered by any official other than the governing body, shall be brought to the governing body at the next regular meeting for report. The costs of any such action shall be assessed in the same manner as provided in Article 4 of this Chapter. Notice of the action, and any decision of the governing body shall be provided as set forth in Article 4 of this Chapter, and shall be published in the City's newspaper within one week of the decision of the governing body.

(Ord. 763; Ord. 814; Code 2003)

### **8-516. Appeals from order.**

Any person affected or aggrieved by an order issued by the governing body, or by any final order issued under the authority of this Article, may within thirty (30) days following such decision, petition the district court of Sedgwick County, Kansas, for an injunction restraining the enforcing officer from carrying out the provisions of the order pending final disposition of the case.

(Ord. 763; Ord. 814; Code 2003)

### **8-517. Rehabilitation of abandoned property; procedure; reports; redemption rights.**

In the event the governing body declares the property abandoned as defined by and pursuant to this article an organization may file a petition with the district court for an order for temporary possession of the property if (1) the organization intends to rehabilitate the property and use it for housing of low and moderate income persons and families and (2) the organization has sent notice to the enforcing officer and

parties in interest by certified mail or registered mail, mailed to their last known address and posted on the property at least three (3) days but not more than sixty (60) days before the petition is filed of the organization's intent to file a petition for possession pursuant to K.S.A. 12-1750 through and including K.S.A. 12-1756(e) and amendments thereto and this article.

(a) The proceeding to obtain temporary possession of the property shall be in accordance with the proceedings prescribed by K.S.A. 12-1756(a) and amendments thereto.

(b) Any organization which has possession of property pursuant to this article and K.S.A. 12-1756(a) and amendments thereto shall file an annual report with the governing body concerning the rehabilitation and use of the property. The city shall require reports and status dates to be filed as it deems appropriate under the circumstances, but no less frequently than once a year. The report shall include statements of all expenditures made by the organization including, but not limited to, payments for rehabilitation, operation and maintenance of and repairs to the property, and for real estate taxes, and payments to mortgagees and lienholders during the preceding year and shall include statements of all income and receipts from the property for the preceding year.

(c) Redemption rights of organizations in temporary possession of property pursuant to this article shall be as established and set forth in K.S.A. 12-1756(c-e) and amendments thereto.

(K.S.A. 12-1756(a)(c-e); Ord. 763; Ord. 814; Code 2003)

#### **8-518. Same; organizations interested in rehabilitation; enforcing officer's duties.**

The enforcing officer shall maintain a list of all organizations interested in rehabilitating abandoned property who have requested to be included on such list. The enforcing officer may require that requests to be included on such list be submitted annually to the enforcing officer. The enforcing officer shall provide organizations on such list written notice of abandoned property which may be available for rehabilitation by any such organization.

(Ord. 763; Ord. 814; Code 2003)

#### **8-519. Scope of article.**

Nothing in this article shall be construed to abrogate or impair the power of the courts or any department of the city to enforce any provisions of its charter, ordinances or regulations, nor prevent or punish violations thereof, and the powers and authority conveyed and conferred by this article shall be in addition to and supplemental to the powers conferred by the constitution and any other laws, ordinances or regulations. Nothing in this article shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise or to exercise those powers granted specifically by K.S.A. 12-1750 through and including K.S.A. 12-1756 and amendments thereto.

(K.S.A. 12-1750; K.S.A. 12-1756; Ord. 763; Ord. 814; Code 2003)

### **Article 6. Weeds**

#### **8-601. Weeds to be removed.**

It shall be unlawful for any owner, agent, lessee, tenant, or other person occupying or having charge or control of any property or premises to permit weeds as hereinafter defined to exist or remain upon said premises or any area between the property lines of said premises and the centerline of any adjacent street

or alley including, but not limited to, sidewalks, streets, alleys, easements, rights-of-way and all other public or private areas. All weeds are hereby declared a nuisance and are subject to abatement as provided in this article. Any person violating this section shall be guilty of a violation of this article and shall be subject to such fines and penalties as provided for in this article.

(Ord. 670; Ord. 710; Ord. 724; Ord. 743; Ord. 812; Ord. 855)

#### **8-602. Weeds defined; prohibited from causing blight or adverse impact.**

For the purposes of this article, Weeds means any of the following:

(a) Brush and woody vines, rank grass, uncultivated plants, and unmaintained vegetation shall be classified as weeds;

(b) Weeds and grasses which may attain such growth as to become a fire menace to adjacent property;

(c) Weeds which bear or may bear seeds of a downy or wingy nature;

(d) Weeds and grasses which are located in an area which harbors rats, insects, animals, reptiles, or any other creature which may or does constitute a menace to health, public safety or welfare;

(e) Weeds and indigenous grasses which, because of their height, have a blighting influence on neighboring property or properties. Any such weeds and indigenous grasses shall be presumed to be blighting if they exceed twelve inches in height, except when part of an approved indigenous grass planting.

(f) Weeds as defined above growing on lots 1) upon which no dwelling is located or associated and 2) which are not actively being cultivated for agricultural purposes, as defined in K.S.A. 2-3201 et seq., shall be presumed to be blighting if they exceed eighteen inches in height; areas of easement located between sidewalks and roadways shall not exceed twelve (12) inches in height. Alternatively, maintenance plan for subdivision developments under construction may be submitted to the City by the project developer for approval by the Director of Public Works. Such maintenance plans shall be considered for approval if appropriate for specific area and construction timeline of the project. The City may require modification of the maintenance plan at any time to conform to changing environmental and other conditions.

(g) The owner, or lessee, of any large lot which is mowed to preserve grasses and weeds for animal feed purposes (prairie hay) shall notify the City of such intentions, and provide the office of the City Clerk a mowing schedule for such lot. Failure to cut grasses and weeds upon such lot in conformance with the mowing schedule as provided can result in a substantial adverse effect on the public health and safety as set forth in (b) or (d) above, and shall result in a notice to remove as described in this article.

(Ord. 670; Ord. 710; Ord. 724; Ord. 743; Ord. 812; Ord. 855; Ord. 955; Code 2011)

#### **8-603. Enforcing officer defined.**

For the purposes of this article, Enforcing Officer means the Director of Public Works or his designee or designees.

(Ord. 812; Ord. 855; Code 2012)

#### **8-604. Service agent defined.**

For the purposes this article, Service Agent means any person and/or entity that the enforcing officer contracts for and obtains such services and equipment to remove and abate the weeds.



**8-605. Enforcing officer; duties; notice to remove.**

The enforcing officer shall provide, once per calendar year, written notice to the owner, occupant or agent in charge of any premises in the city upon which weeds exist in violation of this article. Such notice shall be served upon such owner, occupant or agent in charge by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, such notice shall be sent by certified mail, return receipt requested, to the last known address of the owner, and such notice shall be published once in the official city newspaper. Every such notice shall include the following information:

(a) Specific notice that the owner, occupant or agent in charge of the property is in violation of this article.

(b) An order directing the owner, occupant, or agent in charge of the property to cut the weeds within five days of the receipt of this notice;

(c) Notice that the owner, occupant, or agent in charge of the property may appeal the notice by requesting, within five (5) days of receipt of the notice in a written notice of appeal directed to the governing body and sent to the city clerk, a hearing before the governing body or its designated representative;

(d) Notice that if the owner, occupant, or agent in charge of the property fails to cut the weeds within five days of receipt of notice, the city may proceed to cut such weeds and assess the cost of the cutting, including any reasonable administrative fee, against the owner, occupant or agent in charge of the property;

(e) Notice that the owner, occupant, or agent in charge of the property shall be provided an opportunity to pay the assessment and, if the assessment is not paid, the city shall cause an amount equal to such assessment to be assessed against the property as a special assessment as provided by this article.

(f) Notice that no further notice shall be given prior to removal of weeds during the current calendar year; and,

(g) Notice that the enforcing officer should be contacted if there are any questions regarding the order.

Notwithstanding any other provision of this article or of law, any and all notices required by this article which may be served upon tenants shall also be served upon the owner.

Should there occur a change in the record owner of title to property subsequent to the giving of notice pursuant to this section, the city may not recover any costs or levy an assessment for costs of cutting or destroying weeds on such property unless the new record owner of title to such property is provided notice as required by this article.

(Ord. 409, Sec. 2; Code 1984; Ord. 670; Ord. 710; Ord. 724; Ord. 743; Ord. 812; Ord. 855)

**8-606. Abatement; assessment of costs.**

(a) If within five (5) days after receipt of the notice required by this article the owner, occupant or agent in charge of the premises neglects or fails to comply with the directives contained in the notice provided for in this article, and such owner, occupant, or agent in charge fails to timely file a notice of appeal as provided in section 8-605(c), the enforcing officer shall cause to be cut, destroyed and/or removed all such weeds and shall abate the nuisance created thereby at any time during the current calendar year.

The City and/or any authorized contractor shall not be responsible for damage to property due to reasonable methods of gaining entrance onto the property.

If the property owner is a nonresident, abatement shall take place either five days following the date of receipt provided on the return receipt of mailing, or ten days following the date of publication in the City's newspaper, whichever date is first.

(b) The costs incurred by the city for any action undertaken by the enforcing officer pursuant to or incidental to sections 8-605 and 8-606 shall be reported in detail and in writing by said officer to the city clerk. The city clerk shall keep an account of such costs, as well as any and all costs of notices, service and/or mailing of notices and publication of notices, required by this article. The city clerk shall immediately cause the reportings and accountings required by this section to be entered in the appropriate city record and shall report the same to the governing body.

(c) The city clerk shall, within ten (10) days of receipt of the enforcing officer's report of costs, give notice by certified mail to the owner, occupant or agent in charge of the property of the costs required to be reported by subsection (b) of this section and such notice shall include a statement requiring payment of the costs to the city within thirty (30) days following receipt of such notice. Should the owner, occupant or agent in charge of the property refuse to take delivery of the notice and return is made to the city indicating such refusal, the city clerk shall send to the owner, occupant or agent in charge of the property, by first class mail, the notice previously sent and receipt by the owner, occupant or agent in charge of the property shall be deemed to have occurred upon such mailing. The city clerk shall make and maintain records detailing the method and time of sending and receipt of such notice.

(d) Should the costs remain unpaid after thirty (30) days of receipt of the notice provided for in this article, the city clerk shall, at the time required by law for certification of other city taxes, certify the unpaid portion of said costs to the Sedgwick County Clerk for extension of the same on the county tax rolls against the property upon which the weeds were located.

(e) In addition to levying a special assessment against the property upon which the weeds were located as provided for in this section, the city may also elect to collect the unpaid portion of the costs provided for in herein in the manner provided by K.S.A. 12-1,115 and amendments thereto, and may pursue such remedy without limiting its ability to levy special assessment, but only until such time as the full costs and any applicable interest has been paid in full.

(Ord. 409, Sec. 2; Code 1984; Ord. 670; Ord. 670-A; Ord. 670-B; Ord. 710; Ord. 724; Ord. 743; Ord. 812; Ord. 855; Code 2022)

#### **8-607. Disposition of moneys received.**

When and if paid, all moneys received from special assessments levied upon under the provisions of this article, or from an action under K.S.A. 12-1,115 and amendments thereto, shall be placed in the general fund of the city.

(Ord. 812; Ord. 855)

#### **8-608. Authorization to contract for services.**

In the event the owner, occupant or owner's agent fails to comply as set forth in section 8-606 of this article and it becomes necessary for the enforcing officer to remove and abate the weeds, such officer is hereby authorized to contract with a service agent for and obtain such services and equipment, public or private, as the enforcing officer deems necessary and appropriate to complete the tasks enumerated herein,



and the enforcing officer shall adhere to and comply with all applicable laws, regulations, ordinances and city policies concerning the procurement of services.

(Ord. 812; Ord. 855)

#### **8-609. Right of entry.**

The enforcing officer and/or service agent contracted by the city are hereby authorized to enter upon private property at all reasonable hours for the purpose of cutting, destroying and/or removing such weeds in a manner not inconsistent with this article, and for the purpose of effecting any other lawful purposes of this article.

(Ord. 670; Ord. 710; Ord. 724; Ord. 743; Ord. 812; Ord. 855)

#### **8-610. Unlawful interference.**

It shall be unlawful for any person to interfere or attempt to interfere with, or to prevent or attempt to prevent, the enforcing officer and/or the service agent from entering upon any property or from proceeding with cutting and destruction of weeds, or from accomplishing any other lawful purpose of this article. Any person violating this section shall be guilty of a violation of this article and shall be subject to such fines and penalties as provided for in section 8-611(b).

(Ord. 670; Ord. 710; Ord. 724; Ord. 743; Ord. 812; Ord. 855)

#### **8-611. Uniform complaint and notice to appear; non-impairment; fines and costs.**

(a) In addition to the notice provided for in section 8-605, the enforcing officer shall issue to the owner, occupant or agent in charge of the property a uniform complaint and notice to appear charging a violation of section 8-601 of this article. Should such owner, occupant or agent in charge of such property contest the charge, the city shall not be precluded from cutting the weeds or otherwise abating the nuisance created thereby during the pendency of the case.

(b) Any person found guilty, or entering a plea of guilty or nolo contendere to violating section 8-601 or section 8-610 shall be fined as follows:

- (1) Upon conviction for a first offense, by a fine of \$35.00, but the fine shall be waived if the violation was corrected within ten (10) days, and proof of such correction is verified by the enforcing officer.
- (2) Upon conviction of a second offense, by a fine of \$75.00;
- (3) Upon conviction of a third offense, by a fine of \$125.00;
- (4) Upon conviction of a fourth offense, by a fine of \$250.00.

(c) Any person convicted and fined pursuant to this article shall also be assessed court costs as provided by city ordinance chapter 17, fee schedule, of the Haysville city code.

(Ord. 812; Ord. 855; Code 2020)

#### **8-612. Noxious weeds; non-impairment.**

Nothing in this article shall affect or impair the rights of the city under the provisions of chapter 2, article 13 of the Kansas Statutes Annotated, relating to the control and eradication of certain noxious weeds, which include, but is not limited to, kudzu (*pueraria lobata*), field bindweed (*convolvulus arvensis*), russian knapweed (*centaurea picris*), hoary cress (*lepidium draba*), canada thistle (*cirsium arvense*), quackgrass (*agropyron repens*), leafy spurge (*euphorbia esula*), burragweed (*franseria tomentosa* and *discolor*), pignut (*hoffmannseggia densiflora*), musk (nodding), thistle (*carduus nutans* l.), and johnson grass (*sorghum halepense*).

(Ord. 670; Ord. 710; Ord. 724; Ord. 743; Ord. 812; Ord. 855)

### **8-613. Indigenous or native grass areas.**

Indigenous or Native Grasses include those species of perennial grass other than those designated as noxious weeds by the State of Kansas Department of Agriculture and Entomology.

Native grasses are being used more and more throughout the country as cities look to be more environmentally friendly and cost-effective. Native grasses have drought-resistant roots that descend up to 10' for extraordinary erosion benefits, and require little to no irrigation or fertilization. Perennial native grasses and shrubs re-seed themselves, but do not invade crop areas as they take two to three years to mature. In short, rights-of-way and other green spaces can be beautiful and low maintenance, helping reduce air pollution and lowering labor and equipment costs. A diverse prairie planting can showcase Kansas' beautiful wildflowers and sturdy native grasses, and provide year-round habitat for wildlife, including songbirds, small mammals, honey bees, and butterflies. Larger areas of native grasses can include grasses such as big and little bluestem and wildflowers such as prairie blazing star.

Indigenous/Native Grass plantings may be approved as part of an as approved planting and maintenance plan or landscape plan submitted and approved by an administrative committee comprised of the Mayor, Chief Administrative Officer, and Director of Public Works. Indigenous/Native grass areas may exceed the standard 12" height of domesticated grasses, but such areas will require some type of defined border, typically a mowed border, to create a defined zone of indigenous/native grass. Indigenous/Native grasses should be planted and maintained in accordance with those standards approved by the Kansas Extension Service.

(Code 2016).

### **8-614. Severability.**

In the event any section or part of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of the remaining sections or provisions and such sections or provisions shall remain valid and enforceable.

(Ord. 670; Ord. 710; Ord. 724; Ord. 743; Ord. 812; Ord. 855)

## **Article 7. Insurance Proceeds Lien**

### **8-701. Scope and application.**

The city is hereby authorized to utilize the procedures established by K.S.A. 40-3901 et seq., whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or other structure located within the city where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of 75 percent of the face value of the policy covering such building or other insured structure, unless there is compliance with the procedures set out in this article.

**8-702. Lien created.**

The governing body of the city hereby creates a lien in favor of the city on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the city where the amount recoverable for all the loss or damage to the building or other structure under all policies is in excess of 75 percent of the face value of the policy(s) covering such building or other insured structure. The lien arises upon any unpaid tax, special ad valorem levy, or any other charge imposed upon real property by or on behalf of the city which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss.

(Ord. 1030; Code 2022)

**8-703. Same; encumbrances.**

Prior to final settlement on any claim covered by section 8-702, the insurer or insurers shall contact the county treasurer, Sedgwick County, Kansas, to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer or insurers shall execute and transmit in an amount equal to that owing under the encumbrances a draft payable to the county treasurer, Sedgwick County, Kansas.

(Ord. 1030; Code 2022)

**8-704. Same; pro rata basis.**

Such transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the building or other structure.

(Ord. 1030; Code 2022)

**8-705. Procedure.**

(a) When final settlement on a covered claim has been agreed to or arrived at between the named insured or insureds and the company or companies, and the final settlement exceeds 75 percent of the face value of the policy covering any building or other insured structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company or companies shall execute a draft payable to the city treasurer in an amount equal to the sum of 15 percent of the covered claim payment, unless the chief building inspector of the city has issued a certificate to the insurance company or companies that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt, or otherwise made the premises safe and secure.

(b) Such transfer of funds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the city shall be disbursed in accordance with the policy terms.

(c) Upon the transfer of the funds as required by subsection (a), the insurance company shall provide the city with the name and address of the named insured or insureds, the total insurance coverage applicable to said building or other structure, and the amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured or insureds, whereupon the chief building inspector

shall contact the named insured or insureds by certified mail, return receipt requested, notifying them that said insurance proceeds have been received by the city and apprise them of the procedures to be followed under this article.

(Ord. 1030; Code 2022)

#### **8-706. Fund created; deposit of moneys.**

The city treasurer is hereby authorized and shall create a fund to be known as the “Insurance Proceeds Fund.” All moneys received by the city treasurer as provided for by this article shall be placed in said fund and deposited in an interest-bearing account.

(Ord. 1030; Code 2022)

#### **8-707. Building inspector; investigation, removal of structure.**

(a) Upon receipt of moneys as provided for by this article, the city treasurer shall immediately notify the chief building inspector of said receipt, and transmit all documentation received from the insurance company or companies to the chief building inspector.

(b) Within 30 days of the receipt of said moneys, the chief building inspector shall determine, after prior investigation, whether the city shall instigate proceedings under the provisions of K.S.A. 12-1750 et seq., as amended.

(c) Prior to the expiration of the 30 days established by subsection (b), the chief building inspector shall notify the city treasurer whether he or she intends to initiate proceedings under K.S.A. 12-1750 et seq., as amended.

(d) If the chief building inspector has determined that proceedings under K.S.A. 12-1750 et seq., as amended shall be initiated, he or she will do so immediately but no later than 45 days after receipt of the moneys by the city treasurer.

(e) Upon notification to the city treasurer by the chief building inspector that no proceedings shall be initiated under K.S.A. 12-1750 et seq., as amended, the city treasurer shall return all such moneys received, plus accrued interest, to the insured or insureds as identified in the communication from the insurance company or companies. Such return shall be accomplished within 45 days of the receipt of the moneys from the insurance company or companies.

(Ord. 1030; Code 2022)

#### **8-708. Removal of structure; excess moneys.**

If the chief building inspector has proceeded under the provisions of K.S.A. 12-1750 et seq., as amended, all moneys in excess of that which is ultimately necessary to comply with the provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured.

(Ord. 1030; Code 2022)

#### **8-709. Same; disposition of funds.**

If the chief building inspector, with regard to a building or other structure, determines that it is necessary to act under K.S.A. 12-1756, any proceeds received by the city treasurer under the authority of section 8-705(a) relating to that building or other structure shall be used to reimburse the city for any

expenses incurred by the city in proceeding under K.S.A. 12-1756. Upon reimbursement from the insurance proceeds, the chief building inspector shall immediately effect the release of the lien resulting therefrom. Should the expenses incurred by the city exceed the insurance proceeds paid over to the city treasurer under section 8-705(a), the chief building inspector shall publish a new lien as authorized by K.S.A. 12-1756, in an amount equal to such excess expenses incurred.

(Ord. 1030; Code 2022)

#### **8-710. Effect upon insurance policies.**

This article shall not make the city a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

(Ord. 1030; Code 2022)

#### **8-711. Insurers; liability.**

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

(Ord. 1030; Code 2022)

### **Article 8. Nuisance Lighting**

#### **8-801. Nuisance lighting prohibited.**

No person shall install, maintain and/or use an outdoor visible light or other sources of illumination which is on private property and produces glare or direct illumination across a property line in a residential area of such intensity that it creates a nuisance or unreasonably interferes with the use or enjoyment of adjacent property.

(Ord. 1046; Code 2022)

#### **8-802. Same; definition.**

For purposes of this article, a light or other source of illumination which is on private property is considered a nuisance if it generates greater than 0.2 foot candles when measured perpendicular to the light source, 5 feet above the ground at the receiving property line.

(Ord. 1046; Code 2022)

#### **8-803. Outside light specifications.**

Outside lights must be made up of a light source and reflector so that, acting together, the light beam is controlled and not directed across a property line.

(Ord. 1046; Code 2022)

#### **8-804. Exceptions.**

This article shall not apply to streetlights or lights installed, maintained and used in connection with the use and operation of any outdoor stadium; amphitheater, or athletic field which is open to the public.  
(Ord. 1046; Code 2022)

**8-805. Penalty.**

Any light deemed a nuisance under this article shall be deemed a “nuisance” under Article 4 of this chapter, relating to nuisances.  
(Ord. 1046; Code 2022)

# CHAPTER 11. PUBLIC OFFENSES

## Article 1. Uniform Public Offense Code

### 11-101. Uniform public offense code incorporated.

There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Haysville, Kansas, that certain code known as the “Uniform Public Offense Code,” 38th Edition, Published in 2022-2023 prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, with additions. No fewer than one (1) copy of said Uniform Public Offense Code shall be marked or stamped “Official Copy as Adopted by the Code of the City of Haysville” and to which shall be attached a copy of the incorporating ordinance and all of which shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours. For purposes of notice of violation of provisions set forth within the Uniform Public Offense Code, violations shall be cited to the applicable ordinance and the specific section(s) included within the Uniform Public Offense Code. Additions and/or Amendments to the Uniform Public Offense Code are set forth within this Chapter and shall be cited as provided within this Chapter. A copy of this Chapter shall be affixed to the Official Copy of the Uniform Public Offense Code.

(Ord. 719, Ord. 822; Code 2003, Code 2005, Code 2006; Code 2007; Code 2008, Code 2009, Code 2010; Ord. 966; Ord. 971; Ord. 983; Code 2012; Ord. 996, Code 2013; Ord. 1018, Code 2015; Ord. 1037, Code 2016; Ord. 1048, Code 2018; Ord. 1056, Code 2019; Ord. 1065, Code 2020; Code 2022; Code 2023; Code 2024)

### 11-102. Additions and/or amendments.

The Uniform Public Offense Code incorporated by reference in this article is hereby amended to include all of the additions and/or amendments set forth within this Chapter. The Articles of this Chapter are arranged to correlate with the Articles provided within the Uniform Public Offense Code, but such Additions and/or Amendments shall be cited as provided within this Chapter.

(Ord. 1018, Code 2015)

### 11-103. Disposition of property.

The Uniform Public Offense Code is hereby amended to include the following sections regarding the disposition of lost, stolen, strayed, abandoned, unclaimed, or confiscated property.

(a) **APPLICABILITY.** This article relates to and embraces all lost, stolen, strayed, abandoned, unclaimed or confiscated property which of itself is not contraband or the possession of which is not unlawful, which is now or which may hereafter come into the possession of the law enforcement officers of the city.

(b) **CUSTODY; RECLAMATION BY OWNER WITHIN THIRTY DAYS.** All personal property of the character described in section 11-103(a) shall be delivered to the custody of the chief of police who shall retain the possession of such property for a period of thirty (30) days, except as elsewhere herein provided, unless the owner or person entitled to the possession of such property shall sooner claim such property and establish his or her ownership and right to possession thereof.

(c) **NOTICE OF INTENT TO DISPOSE: REQUIREMENTS.** If the owner or person entitled to the possession of property, as described in this article, shall fail to claim such property within thirty (30) days, that at such time or at any time thereafter, the chief of police may cause a notice to be published in the

official city newspaper, setting forth a detailed description of such property and stating that unless the same be claimed within ten (10) days, such property will be disposed of pursuant to the terms of this chapter.

(d) **FAILURE OF OWNER TO CLAIM BEFORE DISPOSITION.** If the owner or person entitled to the possession of property advertised under 11-103(b) shall fail to claim the same within the prescribed time limit set forth in such section, then the same can be converted to city use or can be donated by the city to a non-profit organization, preferably located within the city limits; provided, however, that the following procedures shall be followed by the city in connection with the disposition of such unclaimed property pursuant to this section, such disposition to take place as follows, to wit:

- (1) The chief of police, shall, after consultation with the Mayor, determine whether such property shall be converted to use by one or more departments of the city or shall be disposed of by gifting the same to one or more non-profit organizations.

(e) **ALTERNATIVE DISPOSITION.** As an alternative to the disposition procedure set forth in 11-103(b) and 11-103(d) hereof, the police department is hereby authorized, after following the mandates set forth in 11-103(c) hereof, to sell such property at public auction to the highest bidder therefore for cash. Notice of such auction sale shall be given by the department's placing notice of such auction sale, giving the time, date and place thereof, in a newspaper(s) of circulation in Sedgwick County, such publication(s) to take place no later than ten (10) days prior to such auction date. All proceeds raised at such auction sale shall be paid directly to the general fund of the city.

(Code 2022)

## Article 2. Local Provisions

### 11-201. Window peeping.

Any person, other than the occupants of the room, dwelling, apartment, rooming house or apartment house involved, who goes upon private property, without the permission of the owner or lessee thereof, and looks into such room, dwelling, apartment, rooming house or apartment house is guilty of "window peeping," a misdemeanor, and any person convicted thereof shall be punished by a fine of not more than \$500 and/or six (6) months imprisonment.

(Code 2007; Code 2022)

### 11-202. Curfew.

(a) **CURFEW FOR CERTAIN MINOR CHILDREN.** It shall be unlawful for any minor under the age of eighteen (18) years to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and buildings, places of amusement or entertainment, eating places, vacant lots or other place unsupervised by an adult having the lawful authority to be at such place during the following periods of time:

- (1) For minors age fifteen and under, between the hours of 11:00 p.m. and 6:00 a.m. of the following day, except Fridays and Saturdays when the hours shall be 12:00 midnight to 6:00 a.m. of the following day.
- (2) For minors age sixteen (16) and seventeen (17), between the hours of 12:00 midnight on any day and 6:00 a.m. of the following day, except on Fridays and Saturdays when the hours shall be 1:00 a.m. and 6:00 a.m. the following day.



(3) The provisions of this section shall not apply in the following instances:

- (A) When a minor is accompanied by his or her parent, guardian or other adult person having the lawful care and custody of the minor;
- (B) When the minor is upon an emergency errand directed by his or her parent or guardian or other adult person having the lawful care and custody of such minor;
- (C) When the minor is returning home by the most direct route from a school activity, entertainment, recreational activity or dance; or,
- (D) When the minor is returning home by the most direct route from lawful employment;
- (E) When the minor is attending or traveling directly to or from an activity involving the exercise of first amendment rights of free speech, freedom of assembly or free exercise right of religion; and
- (F) When the minor is in interstate travel through the city.

(b) **RESPONSIBILITY OF PARENT.** Except in circumstances set out in subsection (a)(3) it shall be unlawful for the parent, guardian or other adult person having care and custody of a minor under the age of eighteen (18) years to permit such minor to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places or public buildings, places of amusement or entertainment, eating places, vacant lots or other place unsupervised by an adult having the lawful authority to be at such place during the following periods of time:

- (1) For minors age fifteen (15) years of age and under, between the hours of 11:00 p.m. on any day and 6:00 a.m. of the following day, except on Fridays and Saturdays, when the hours shall be 12:00 a.m. to 6:00 a.m. of the following day;
- (2) For minors age sixteen (16) and seventeen (17), between the hours of 12:00 a.m. on any day and 6:00 a.m. of the following day, except on Fridays and Saturdays when the hours shall be 1:00 a.m. to 6:00 a.m. of the following day.

(c) **PENALTY FOR MINOR.** Any minor violating the provisions of this chapter shall be dealt with in accordance with Kansas juvenile court law and procedure. Any police officer finding a minor under the age of eighteen (18) years violating the provisions of this chapter shall warn the child to desist from such violations and immediately return home and may cause written notice to be served upon the parent, guardian or person in charge of said child, setting forth the manner in which the provisions of this section have been violated. For the purposes of this section, notice shall be deemed properly served upon such parent, guardian or person in charge of a child if a copy thereof is served upon him or her personally or if a copy thereof is sent by certified mail, return receipt requested, to his or her last known address.

(d) **PENALTY FOR PARENT, GUARDIAN OR PERSON HAVING THE CARE AND CUSTODY OF A CHILD.** Any parent, guardian or person having the care and custody of a child who shall permit such child to violate the provisions of this section after receiving written notice that such child has previously violated such provisions may be subject to a minimum fine of \$50.00 and a maximum fine of \$500.00, plus costs, for a second or subsequent such offense, with a request to the appropriate court that consideration be given to community service for the offending juvenile as an alternative to any set fine. Violation of this section is a Class C misdemeanor.

(Code 2007; Code 2008; Code 2009)

## 11-203. Graffiti.

(a) For the purpose of this section, the following terms shall have the meaning ascribed to them in this section:

- (1) Graffiti means any inscription, word, figure or design which is marked, etched, scratched, drawn or painted on any structural component of any building, structure or other facility, without the authorization of the owner of such building, structure or other facility, regardless of the nature of the material used in the application or upon which it is applied.
- (2) Graffiti Removal Levy means the charge made by the city and computed by the director of public works for removing graffiti from property, together with any and all penalties for nonpayment of the charges which have accrued.
- (3) Owner as used in this section means any person so designated in the current files of the real estate division of the county clerk's office, and also any person having or claiming to have any legal or equitable interest in the premises upon which graffiti is located.
- (4) Property or Premises means any lot, parcel, tract or piece of land, improved or unimproved, in the city, and includes any building or other structure located thereon.

(b) ENFORCEMENT – PERSONNEL AUTHORIZED. All law enforcement officers of the city and the public works director or his/her designees are hereby authorized to enforce the provisions of this section.

(c) DEFACEMENT OR DAMAGE OF PROPERTY BY GRAFFITI. Any person who writes, sprays, scratches or otherwise affixes graffiti upon any property, public or private, in which another has an interest and without consent of such other person shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$250.00 or more than \$1,000.00 or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. In addition to such penalty the courts may order the defendant to perform the necessary labor to clean up, repair or replace the property damaged by that person, or to pay any costs incurred by the owner related to the cleanup, repair or replacement of property damaged by that person.

(d) GRAFFITI DECLARED PUBLIC NUISANCE – Owner/Occupant's Duty to Remove. The existence of graffiti upon any building, residence or other structure or property within the city is expressly declared to be a public nuisance and it shall be the duty of the owner and/or occupant of any building, residence or other structure or property that has been defaced by graffiti to cleanup or otherwise cover such graffiti, or such graffiti shall be subject to abatement by the city as hereinafter provided. However, no person shall clean up or otherwise cover graffiti without first notifying the Haysville Police Department of the existence of, and affording it the opportunity to photograph said graffiti.

(e) IMMEDIATE REMOVAL OF GRAFFITI WITHOUT NOTICE AUTHORIZED. Whenever any city employee authorized to enforce this article finds graffiti on any property within the city which can be seen by any person using any public right-of-way, such authorized employee may forthwith, without notice to the owner, temporarily obliterate such graffiti, or cause the same to be temporarily obliterated, by the least destructive or damaging means then available. Such authorized employee shall then send notice to the owner to permanently remove the graffiti, following the procedures set out herein.

(f) NOTICE-FORM. Whenever any city employee authorized to enforce this article finds graffiti on any property within the city which can be seen by any person using any public right-of-way, such authorized employee shall cause a notice to remove graffiti to be served upon the owner, as shown in the current files

of the real estate division of the county clerk's office. The notice shall be in substantially the following form:

NOTICE TO REMOVE GRAFFITI

TO \_\_\_\_\_, as owner:

Pursuant to the provisions of Section 11-203 of the Code of the City of Haysville, Kansas, you are hereby notified to remove from

\_\_\_\_\_

(Description of Property)

AKA \_\_\_\_\_

(Address)

all graffiti as defined in the Code of the City of Haysville within seven (7) days from the date of this notice.

\* \_\_\_\_\_ (check if applicable) Action has already been taken by the City to temporarily obliterate this graffiti but the same must be permanently removed within seven (7) days from the date of this notice.

If all graffiti is not permanently removed from the above described property within seven (7) days from the date of this notice, the City will cause it to be removed and the charges for removal shall become a personal obligation and a lien upon your property.

If you intend to remove such graffiti yourself, you are required to obtain from the City a certificate stating that the graffiti has been satisfactorily removed; otherwise if the City is dissatisfied with the manner in which the work has been done, the graffiti will be further removed at your expense.

If you object to the removal of the graffiti from your premises, you may appeal to the Code Enforcement Officer by filing a written notice of appeal in the Office of the City Clerk, 200 West Grand, Haysville, Kansas. Such written notice must be filed within five (5) days from the date of this notice. Failure to appeal shall constitute your acceptance of the determination by the City's authorized employee any and all remedies provided by the Code of the City of Haysville, and a waiver of any and all appeal rights.

Dated: \_\_\_\_\_

\_\_\_\_\_

Authorized Employee

City of Haysville

(g) NOTICE – SERVICE. The notice to remove graffiti shall be served upon the person whose name appears as the owner of the premises involved in the files of the real estate records division of the county clerk's office. Such service may be made either by personal delivery or by depositing the notice in the United States mail, postage paid, as certified, first class mail, return receipt requested, addressed to the owner at the most recent address appearing in the files of the real estate records division of the county clerk's office. If no address for the owner appears in the file of the real estate records division of the county

clerk's office or if no address appears upon the actual premises, then service of the notice to remove graffiti may be made by posting the notice in a conspicuous place upon the property. Proof of service of the notice shall be made by affidavit of the person effecting the service, and the affidavit shall be sufficient for all purposes.

(h) APPEAL HEARING – SERVICE OF NOTICE. If there is an appeal filed with the city clerk, the city clerk shall forward the appeal to the code enforcement officer, who shall establish a time certain, to be as soon as practicable, and place for a hearing. The clerk shall then cause a notice of hearing to be served by certified mail upon the owner who has appealed at least ten (10) days before the hearing. Service shall be deemed completed at the time of deposit of the notice in a receptacle maintained by the United States Postal Service, with postage fully prepaid. The failure of any person to receive such notice of hearing shall not affect the validity of any proceeding under this article.

(i) APPEAL – HEARING – PROCEDURE.

- (1) On the date fixed for hearing any adjournment or continuation thereof, the code enforcement officer or his or her designee shall hear all evidence submitted by the owner, the owner's agent, lien holders of record, occupants or other parties in interest in the property upon which the graffiti is situated, and all evidence submitted by the city. The hearing provided for in this section need not be conducted according to formal rules of evidence and may be continued without notice.
- (2) Upon conclusion of the hearing, the code enforcement officer or his or her designee shall determine whether the premises, as maintained, constitute a public nuisance as set forth in this section. If the code enforcement officer or his or her designee finds that such public nuisance does exist, he or she shall determine how the nuisance is to be abated and shall establish a time, not to exceed seven (7) days, within which removal and/or abatement shall take place; and in the event the owner fails to correct the nuisance within the time described, the city shall cause the nuisance to be abated and the costs incurred by the city shall become the personal obligation of the owner and/or tenant and a lien upon the property.
- (3) A copy of the determination by code enforcement officer or his or her designee shall be served by mail upon the owner of the affected premises. Service shall be completed at the time of its deposit in a receptacle maintained by the United States Postal Service, with postage fully prepaid.
- (4) No legal proceeding or action shall lie against the city or any officer, designee or employee of the city to enjoin the enforcement of its determination or orders made pursuant to this section, unless such legal action is commenced within thirty (30) days after the decision of the code enforcement officer.

(j) OWNER REMOVAL NOTICE. Every owner served with a notice or order to remove graffiti who upon his or her own account removes the graffiti from his or her own property shall upon completion of the work immediately give written notice thereof to the office of the city clerk. Such notice shall be either delivered or mailed to the office of the city clerk. Upon receipt of such notice any employee of the city authorized to enforce this section shall inspect the property and if no graffiti exists thereon, the owner shall be issued a certificate so stating. If graffiti still exists on the property, the authorized employee of the city shall cause it to be removed and the costs will be assessed against the owner and tenant and become a lien on the property as if no such notice of removal was received from the owner.

(k) CITY REMOVAL – AUTHORIZED. If any owner served with a notice fails to remove the graffiti from such owner’s property within the time stated in the notice, or order of the governing body after appeal, the owner shall be deemed to have consented to such removal by the city whose designated employee will thereupon be authorized to enter upon the property involved and remove the graffiti.

(l) CITY REMOVAL – GRAFFITI ABATEMENT. The public works director or his/her designee shall, after the removal of graffiti from any property by the city, compute all expenses so incurred by the city, including any applicable administrative fees as determined by the office of the city clerk. All expenses shall be charged to and become an indebtedness of the owner of such premises; provided, however, that no such charge or levy shall be made against any property or the owner of property where the office of the city clerk has received a written authorization signed by such owner, or his/her authorized representative, permitting the city, or any other volunteer group or organization engaging in graffiti cleanup with the city’s consent, to enter upon such owner’s property for the purpose of removing any and all graffiti that from time to time might be located on such property. Such written authorization shall be effective until withdrawn in writing by such owner and shall prevent any charge or levy for graffiti cleanup expenses incurred after the date of such written authorization and for as long as it remains effective.

(m) CITY REMOVAL – GRAFFITI ABATEMENT LEVY PAYMENT NOTICE. Upon computing the expenses, the city clerk shall serve the graffiti abatement levy upon the owner of the property where graffiti was removed, as the owner is determined from current files of the real estate division of the county clerk’s office. The notice to pay graffiti abatement levy shall be in substantially the following form:

NOTICE TO PAY GRAFFITI ABATEMENT LEVY

In accordance with the provisions of section 11-203 of the Code of the City of Haysville, Kansas, the City of Haysville has caused the graffiti upon

\_\_\_\_\_

(legal)

AKA \_\_\_\_\_

(address)

to be removed at the City expense.

You are hereby notified that the total cost of \_\_\_\_\_ is now due and payable to the City of Haysville, Kansas.

Section 11-203(n) of the Code of the City of Haysville, Kansas provides in part, that the property owner, tenant or any other interested person may demand a hearing within fifteen (15) days of this notice before the Chief Administrative Officer on the reasonableness of the charges. Such demand shall be in writing filed with the office of the city clerk and shall describe the property involved, the reasons for objecting, and the name, address and interest of the appellant.

If no hearing is so demanded, this payment shall become delinquent within thirty (30) days from this notice and if the amount due is not otherwise collected, a lien for this amount, plus a fee for preparation of the lien and any civil penalty shall be attached on the affected property and thereafter bear interest at the rate of 12% per annum until paid.

(n) HEARING ON CHARGES. Within fifteen (15) days from the date of the notice to pay, the property owner, tenant or any other interested person, may demand a hearing as to the reasonableness of such charges. Such demand shall be in writing and filed with the office of the city clerk. It shall describe the property involved, state the reasons for objecting, and include the address of the applicant for service of notices in connection with the hearing. The city clerk shall thereupon set a date for a hearing of such protest by the chief administrative officer. Such hearing shall be scheduled within a reasonable time. The city clerk shall send written notice of such hearing, the chief administrative officer shall hear all evidence pertinent to the reasonableness of the charges and shall be final and the city clerk shall certify the cost of such removal upon completion of the appeal hearing, which amount shall then become a tax on the real property upon which the removal occurred. In the event the cost of graffiti removal is not assessed against the real property, the city may thereafter maintain an action in the appropriate court against the owner and/or occupant upon whom notice was served as required by this section to recover the cost of removing such graffiti.

(Code 2022)

## **11-204. Offenses affecting governmental functions.**

### **(a) RESISTING ARREST.**

- (1) It shall be unlawful for any person, by use of force or violence or threat thereof, to intentionally prevent or attempt to prevent any law enforcement officer from arresting any person.
- (2) It is no defense to a prosecution under this section that a law enforcement officer was attempting to make an arrest which was in fact unlawful if he or she was acting under color of his or her official authority and in making the arrest he or she did not resort to such excessive force as to give rise to a right of self-defense under state law.

Violation of this section is a Class A violation.

### **(b) DUTY TO OBEY POLICE, DUTY TO AID POLICE.**

- (1) No person shall refuse to assist any law enforcement officer in making an arrest or performing any other official duty, when requested to do so by such officer.
- (2) It shall be unlawful for any person to willfully disobey a lawful order of law enforcement officer.

Violation of this section is a Class B violation.

### **(c) COMPENSATION FOR PAST OFFICIAL ACTS.**

- (1) Compensation for past official acts is giving or offering to give any public officer or employee any benefit, reward or consideration for having given, in his or her official capacity as such public officer or employee, a decision, opinion, recommendation or vote favorable to the person giving or offering such benefit, reward or consideration, or for having performed an act of official misconduct.
- (2) This section shall not apply to the following:

- (A) Gifts or other benefits conferred on account of kinship;



(B) Other personal, professional or trivial benefits incidental to person, professional or business contacts and involving no substantial risk of undermining official impartiality.

(d) FAILURE TO RETURN LIBRARY MATERIALS. It is unlawful for any person to fail to return any book, newspaper, magazine, pamphlet, manuscript, article, art, painting, phonograph record, film or any other property provided by the Haysville Public Library. It shall be prima facie evidence of intent to permanently deprive the owner of the possession, use or benefit thereof if the defendant failed to return such book or material within 30 days after receiving notice from the library requesting its return, in which case the subsequent return of the book or material within the 30-day period shall exempt such transaction from consideration as prima facie evidence as provided in this section.

(e) PENALTY. Each day this violation is committed shall constitute a separate violation. Violation of this section is a Class C Misdemeanor.

(Code 2007; Code 2008; Code 2009)

### **11-205. Offenses against public peace.**

(a) PUBLIC URINATION. No person shall, within the corporate limits of the city, urinate upon any highway, street, alley or upon the premises of any public place or building or upon private property, in open view of any person, when the same has not been designated or designed as a restroom. Violation of this section is a Class A violation.

(b) DISTURBANCE OF RELIGIOUS ASSEMBLIES. Disturbance of religious assemblies is the disturbing of any congregation or assembly met for religious worship by making a noise or by rude and indecent behavior within their place of worship or so near the same as to disturb the order and solemnity of the meeting. Violation of this section is a Class C violation.

(c) LOITERING; STREETS, PUBLIC PLACES. Loitering in streets and other public places is the loitering on the public streets, bridges or walkways, school buildings or school grounds or any other public place or place accessible to the public without being engaged in some business demanding the person's presence upon such street, bridge, pedestrian walkway, school building, school grounds or at such public place or place accessible to the public or habitually lurking in a public place or a place accessible to the public without being engaged in some legal business. Violation of this section is a Class C violation.

(d) LOITERING IN OR ABOUT SCHOOLS OR PUBLIC BUILDINGS OR PLACES PROHIBITED. It shall be unlawful for any person to loiter about or on any public, private or parochial school property or public building or place, either on foot or in or on any vehicle, without having some lawful business therein or thereabout.

(e) ANNOYING OR PREVENTING ORDERLY CONDUCT OR ACTIVITY IN OR ABOUT SCHOOLS OR PUBLIC BUILDINGS OR PLACES. It shall be unlawful for any person to annoy, disturb or otherwise prevent the orderly conduct of activity or classes on or about any public, private or parochial school or public building or place.

(f) ANNOYING, DISTURBING, ASSAULTING OR MOLESTING STUDENTS OR SCHOOL EMPLOYEES PROHIBITED. It shall be unlawful for any person to annoy, disturb, assault or molest any student or employee of any public, private or parochial school while such student or employee is in a school building, on school grounds or in any public building or place when engaged in or participating in any school-related activity.

(g) LEWD, WANTON OR LASCIVIOUS BEHAVIOR IN OR ABOUT SCHOOLS OR PUBLIC BUILDING OR PLACES PROHIBITED. It shall be unlawful for any person to conduct himself or herself in a lewd, wanton or lascivious manner, either in speech or conduct or behavior, in or about any public, private or parochial school building or school grounds, or public building or place.

(h) PARKING OR MOVING VEHICLES ON SCHOOL GROUNDS OR IN PUBLIC BUILDINGS OR PLACES FOR PURPOSES OF ANNOYING OR MOLESTING STUDENTS OR SCHOOL EMPLOYEES PROHIBITED. It shall be unlawful for any person to park or move a vehicle in, on or about the grounds of any public, private or parochial school building or grounds, or in or about any public building, public place or street for the purpose of annoying or molesting students or employees of such schools or for the purpose by unauthorized persons to induce, entice or invite students into such vehicles.

(i) UNAUTHORIZED PRESENCE IN SCHOOL BUILDINGS OR ON SCHOOL PREMISES. It shall be unlawful for any person to enter into or upon, or to remain in, on, or within any building, grounds or facilities within the jurisdiction of the Haysville unified school district which are located within the corporate limits of the city after 11:00 p.m. or before 6:00 a.m. without the specific authorization of the Haysville unified school district, or at any time when said district has determined that said period shall be from 12:00 a.m. to 6:00 a.m. and has given prior notice of such determination to the police department of the city of Haysville.

(j) ERECTION OF TENTS AND BUILDINGS ON CERTAIN SCHOOL DISTRICT PROPERTY PROHIBITED. It shall be unlawful for any person to build or place any tent, building, booth, stand or other structure in or upon any building, grounds or facilities located within the corporate limits of the city and under the jurisdiction of the Haysville unified school district, without having obtained a permit to do so from said district. Such permit shall be in writing, shall include the signature of an official designated by the school district as authorized to issue such permit, and shall be produced by any person receiving such permit on demand of any police officer of the city.

(k) ALCOHOLIC LIQUOR OR CEREAL MALT BEVERAGE PROHIBITED ON CERTAIN SCHOOL DISTRICT PROPERTY. It shall be unlawful for any person to possess or consume any alcoholic beverage on or in any property, on or in any building or other premises, located within the corporate limits of the city and under the jurisdiction of the Haysville unified school district. For the purposes of this section, "alcoholic liquor" shall have the meaning provided to such term by K.S.A. 1-102 and amendments thereto, and "cereal malt beverage" shall have the meaning provided thereto by K.S.A. 41-2701 and amendments thereto.

(l) ERECTION OF TENTS AND BUILDINGS ON CERTAIN CITY PROPERTIES PROHIBITED. It shall be unlawful to build or place any tent, building, booth, stand or structure in or upon any of the parks or recreation facilities under the jurisdiction of the city for a period exceeding four (4) days without first having obtained approval for such building or placement from the governing body of the city.

(m) ALCOHOLIC LIQUOR OR CEREAL MALT BEVERAGE ON CERTAIN PUBLIC PROPERTIES PROHIBITED. It shall be unlawful for any person to consume or possess alcoholic liquor or cereal malt beverage on any property or premises under the control of the park board of the city, without prior authorization of the governing body of the city. For the purpose of this section, "alcoholic liquor" shall have the meaning provided by such term by K.S.A. 1-102 and amendments thereto, and "cereal malt beverage" shall have the meaning provided by K.S.A. 41-2701 and amendments thereto.

(n) CLASSIFICATION OF OFFENSES. Subsections (e) through and including (n) of the above stated unlawful actions shall be a Class C violation.



(o) LOUD AND UNNECESSARY NOISE PROHIBITED

- (1) It shall be unlawful for any person to permit, make, continue, maintain or cause to be made or continue any excessive, unreasonable or unusually loud noise which disturbs, injures, endangers the repose, health, peace or safety of other people of ordinary sensitivity within the vicinity of the noise.
- (2) It shall be unlawful for any person to use, operate or permit the use or operation of any electronic device, radio, receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet or repose of the neighboring inhabitants of ordinary sensitivity.
- (3) No person shall permit or participate in or be in any party or gathering of people from which sound emanates at a sufficient volume so as to disturb the peace, quiet or repose of the neighboring inhabitants of ordinary sensitivity. A police officer may order all such persons present at any such party or gathering to immediately disperse from the vicinity of any such party or gathering in lieu of being charged under this section; provided; however, owners or tenants are not required to leave their own dwelling unit. Owners or tenants of the location where the party or gathering occurs shall, upon request of a police officer, cooperate fully in immediately abating the disturbance. Failing to immediately cooperate with law enforcement efforts to remedy and resolve the noise disturbance shall be in violation of this section.
- (4) No property owner shall permit their property to be used in violation of this section. Property owners shall make a reasonable effort to notify all tenants, lessees, and invitees of the City's noise restrictions, and shall make every effort to assist law enforcement with immediately abating the disturbance occurring upon their property when requested by law enforcement. Multiple complaints occurring against a single property may be evidence that a property owner is permitting their property to be used in violation of this section.
- (5) DEFINITIONS. For purposes of this section, these terms shall be defined as follows:
  - (A) Neighboring inhabitants includes those persons residing in single family dwellings, multiple family dwellings, boarding house rooms, hotel rooms or motel rooms, or businesses within the vicinity of the noise.
  - (B) Excessive, unreasonable or unusually loud noise shall be a determination of legal fact based upon those indicators that a reasonable person would objectively find to 1) disturb the peace, quiet or repose of the area, 2) cause physical injury or property damage, or 3) endanger the safety of the area, when any individual actually experiences such harm.
- (6) The following situations are exempt from noise ordinance regulations:
  - (A) Emergency work necessary to restore property to a safe condition or to protect a person and property from eminent danger;
  - (B) Emergency vehicles;
  - (C) Alarm systems;

- (D) Residential ~~trash and waste pickup operations between 6:00 a.m. and 7:00 p.m., and~~ Commercial ~~trash and~~ solid waste collection service ~~between the hours of 3:00 a.m. and 7:00 p.m.;~~ during the hours outlined in Chapter 8 of this Code.
  - (E) Aircraft or railroads;
  - (F) Noise resulting from the activities of a temporary duration planned by school/university, governmental or community groups;
  - (G) Air conditioners
  - (H) Lawn care equipment operated between 7:00 a.m. and 9:00 p.m.;
  - (I) Construction operations; and
  - (J) Church bells and campanile chimes.
- (7) Penalty, Any person who violates any of the provisions of this section within the corporate limits of the city is guilty of a misdemeanor and upon conviction thereof shall be fined in the amount not exceeding \$500.00 or be imprisoned in jail for a period not to exceed one (1) month, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.
- (8) EXCEPTIONS. The following activities, as long as they are conducted in daytime hours as a normal function of a permitted use and the equipment is maintained in proper working condition, are exempted from the provisions of this chapter:
- (A) Lawn maintenance;
  - (B) Repair of personal use vehicles;
  - (C) Home repair of place of residence
- (9) PENALTY. Any person who violates any of the provisions of this section within the corporate limits of the city is guilty of a misdemeanor and upon conviction thereof shall be fined in the amount not exceeding \$500.00 or be imprisoned in jail for a period not to exceed six (6) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.

(Ord. 935; Code 2009; Code 2022; Code 2024)

## **11-206. Molotov cocktails.**

(a) MOLOTOV COCKTAILS. Unlawful possession, use and transportation of a “Molotov cocktail” is the transporting, use or possession or control of a container of incendiary or explosive material liquid, solvent or mixture, equipped with a fuse, wick or other detonating device of a kind commonly known as a “Molotov cocktail.” Unlawful possession, use or transportation of “Molotov cocktail” is a Class A violation.

(b) PENALTY. Any person who violates the provisions of this section shall, upon conviction be punished by a fine of up to \$2,000.00 or by imprisonment for up to 1 year, or by both such fine and imprisonment.

(Code 2015; Code 2022)

## 11-207. Offenses against public morals.

(a) CONFISCATION, DESTRUCTION OF GAMBLING DEVICES. Upon conviction of any person under the provisions of this section, the municipal judge shall, as a part of his or her judgment, order the destruction of all punch boards, slot machines or other gambling devices or material used by or in possession of the defendant, and the chief of police shall execute such judgment by publicly destroying or causing to be destroyed punch boards, slot machines or any other gambling device or equipment by burning or otherwise, which destruction shall take place after the devices are no longer needed as evidence.

(b) OBSCENITY; BUILDING OR STRUCTURE. It shall be unlawful for any person to write or inscribe any obscene or vulgar picture, design or words at or on any place open to public view.

Violation of this section is a Class C violation.

(Code 2015; Code 2022)

## 11-208. Possession of VAPE products by a minor.

(a) DEFINITION. For purposes of this section, vapor products shall be defined as any cartridge, pod or other container that may contain nicotine, cannabinal, tetrahydrocannabinol or any other substance in a solution or other form that is intended to be used with or in an Electronic Cigarette. Vapor products do not include electronic cigarettes.

(b) PURCHASE OR POSSESSION OF VAPOR PRODUCTS BY A MINOR. It shall be unlawful for any person:

- (1) Who is under ~~18-21~~ years of age to purchase or attempt to purchase vapor products; or
- (2) Who is under ~~18- 21~~ years of age to possess or attempt to possess vapid products.
- (3) Violation of this section shall be an ordinance infraction for which the fine shall be \$200. For a juvenile's first offense under this section, the court may order the juvenile to perform community service of up to fifteen (15) hours and/or complete an educational course on the effects and dangers of vaping products in addition to or in lieu of the fine provided herein. Any community service or educational course offered by the court shall be completed not later than six months after the fine is imposed or by an earlier date specified by the court. The judge also may require the juvenile to appear in court with a parent or legal guardian.

(c) SELLING, GIVING, OR FURINISHING VAPOR PRODUCTS TO A MINOR

- (1) It shall be unlawful for any person to:
  - (A) Sell, furnish, or distribute vapor products to any person under ~~18- 21~~ years of age; or
  - (B) Buy any vapor products for any person under ~~18-years 21 years or of~~ age.
- (2) It shall be a defense to a prosecution under this section if:
  - (A) The defendant sold, furnished or distributed vapor products to the person under ~~18- 21~~ years of age with reasonable cause to believe the person was of legal age to purchase or receive vapor products; and

- (B) To purchase or receive the vapor products, the person under ~~18~~ 21 years of age exhibited to the defendant a driver's license, Kansas non-driver's identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive vapor products.
  - (C) For purposes of this section, the person who violates this section shall be the individual directly selling, furnishing, or distributing the vapor products to any person under ~~18~~ 21 years of age or the retail dealer who has actual knowledge of such selling, furnishing, or distributing by such individual or both.
- (3) It shall be a defense to a prosecution under this subsection if:
- (A) The defendant engages in the lawful sale, furnishing or distribution of vapor products by mail; and
  - (B) The defendant sold, furnished, or distributed the vapor products to the person by mail only after the person had provided to the defendant an unsworn declaration, conforming to K.S.A. 53-601 and amendments thereto, that the person was ~~18~~ 21 or more years of age.
- (4) As used in this section, sale means any transfer of title or possession or both, exchange, barter, distribution, or gift of vapor products, with or without consideration.
- (5) Violation of this subsection shall constitute a Class B violation punishable by a minimum fine of \$200.

(Code 2022; Code 2024)

## CHAPTER 14. TRAFFIC

### Article 1. Standard Traffic Ordinance

#### 14-101. Standard traffic ordinance incorporated.

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Haysville, Kansas, that certain standard traffic ordinance known as the “Standard Traffic Ordinance for Kansas Cities, 49th Edition published in ~~2022~~ 2023”, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. Not less than one (1) copy of the standard traffic ordinance shall be marked or stamped “Official Copy as Adopted by the Code of the City of Haysville” and to which shall be attached a copy of the incorporating ordinance adopting the standard code with any amendments not otherwise set forth within the Haysville Municipal Code, and such copy shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at cost to the city, such number of official copies of the standard traffic ordinance similarly marked, as may be deemed expedient. All amendments to such Standard Traffic Ordinance as set forth within this Chapter shall be incorporated into the Official Copy of the Standard Traffic Ordinance, including a copy of this Chapter.

(Ord. 493-A; Ord. 823; Code 2003, Code 2004, Code 2005, Code 2006; Code 2007; Code 2008; Code 2009; Code 2010, Ord. 971; Ord. 983; Ord. 997, Code 2013; Ord. 1005, Code 2014; Ord. 1018, Code 2015; Ord. 1037, Code 2016; Ord. 1048, Code 2018; Ord. 1056, Code 2019; Ord. 1065, Code 2020; Code 2022; ~~Code 2023~~; Code 2024)

### Article 2. Local Provisions

#### 14-201. Loud sound amplification systems prohibited.

No person operating or occupying a motor vehicle on a street, highway, alley, parking lot or driveway shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle.

(a) “Sound amplification system” means any radio, tape player, compact disc player, loud speaker or other electronic device used for the amplification of sound.

(b) “Plainly audible” means any sound produced by a sound amplification system from within the vehicle, which clearly can be heard at a distance of fifty (50) feet or more. Measurement standards shall be by the auditory senses, based upon direct line of sight. Words phrases need not be discernible and bass reverberations are included. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot or driveway.

(c) It is an affirmative defense to a charge under this section that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:

- (1) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition.
- (2) The vehicle was an emergency or public safety vehicle.

- (3) The system was used for the purpose of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblages or persons in compliance with the code of the city.
- (4) The vehicle was used in authorized public activities such as parades, fireworks, sports events, musical productions and other activities which have the approval of the department of the city to grant such approval.

(Ord. 823; Code 2003)

#### **14-202. Careless driving.**

No person shall operate or handle any vehicle in such a manner as to indicate a careless or heedless disregard for the rights or safety of others, or in such a manner as to endanger or be likely to endanger any person or property. No driver, while driving, shall engage in any activity which interferes with the safe operation and control of his or her vehicle. Provided, that this section shall not apply to a vehicle driven by a person on property owned by him or her.

(Ord. 823)

#### **14-203. Defective speedometer.**

It shall be unlawful for any person to drive or operate a motor vehicle, or the owner of any motor vehicle to allow or permit any other person to drive or operate such motor vehicle he or she owns, upon any public street, alley, highway or thoroughfare of the city unless such motor vehicle has a properly functioning speedometer.

(Ord. 493, Sec. B; Ord. 823)

#### **14-204. Breath alcohol analysis fee.**

(a) Any person convicted or diverted, or adjudicated or diverted under a preadjudication program, pursuant to K.S.A. 222906 et seq., or 12-4414 et seq., and amendments thereto, of a violation of K.S.A. 81567 and amendments thereto, shall pay a separate court cost hereinafter known as the breath alcohol analysis fee, such fee to be set forth in Chapter 17.

(b) Such fee shall be deposited into the breath alcohol analysis fee fund of the Haysville Police Department, and all such monies shall be utilized for:

- (1) Providing criminalistic analysis services associated with breath alcohol analysis;
- (2) The purchase and maintenance of equipment associated with breath alcohol analysis for use by the Haysville Police Department in performing analysis; and
- (3) Education, training and scientific development of Haysville Police Department Personnel.

#### **14-205. Stopping, standing or parking in front of mailboxes prohibited.**

Parking in front of mailboxes between the hours of 8:00 a.m. and 5:00 p.m., or blocking a mail delivery vehicle from delivering mail is prohibited, and may be punished by a fine of \$ 5 plus court costs.

#### **14-206. Skateboards, roller skates, and inline skates; use restricted.**

(a) It is unlawful for any person upon a skateboard, roller skates or inline skates:

- (1) To go upon any park owned or maintained by the city excluding the hike and bike path, old oak skate park, sidewalks throughout the city and basketball courts located on city owned park properties;
- (2) To go upon any parking lot owned or maintained by the city;
- (3) To go upon any other parking lot, parking garage or property within the city when such property is clearly and visibly marked by a sign or signs indicating that skateboard, roller skate and inline skate use thereon is prohibited. Such signs shall have lettering at least one and one-half inches high and one-half inch wide. When such signs are present upon privately owned property, the police department shall be authorized thereby to enforce the provisions of this section;
- (4) To coast or otherwise move upon a skateboard, roller skates, or inline skates in a reckless manner on any public sidewalk, or without exercising due care for the safety of others using the sidewalk, or to otherwise endanger or interfere with pedestrian traffic.

(b) Responsibility of Parent. No parent or legal guardian having the care and custody of a minor shall fail to properly supervise and care for such child in that such failure of supervision or care shall cause, permit, allow, or fail to prevent the child from violating the provisions of subsection (a) as set forth above.

(c) Penalty.

- (1) Any person who violates any provisions of this article, shall, upon conviction thereof, be guilty of an infraction, and shall be punished by a fine of not more than fifty dollars (\$50.00) for a first offense, and a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for any subsequent offense.
- (2) Minors. Any minor violating the provisions of this chapter shall be dealt with in accordance with Kansas juvenile court law and procedure. Any police officer finding a minor under the age of eighteen (18) years violating the provisions of this chapter shall warn the child to desist from such violations and shall cause written notice to be served upon the parent, guardian or person in charge of said child, setting forth the manner in which the provision of this section have been violated. For purposes of this section, notice shall be deemed properly served upon such parent, guardian or person in charge of a child if a copy thereof is served upon him or her personally or if a copy thereof is sent by certified mail, return receipt requested, to his or her last known address.
- (3) Penalty for Parent, Guardian or Other Person Having the Care and Custody of a Child. Any parent, guardian or person having the care and custody of a minor less than eighteen (18) years of age, who shall permit or fail to prevent such child from violating the provisions of this section after receiving written notice that such child has previously violated provisions of this section, shall, upon conviction thereof, be guilty of an infraction, and shall be punished by a fine of not more than fifty dollars (\$50.00) for a first offense, and a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for any subsequent offense. For purposes of determining subsequent offenses, the court shall determine the number of times such parent, guardian, or person having the care and custody of a child has been convicted of violating subsection (b), and shall not consider 1) whether the minor was charged or convicted in juvenile court, or 2) whether the adult was previously



convicted of a violation of such code as a result of the actions of a minor other than the minor involved in such subsequent violation.

(Ord. 358, Sec. 5; Ord. 823; Code 2003, Ord. 876)

### **Article 3. Truck/RV Parking and Inoperable Vehicles**

#### **14-301. Residential district defined.**

A residential district shall be defined for purposes of this article as any territory, area and/or street located within the corporate limits of the city upon which or in there are located structures occupied as residential dwellings or other places of abode and the streets, roadways, alleyways, or other ways used for vehicular traffic within said areas are subject to a speed limit of twenty (20) miles per hour.

(Ord. 390, Sec. 2; Ord. 823; Code 2003)

#### **14-302. Truck and recreational vehicles, trailers, parking restrictions.**

It shall be unlawful for any owner or operator of a recreational vehicle to park such vehicle on any highway or street within the corporate limits of the city. Except the owner or operator of a recreational vehicle may park on the street at his or her residence for the purpose of loading or unloading for a period not to exceed twelve (12) hours in any one week period. For the purpose of this article, one week shall be defined as Sunday through Saturday. Pickup trucks that have toppers or slide in toppers that do not extend over the cab of the truck are not considered recreational vehicles. It shall be unlawful for any person/persons to park a trailer that is not attached to a motor vehicle on any highway or street within the corporate city limits of the city. Trailers attached to motor vehicles that are parked on any highway or street within the corporate limits of the city shall have reflective lights/tape that is visible for four hundred fifty (450) feet by any approaching vehicle. Trailers attached to motor vehicles that block the view of person/persons operating a motor vehicle will not be allowed to park on any highway or street within the corporate city limits. It shall be unlawful for any person operator of a truck, bus, tractor-trailer unit, truck trailer unit larger than what is commonly referred to as a 1-ton truck (with a gross vehicle weight rating of 16,001 pounds or more), or a box type truck used for commercial purposes to park the same on any street in any residential district inside the corporate city limits, longer than a period necessary for loading or unloading of merchandise or household goods; PROVIDED, that the vehicle shall be promptly moved upon completion of the loading or unloading.

(Ord. 768; Ord. 797; Ord. 806; Code 2003; Code 2018)

#### **14-303. Vehicles unattended.**

It shall be unlawful for any person or business operating or owning any truck, tractor-trailer unit, or other vehicle to leave such vehicle unattended at any time on any public street when such vehicle is actually loaded with or contains gasoline, kerosene, naphtha, ammonia, explosives, volatile chemicals, benzene, or any crude petroleum, toxic or flammable materials other than the fuel load which is designed for and used to propel and power said vehicle.

(Ord. 389, Sec. 1; Ord. 823)

#### **14-304. Notification.**



The owner of any property upon which such vehicle referred to in section 14-108 may be parked shall immediately notify the police department of the location of the vehicle, together with the names and addresses of the driver and owner.

(Ord. 389, Sec. 2; Ord. 823; Code 2003)

#### **14-305. Inoperable vehicles.**

It shall be unlawful for any person to leave an inoperable vehicle upon any public land, street, alley or roadway within the corporate limits of the city. The police department is hereby authorized to have towed, at the vehicle owner's expense, any vehicle left on any public land, street, alley or roadway for more than twenty-four (24) hours. Definitions of terms as used in this section shall be as follows:

(a) Inoperable - means a condition of being marked junked, wrecked, wholly or partially dismantled, discarded, abandoned, without proper license tag or registration or unable to perform the function or purpose for which it was originally constructed.

(b) Vehicle - means every device in, upon or by which any person or property is or may be transported or drawn upon a highway except in devices moved by human power or used exclusively upon stationary rails or tracks.

(Code 1984; Ord. 601; Ord. 823; Code 2003)

#### **14-306. Penalty for schedule fines.**

The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishes a fine in a fine schedule shall not be less than \$10.00 nor more than \$500.00. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in Chapter 17 shall pay a fine fixed by the court not to exceed \$500.00.

(Ord. 823; Code 2003; Code 2007)

#### **14-307. Penalty.**

Any person violating this article for which a penalty is not otherwise provided shall upon conviction be punished by a fine in accordance with the general penalty provisions set out in the ordinances of the city.

(Ord. 823; Code 2003)

### **Article 4. Speed Zones**

#### **14-401. Maximum speed in school zones.**

It shall be unlawful for any person to exceed the speed of twenty (20) miles per hour in any school zone located within the city, during times as set forth in 14-303.

(Ord. 823; Code 2003; Ord. 998, Code 2013)

#### **14-402. Establishing maximum speed limits within the city pursuant to K.S.A. 8-1558, 8-1559, and 8-1560 and amendments thereto.**

Section 33 of the Standard Traffic Ordinance for Kansas Cities is hereby amended to establish the following maximum speed limits, and notification of violation shall be cited to Section 33 of the STO, including the applicable subsection(s) as provided below.

(a) Pursuant to K.S.A.8-1558, 8-1559, and 8-1560, the governing body, having determined on the basis of engineering and traffic investigations as such terms have been interpreted by the Kansas Supreme Court that the maximum speed limits established pursuant to K.S.A. 8-1558 are greater or less than is reasonable or safe under the conditions found to exist within the corporate limits of the city, hereby deems it necessary to alter maximum speed limits established pursuant to K.S.A. 8-1559 and amendments thereto.

(b) Except as otherwise provided in this article establishing the maximum speed limit in school zones, the following maximum speed limits are hereby established.

- (1) Grand Avenue (71st Street South) from the east city limits to the west city limits: 35 mph;
- (2) Main Street (Seneca South) from the north city limits to the south city limits: 35 mph;
- (3) Meridian Street from the south side of Grand Avenue (71st Street South) north to the north city limit of Haysville, Kansas adjacent to Meridian Street; 40mph;
- (4) Broadway (U.S. 81 Highway) from the north city limits to the south city limits as established by the Kansas Secretary of Transportation pursuant to K.S.A. 8-1337: 45 mph;
- (5) Any street in a residential district, as defined by K.S.A. 8-1456: 20 mph;
- (6) Any street in a public park: 10 mph. The Chief of Police is hereby empowered to make and enforce temporary regulations for up to ninety (90) days regarding where motorized vehicles are permitted to operate, and the speeds at which such vehicles may operate, in order to expedite addressing safety concerns that may arise within parks {See STO, Section 3};
- (7) Streets contained within the Grand Avenue Industrial Park Addition, Grand Avenue Industrial Park II Addition and Grand Avenue Industrial Park III Addition: 20 mph.

(c) Except for the speed limit established by the Secretary of Transportation described above in b(4), the maximum speed limits established herein shall be effective if official traffic control devices or signs giving notice of such maximum speed limits are erected upon or at the entrances to the highway or part thereof affected as may be more appropriate.

(d) A fine of double the amount of the fine normally applicable to and levied for exceeding the speed limit within a properly posted and designated construction zone within the city limits.

(e) Any prior ordinance of the city, inconsistent with the provisions herein, shall be deemed repealed. (K.S.A. 8-1336; Ord. 493, Sec. B; Ord. 693; Ord. 823; Code 2003; Ord. 995; Code 2013; Ord. 1018, Code 2015)

#### **14-403. Establishing school zones, defining the boundaries, hours of operation and maximum speed limits of such school zones.**

(a) Pursuant to K.S.A. 8-1335, 8-1336(a) and 8-1338, the governing body deems it necessary and proper to establish school zones, define the boundaries, hours of operation and maximum speed limits in such school zones. The governing body expressly finds that school children crossing the street or highway

as pedestrians create a special hazard which requires a lower maximum speed limit than those set forth in K.S.A. 8-1336 and amendments thereto.

(b) The following school zones and the respective maximum speed limit in such zone are hereby established:

<u>School Zone</u>	<u>Speed Limit</u>
(1) Nelson Elementary School:	20 MPH
Grand Avenue from 19 feet east of the east extended curblineline of South Delos to a distance of 60 feet east of the extended east curblineline of North Delos, a total distance of 277 feet.	
(2) Rex Elementary School:	20 MPH
Grand Avenue from 58 feet east of the east extended curblineline of Western to a distance of 12 feet west of the extended west curblineline of Sunset, a total distance of 232 feet.	

(c) The school zones established in section (b) above shall be in operation and in force during any day officially established as a school day by the Haysville Unified School District, U.S.D. 261.

(d) The hours of operation of such school zones shall be:

- (1) Nelson Elementary School:
  - (A) 8:00 a.m. to 8:45 a.m.
  - (B) 11:20 a.m. to 11:45 a.m.
  - (C) 12:30 p.m. to 12:55 p.m.
  - (D) 3:45 p.m. to 4:15 p.m.
- (2) Rex Elementary School:
  - (A) 7:20 a.m. to 7:50 a.m.
  - (B) 8:00 a.m. to 8:45 a.m.
  - (C) 11:20 a.m. to 11:45a.m.
  - (D) 12:30 p.m. to 12:55p.m.
  - (E) 2:40 p.m. to 3:10 p.m.
  - (F) 3:45 p.m. to 4:15 p.m.

(e) The hours of operation of such school zone during summer school hours shall be as set by the Chief of Police after receiving a request for such school zones, or changes to such school zones, from the Haysville Unified School District, U.S.D. 261. Such hours of operation shall be published in the official Newspaper for the City of Haysville one time, and posted on the City's official website for two consecutive weeks prior to beginning enforcement.

(f) The maximum speed limits in a school zone established by or pursuant to sections (b), (c), (d) and (e) above, shall only be effective if official traffic control devices are present indicating time of operation by way of flashing lights and maximum speed limits are posted.

(g) The hours of operations of school zones as set forth within subsection (d) above may be amended by the Chief of Police after receiving a request for changes to such school zones from the Haysville Unified School District, U.S.D. 261, or as deemed necessary for the protection of safety at the determination of the Chief of Police. Such hours of operation shall be published in the official Newspaper for the City of Haysville one time, and posted on the City's official website for two consecutive weeks prior to beginning enforcement.

(K.S.A. 8-1336; Ord. 493, Sec. B; Ord. 771; Ord. 823; Code 2003, Code 2006; Ord. 998, Code 2013; Ord. 1018, Code 2015)

## **Article 5. Commercial Vehicle Safety Act**

### **14-501. Federal motor carrier safety regulations incorporated.**

The Federal Motor Carrier Safety Regulations, parts 383, 385, 390-397, July 1, 2008 Edition, Management Editions, prepared and published in book form by LabelMaster, 5724 N. Pulaski Rd., Chicago, Illinois, 60646, and amendments thereto, is hereby incorporated by reference and made part of this Chapter, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, or changed, and is hereby designated as the "Commercial Vehicle Safety Act."

(Code 2009)

### **14-502. Official copy.**

Pursuant to K.S.A. 12-3010, at least one (1) copy of said book shall be marked or stamped "Official Copy" as incorporated by ordinance, with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, Municipal Judge, and all administrative departments of the City charged with the enforcement of these regulations shall be supplied, at the cost of the City, such number of official copies of said book as may be deemed expedient.

(Code 2009)

### **14-503. Amendments.**

Sections 390.37 and 383.53 of the Federal Motor Carrier Safety Regulations, are hereby amended to read as follows: The court clerk is hereby directed to abstract all convictions of violations committed by persons holding a Commercial Driver's License (CDL) to the Driver's Control Bureau of the Department of Revenue. Any further action to a person's CDL as a result of the abstracted conviction will be at the discretion of the Driver's Control Bureau in accordance with state statutes and regulations.

(Code 2009)

### **14-504. Penalties for violation of.**

It shall be unlawful for any person to violate the provisions of the Federal Motor Carrier Safety Regulations parts 383, 385, and 390-397, as herein adopted or amended. The judge of the Municipal Court may, in the manner prescribed by K.S.A. 12-4305 or any amendments thereto, establish a schedule of fines

for violations of any section of the Federal Motor Carrier Safety Regulations 383, 385, and 390-397, including adopting the fine schedule utilized by the Kansas Highway Patrol. Any person who violates the provisions of the Federal Motor Carrier Safety Regulations parts 383, 385, and 390-397 shall, upon conviction, be fined as set forth in the City's fine schedule. Any person who violates any provision of the Federal Motor Carrier Safety Regulations parts 383, 385, and 390-397 for which a fine is not scheduled shall, upon conviction, shall be fined or otherwise penalized as provided in the Standard Traffic Ordinance as incorporated into the City Code, through Chapter 14, Article 1.

(Code 2009)

# CHAPTER 15. UTILITIES

## Article 1. Water Department and Regulations

### 15-101. Name of department.

Water utilities of the city shall be operated as a separate department to be known as the city water department.

(Code 1971, Sec. 12-101)

### 15-102. Department organization.

The water department shall consist of the governing body and the public works director and such officers and employees of the city who shall devote all or part of their time to the conduct of the department. The governing body shall control and operate the department by the passage of such ordinances as may be necessary for the safe, economical and efficient operation and management of the waterworks.

(Code 1971, Sec. 12-103)

### 15-103. Payment of claims.

All claims against the city arising from the operation of the department shall be filed with the city clerk and allowed by the governing body as in the case of other claims against the city. The governing body may by proper rule authorize the public works director to employ temporary help and to make purchases of supplies and equipment in accordance with the purchasing policy of the city during the interval between meetings of the governing body.

(Code 1971, Sec. 12-103; Code 2003)

### 15-104. Application for water service.

Before the city shall make any new installation to serve any premises with water, an application for any such connection shall be made in writing by the owner of the premises at the office of the city clerk. All such applications shall be made on a form provided by the city. The application shall give the location of the property to be served by its legal description or otherwise, the type of service desired and the use for which service will be required. If there is no water main to which a connection can be made as determined by the public works director, the requirements regarding extensions must be met before the application for the service connection will be accepted. The application and its acceptance will constitute a contract between the applicant and the city water department upon the installation of the connection.

(Code 1971, Sec. 12-106; Code 2003)

### 15-105. Application for new water service from outside the city; agreement for annexation.

Whenever anyone outside the city shall make an application for new water service, the applicant shall agree to petition in writing to annexation of the property for which the new water service is requested.

(Code 1984)

### 15-106. Water service installation.

The rules and regulations regarding the water service installation shall be as follows:

(a) Only authorized city personnel shall be responsible for tapping the main, installing the service line to the meter and setting the meter inside the property line of the premises to be served. The location of the required water meter and underground service barrel shall be on the house side of the approach located in the public right-of-way. All locations of said meter and underground barrel requirements are subject to the approval of the public director or his/her designee. If, in the determination of the public works director, the service line request is more than fifty (50) feet from the main, the owner of the premises shall be charged the expense of extending the main.

(Code 1971, Sec. 12-107; Code 1984; Ord. 551; Code 2003; Code 2020)

### **15-107. Tap charges & code compliance.**

The connection charges and code compliance in regard to this article shall be as follows:

(a) Tap Fee. The city clerk is hereby authorized and directed to collect a fee as set out in Chapter 17 for each water meter connection. This fee is to be paid at the time application is made.

(b) Cost of Installation. The cost of any installation and connection of 3/4 inch or 5/8 inch to 1 inch will be as established by Chapter 17. The cost of any installation and connection (including meter cost) larger than one (1) inch shall be borne by the owner and shall be properly installed by such. The meter shall become the property of the city upon final inspection and approval.

(c) Installation and Code Compliance. The installation must be made by workers licensed to perform such work in the city, and the owner shall indemnify, defend, and hold harmless the city from any loss or damage that may directly or indirectly be occasioned by the installation of the waterworks and connection. All work performed shall comply with the regulations and codes of the city.

(d) Final Inspection. The waterworks connection shall not be covered or otherwise concealed by any material until a final inspection has been made by the public works director or his/her designee and written permission has been given to cover or otherwise conceal such connections to the waterworks system.

(e) Penalty. Any person found to be violating any provisions of this section shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Any person who shall continue any violation beyond the time limit provided for in this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not exceeding two hundred dollars (\$200) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. Any person violating any of the provisions of this article shall be liable to the city for any expense, loss, or damage occasioned to the city by reason of such violation.

(Ord. 659; Code 2003; Code 2007)

### **15-108. Extension or enlargement of waterworks system.**

Whenever the owner of real property desires a main to be extended to furnish water to such property for residential, commercial, or industrial use, he or she shall make application therefore to the water department and if such application is approved by the public works director, the owner shall deposit in cash,

or cash equivalent, the estimated cost as determined by the public works director of extending such main as designated in section 15-107.

(Code 1971, Sec. 12-109; Code 1984)

#### **15-109. Ascertainment of length of extension.**

The length of the requested extension shall be ascertained by actual field measurement from the terminus of the nearest water main of adequate capacity to the nearest point on the tract of land to be served, plus such additional footage as is deemed necessary by the governing body in order to avoid obstructions, such as culverts, trees, shrubs, other utility lines and such other obstructions as may be encountered.

(Ord. 551; Code 2003)

#### **15-110. Determination of diameter of main.**

The diameter of the main to be installed shall be determined by the public works director, based upon a consideration of the following factors: provision of adequate service to prospective customers, possible and contemplated future extensions of the main to be installed and fire protection needs existing or anticipated in the area to be served. When the public works director determines that the main needs to be larger than eight (8) inches, the city will pay the cost difference for the larger main.

(Code 1971, Sec. 12-111; Code 1984)

#### **15-111. Method of estimating cost of proposed extension.**

The total estimated cost of the proposed main extension shall be arrived at by multiplying unit per foot costs by the total length of the proposed extension. The unit or per foot cost shall be determined by the public works director in accordance with experience records reflecting labor, material and other costs of main extension.

(Code 1971, Sec, 12-112)

#### **15-112. Cash deposit of estimated cost.**

For each bona fide standard service, excluding fire protection services to be attached to the proposed main extension to serve premises owned by the depositor, and for which the water department has a signed contract for water service prior to the installation of said main extension there shall be deducted from the total estimated costs an amount equal to four (4) times the annual minimum charge for that particular separate service as fixed and established by ordinance. Such minimum charges shall govern for this purpose, regardless of whether the particular service is within or without the limits of the city. All such deductions shall be reviewed on the fifth anniversary of the date of the execution of the main extension contract and the depositor shall then be charged with an amount equal to that for which initial deductions were made, but for which service has not been maintained, and in effect for at least three (3) years of the five (5) year period. The water department shall recover such charges directly from any refunds to which the depositor would otherwise be entitled under the provisions of section 15-113.

(Code 1971, Sec. 12-113)

#### **15-113. Amount deposited over actual cost to be refunded.**

After the installation of such main extension has been completed, if the total actual cost thereof is less than the estimated cost, a refund of the difference shall be made to the applicant. If the actual cost be greater



than the estimated cost, the applicant shall not be required to make any additional deposit. The water department shall make refunds of deposits for main extensions in the following manner:

(a) During only the period of ten (10) years following the date of the execution of the contract for particular main extension, there shall be refunded to the depositor for each separate service physically connected to that portion of the main for which deposit shall have been advanced, excepting fire protection services and those services for which deductions have been made pursuant to section 15-112, a sum equal to four (4) times the annual minimum charges for that particular separate service as fixed and established by ordinance as now adopted or hereafter amended. Such minimum charges shall govern for the purpose regardless of whether the particular service is within or without the limits of the city.

(b) In addition, the water department shall refund annually, on or before December 1, to the applicant, an amount equal to twenty-five percent (25%) of the gross annual revenue derived by the water department during the last preceding full calendar year from consumers connected to that portion of the main for which deposit shall have been advanced, excluding connections for public fire protection purposes; such refunds, however, shall terminate upon the expiration of ten (10) years from the date of the execution of the contract for the particular main extension, and any portion of the deposit then unrefunded shall remain the sole property of the water department. In no event shall the aggregate of refunds made exceed the amount of the original deposit.

(Code 1971, Sec. 12-114; Code 2003)

#### **15-114. Application and deposit for extension of main.**

Whenever a lessee of a project financed by the issuance of industrial revenue bonds of the city desires that a main be extended to furnish water to property encompassed by such projects for residential, commercial or industrial use, such lessee shall make application as provided by this article to the water departments and deposit, in cash or equivalent, the estimated cost of such extension. The provisions of sections 15-109:113 shall apply to properties encompassed by projects financed by industrial revenue bonds in the same manner, and to the same extent, as if the applicant was an individual or other owner of real property applying for such extension.

(Code 1971, Sec. 12-115; Code 1984; Code 2003)

#### **15-115. Existing installation; service.**

Application for water service where a connection is in place shall be made at the office of the city clerk in such form as may be required by the rules of the department and in accordance with sections 15-108:114.

(Code 1971, Sec. 12-116; Code 2003)

#### **15-116. Water service set-up.**

There is hereby levied a transfer penalty as set out in Chapter 17 for any customer who transfers water service from one location to another within the corporate city limits. At the time of making application for water service, the customer shall pay a non-refundable setup fee as set out in Chapter 17.

(Ord. 551-B; Code 2003; Code 2007)

#### **15-117. Customer non-payment penalty.**

In order to continue water service, a non-payment penalty as set out in Chapter 17 together with all past due amounts due the city shall be paid by any customer who appears on the water shut-off list. The mayor or his or her designee shall be entitled to grant exceptions to this section for hardship cases only.

(Ord. 551-C; Ord. 551-D; Code 2003; Code 2007)

#### **15-118. Rights reserved.**

The city reserves the right at any time to revise or amend this article, other ordinances or the rules and regulations pertaining to the supply of water thereunder. The city reserves the right to disconnect or refuse service to any customer or consumer who shall be found by the department to have violated any of the provisions of this article or rules and regulations of the department pertaining to the supply and use of water in the city. The city reserves the right for the officers and the employees of the department to inspect any premises at all reasonable hours in connection with the supply of water service to such premises. Members of the department shall have free access at such hours to read the meters, examine the location or conditions of the water lines and pipes or other fixtures and apparatus used in the supplying of water to such premises, and to apply to a court of competent jurisdiction for an order granting access should such access be denied.

(Code 1971, Sec. 12-120; Code 2003)

#### **15-119. Certain supplies of water to other parties prohibited.**

It shall be unlawful for any consumer of water service to supply water in any way, by sale, gift or otherwise to any person, firm, company, corporation or other entity, nor shall any such consumer permit others to attach on to his or her service connection for any purpose except in accordance with the rules and regulations of the department.

(Code 1971, Sec. 12-121; Code 2003)

#### **15-120. Taking water without authority.**

It shall be unlawful for any person, firm or corporation, partnership, association, or other entity by means of any deception, device, or in any manner except as now or may hereafter be authorized by the city, to receive, consume or in any manner divert or appropriate to his or her own use, or to the use of another, any water belonging to and made available by the city.

(Code 1971, Sec. 12-122; Code 2003)

#### **15-121. Temporary residential water service.**

Contractors, builders, real estate agents and others requiring water where no permanent service is available, or where a temporary connection is needed to check for water leaks in plumbing or to clean, repair or remodel a rental, may receive a non-transferable permit in the name of a single individual permittee for such service on the making of an application and payment of a fee for the service in advance to the office of the City Clerk. Such temporary water service may be rendered on the payment in advance of the cost to the City for making the temporary connection which shall be as set out in Chapter 17. Where practicable, such water service may be metered as a temporary measure. This service is not intended as an alternative to regular water service for a resident of the property, and shall not be continued upon residential occupation of the property. Violation of this section must be corrected by the permittee immediately upon notification of the violation, and in no case shall the public works director or his designee allow more than 24 hours from discovering the violation to correct the violation. Violation of this provision is grounds for prosecution pursuant to both 15-135 below, as well as immediate revocation of temporary water service by the City.

### **15-121.1 Temporary commercial water service.**

Contractors, builders, and others requiring water where no permanent service is available, or where a temporary connection is needed to check for water leaks in plumbing or to clean, repair or remodel a building, may receive a non-transferable permit in the name of a single individual permittee for such service following the making of an application and payment of a fee for the service in advance to the office of the City Clerk, and inspection of the premises and approval of the application by the code enforcement officer. No recipient of temporary water service may be open for business while using temporary water service. Regular water service must be operational before any business is issued an occupancy permit. Violation of this section must be corrected by the permittee immediately upon notification of the violation, and in no case shall the public works director or his designee allow more than 24 hours from discovering the violation to correct the violation. Violation of this provision is grounds for prosecution pursuant to both 15-135 below, as well as immediate revocation of temporary water service by the City. Violation of this section is grounds for immediate revocation of an occupancy permit by the City. Fines for violation of this section shall be not less than \$100.00 and not more than \$500.00 per offense. Each day shall constitute a separate offense.

Temporary Water Service is provided to the business on a weekly or biweekly basis, for up to 4 weeks. The business owner must reapply for temporary water at the end of each cycle. After 4 weeks, the inspector shall re-evaluate the business and advise the City if additional provision of temporary water service is warranted to permit time for project completion. If approved by the Public Works Director or his/her designee, the City Clerk will allow for temporary water in 2 week increments, with the inspector re-evaluating after each 2 week increment until the project is considered complete by the Public Works Director or his/her designee.

Such temporary water service may be rendered on payment in advance to the City for the costs associated with making the temporary connection. Such costs shall be as set out in Chapter 17. Where practicable such water service may be metered as a temporary measure and costs imposed in accordance with Chapter 17.

### **15-122. Unlawful acts: tampering.**

It shall be unlawful for any person or persons singularly or jointly by means of any deception or device or in any unlawful manner, to stop, hinder or prevent the water meters registering water supplied to any consumer. It shall be further unlawful for any person or persons to prevent such meters from registering correctly or to make them stop or run backwards or to tamper with or in any manner willfully damage or destroy such meters or registering device.

(Code 1971, Sec. 12-124)

### **15-123. Cross connection control.**

The public works director or his/her designee shall be responsible for effectively conducting the cross connection control program of the city public potable water supply. If in the judgment of the public works director or his/her designee an approved backflow prevention device is required, the public works director or his/her designee will give notice in writing to the customer to install the proper device. The customer shall immediately install the proper device at the customer's expense. Failure to comply shall be grounds for discontinuing water service to said customer until the device is properly installed.

(Ord. 596; Code 2003)

## 15-124. Definitions.

The following words or phrases shall mean:

Agency: Shall mean the public works department.

Air Gap: Shall mean the unobstructed vertical distance at least twice the diameter of the supply line and no less than one (1) inch, through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle.

Approved Device: Shall mean devices tested and accepted by a recognized testing laboratory approved by the Kansas Department of Health and Environment and the public works director.

Backflow: Shall mean the flow of water or other substances into the distribution system of a potable water supply of water from any source other than its intended source. Backsiphonage is one type of backflow.

Backflow Preventer: Shall mean a device or means to prevent backflow.

Backsiphonage: Shall mean the flowing back of contaminated or polluted substances from a plumbing fixture or any vessel or source into the potable water supply system due to negative pressure in said system.

Contaminant: Shall mean any substance that upon entering the potable water supply would render it a danger to the health and life of the consumer.

Cross Connection: Shall mean any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other which contains water or any substance of unknown or questionable quality whereby there may be flow from one system to the other.

Double Check Valve: Shall mean a device consisting of two (2) internally loaded soft seated check valves with positive shut-off valves on both upstream and downstream ends, and properly located test ports.

Dual Check Valve: Shall mean a device consisting of two (2) internally located soft seated check valves. The device does not contain test ports and is acceptable for use only at the meter of residential customers.

Free Water Surface: Shall mean a water surface at atmospheric pressure.

Flood Level Rim: Shall mean the edge of the receptacle from which water overflows.

Frost Proof Closet: Shall mean a hopper with no water in the bowl and with the trap and water supply control valve located at the frost line.

KDHE: Shall mean the Kansas Department of Health and Environment.

Non-Potable Water: Shall mean water that is not safe for human consumption or that is of questionable potability.

Plumbing: Shall mean the practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping fixtures, appliances and appurtenances.

Pollution: Shall mean the presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely affect the water.

Potable Water: Shall mean water free from impurities in amount sufficient to cause disease or harmful physiological effects. Its quality shall conform to Kansas Department of Health and Environment requirement for public water supplies.

Reduced Pressure Zone Backflow Preventer: Shall mean an assembly of two (2) independently acting soft seated approved check valves together with a hydraulically operating mechanically independent differential pressure relief valve located between the check valves and at the same time below the first check valve. The unit shall contain properly located test cocks and resilient seated shut-off valves at each end of the assembly. To be approved these assemblies must be accessible for inspection and testing and be installed in an above ground location where no part of the assembly will be submerged.

Tester: Shall mean a trained technician certified in the testing and repair of backflow preventers.

Vacuum: Shall mean any absolute pressure less than that exerted by the atmosphere.

Vacuum Breaker: Shall mean a device that permits entrance of air into the water supply distribution line to prevent back-siphonage.

(Ord. 596; Code 2003)

#### **15-125. Requirement; general.**

A public potable water supply system shall be designed, installed and maintained in such a manner as to prevent contamination from non-potable sources through cross connection or any piping connection to the system.

(Ord. 596; Code 2003)

#### **15-126. Cross connection prohibited.**

Cross connections are prohibited except when and where as approved by the public works director suitable backflow preventers are properly installed, tested and maintained to insure proper operation on a continuing basis.

(Ord. 596; Code 2003)

#### **15-127. Interconnections.**

Interconnection between two (2) or more public water supplies shall be permitted only with the approval of the KDHE.

(K.S.A. 65-163(a); Ord. 596; Code 2003)

#### **15-128. Individual water supplies.**

Connections between a private water supply and the public potable water are prohibited.

(K.S.A. 65-163(a); Ord. 596; Code 2003)

### **15-129. Connections to boilers.**

Potable water connections to boiler feed water systems in which boiler water conditioning chemicals are or can be introduced shall be made through an air gap or through a reduced pressure zone principle backflow preventer located in the potable water line before the point where such chemicals may be introduced.

(Ord. 596; Code 2003)

### **15-130. Prohibited connections.**

Connections to the public potable water supply system for the following is prohibited unless properly protected by the appropriate backflow prevention device.

(a) Bidets.

(b) Operating, dissecting, embalming and mortuary tables or similar equipment- in such installations the hose used for water supply shall terminate at least twelve (12) inches away from every point of the table or attachments.

(c) Pumps for non-potable substances. Priming only through an air gap.

(d) Building drains, sewers or vent systems.

(e) Commercial buildings or industrial plants manufacturing or otherwise using polluting or contaminating substances.

(f) Any fixture of similar hazard.

(Ord. 596; Code 2003)

### **15-131. Refrigeration unit condensers and cooling jackets.**

Except when potable water provided for a refrigeration condenser or cooling jacket is entirely outside the piping or tank containing a toxic refrigerant, the inlet connection shall be provided with an approved backflow preventer. Heat exchangers used to heat water for potable use shall be of the double wall size.

(Ord. 596; Code 2003)

### **15-132. Protective devices required.**

The type of protective device required under this article shall be determined by the degree of hazard which exists as follows:

(a) Premises having auxiliary water supply shall protect the public system by either an approved air gap or an approved reduced pressure principle backflow prevention assembly.

(b) Premises having water or substances which would be non-hazardous to the health and wellbeing of the consumers shall protect the public system with no less than an approved double check valve assembly.

(c) Premises where material dangerous to health is handled in a manner which creates an actual or potential hazard shall protect the public system by an approved air gap or an approved reduced pressure principal backflow prevention assembly.

(d) Premises where cross connections are controlled shall protect the public water supply by installing an approved air gap or an approved reduced pressure principle backflow prevention device at the service connection.

(e) Premises where because of security requirements or other prohibitions it is impossible to complete an in plant cross connection inspection the public system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly.

Premises which may fall into one or more of the above mentioned categories may be, but are not limited to the following:

(a) Beverage bottling plants;

(b) Buildings - hotels, apartments, public or private buildings, or other structures having actual potential cross connections;

(c) Car wash facilities.

(d) Chemical manufacturing, handling or processing plants.

(e) Chemically contaminated water.

(f) Dairies and cold storage facilities.

(g) Film or photography processing laboratories.

(h) Fire systems.

(i) Hospitals, medical centers, morgues, mortuaries, autopsy facilities, clinics or nursing and convalescent homes.

(j) Irrigation systems.

(k) Laundries.

(l) Metal cleaning, processing or fabricating plants.

(m) Oil and gas production, storage or transmission facilities.

(n) Packing or food processing plants.

(o) Paper and paper products plants.

(p) Power plants.

(q) Radioactive materials plants or handling facilities.

(r) Restricted or classified facilities.

(s) Rubber plants.

(t) Sand, gravel or asphalt plants.

- (u) Schools and colleges.
- (v) Sewage and storm drainage facilities and reclaimed water systems.
- (w) Solar heating systems.
- (x) Temporary service – fire hydrants, air valves, blowoffs and other outlets.
- (y) Water front marinas.

(Ord. 596; Code 2003)

**15-133. Installation.**

Approved devices shall be installed at all fixtures and equipment where backflow or back-siphonage may occur and where a minimum air gap between the potable water outlet and the fixture or equipment flood-level rim cannot be maintained. Backflow and back-siphonage devices of all types shall be in an accessible location. Installation in pits or any other location not properly drained shall be prohibited, except that dual check valves may be installed in the meter box.

(a) Connections not subject to backpressure. Where a water connection is not subject to back pressure, a vacuum breaker shall be installed on the discharge side of the last valve on the line serving the fixture or equipment. A list of some conditions requiring protective devices of this kind are given in the following table titled Cross Connections Where Protective Devices are Required.

Cross Connections Where Protective Devices are Required and Critical Level (C-L) Settings for Vacuum Breakers

<b>FIXTURES OR EQUIPMENT</b>	<b>METHOD OF INSTALLATION</b>
Aspirators and ejectors	C-L at least 6 in. above flood level of receptacle served.
Dental units	On models without built-in vacuum breakers--C-L at least 6 in. above flood level rim of bowl.
Commercial dishwashing machines	C-L at least 6 in. above flood level of machines. Installed on both hot and cold water supply lines.
Garbage can cleaning machines	C-L at least 6 in. above flood level of machine. Installed on both hot and cold water supply lines.
Hose outlets	C-L at least 6 in. above highest point on hose line
Commercial laundry machines	C-L at least 6 in. above flood level of machine. Installed on both hot and cold water supply lines.
Lawn sprinklers	C-L at least 6 in. above highest sprinkler head or discharge outlet.
Steam tables	C-L at least 6 in. above flood level rim.
Tanks and vats	C-L at least 6 in. above flood level rim or line.
Trough urinals	C-L at least 30 in. above perforated flush pipe.
Flush tanks	Equipment with approved ball cock, installed according to manufacturer's instructions.



Hose bibs	C-L at least 6-in. above flood level of receptacle served.
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(b) Connections Subject to Backpressure. Where a potable water connection is made to a line, fixture, tank, vat pump or other equipment with a hazard of backflow or backsiphonage where the water connection is subject to backpressure, and an air gap cannot be installed, the public works director may require the use of an approved reduced pressure principle backflow preventer. A partial list of such connections is shown in the following table “Partial List of Cross Connections Subject to Backpressure”.

PARTIAL LIST OF CROSS-CONNECTIONS SUBJECT TO BACKPRESSURE	
Chemical lines	Pumps
Dock water outlets	Steam lines
Individual water supplies	Swimming pools
Industrial process water lines	Tanks and Vats - bottom inlets
Pressure tanks	Hose bibs

(c) Barometric Loop. Water connections where an actual or potential back-siphonage hazard exists may in lieu of devices specified above be provided with a barometric loop. Barometric loops shall provide the point of connection.

(d) Dual Check Valve. Dual Check Valves may be installed at the meter. These valves shall be inspected and repaired not less than every third year. These valves shall be installed only in situations where the public works director is assured that the only contaminating substances are subject to backflow into the potable system.

(e) Vacuum Breakers. Atmospheric vacuum breakers shall be installed with the critical level at least six (6) inches above the flood rim of the fixture they serve on the discharge side of the control valve to the fixture. No shut off valve or faucet shall be installed beyond the atmospheric vacuum breaker. Pressure vacuum breakers shall be installed with the critical level at least twelve (12) inches above the flood rim but may have control valves downstream from the vacuum breaker. For closed equipment or vessels such as pressure sterilizers the top of the vessel shall be considered the discharge side of the pressure vacuum breaker.

(Ord. 596; Code 2003)

### 15-134. Maintenance and repair.

It shall be the responsibility of the building and premises owners to maintain all backflow preventers and vacuum breakers within the building or on the premises in good working order and to make sure no piping or other arrangements have been installed for the purpose of bypassing backflow devices. Testing and repair of these devices should be made by qualified technicians. (Qualified technicians are those who have completed a KDHE approved training course and have passed a written examination such as the American Backflow Prevention Association device testers examination.) The public works director shall certify the device testers after ascertaining the technician meets the above qualifications. The public works director will also ensure the proper installation of all backflow preventers and will set appropriate testing and overhaul schedules for such devices. Testing intervals shall not exceed one (1) year and overhaul intervals shall not exceed five (5) years. Testing filing fees shall be provided for in Chapter 17. If a test

report is not filed fourteen (14) days after the annual device test anniversary date, a monthly fine as provided for in Chapter 17 shall be added to the owner's utility statement until such time as the report is filed.

(a) Certified Tester/Repair Technicians. All certified tester/repair technicians shall be recertified at no less than three (3) year intervals.

(Ord. 596; Code 2003; Code 2019)

### **15-135. Penalties and fines.**

The public works director shall notify the owner or authorized agent of the owner, of a building or premises in which there is found a violation of this article, of such violation. The public works director or his/her designee shall set a reasonable time for the owner to have the violation corrected. If the owner fails to correct the violation within the specified time the city shall cease delivery of water to the building or premises until the violation shall be satisfactorily corrected. Violations of this article shall result in fines being imposed upon conviction thereof by the municipal court judge of the city.

(Ord. 596; Code 2003)

### **15-136. Care of water meters.**

Customers shall be responsible for any accidental or willful damage to water meters, their connections, meter box and cover, or associated equipment, whether by their own acts or those of others not in the employ of the city, and they shall protect the meter from freezing and hot water. In the event of accidental or willful damage from any of the causes herein mentioned, the customer shall promptly notify the department which shall make the necessary repairs and charge the same to the customer, which charge shall be billed and payable on the succeeding monthly bill. No trees, bushes, shrubs, fences, structures, or other obstructions shall be located within two feet of the meter box in order to keep the meter accessible. The city reserves the right to require check or relief valves to be installed upon all services as determined by the public works director or his/her designee.

(Code 1971, Sec. 12-125; Code 2022)

### **15-137. Covering of manholes.**

It shall be unlawful to cover or conceal or cause to be covered or concealed any city entry access covers with any type of debris such as dirt, grass, grass clippings, rocks, tree limbs, wood, scrap iron, cars. The covering of an access cover shall be a misdemeanor or hold the property owner liable for all damages resulting to the access cover or caused by preventing or delaying access to such cover in emergency situations when the property owner fences in the easement with their property and creates such violation.

(Code 2003)

### **15-138. Water fees due; delinquency.**

Water bills for water service rendered by the city become due and payable at the office of the city clerk on the 1st of each month as specified on the billing date thereon at the office of the city clerk. Any bill which shall remain unpaid after the 20th of the month shall become delinquent and a late charge of five percent (5%) of the bill shall accrue. When any water customer shall for any unjustified reason fail to pay when due any account for water service rendered, it shall be the duty of the city clerk to mail a delinquency notice to the customer. The delinquent customer shall have at least five (5) days, excluding Saturdays, Sundays, and legal holidays, from the date the notice was mailed to pay the delinquent account in full. The notice shall indicate:

- (a) The amount due, plus late charges;
- (b) The type of service and the date on which such service will be terminated if the amount due is not paid (to be at least five (5) days from the date of notice);
- (c) The customer's right to a hearing, if requested;
- (d) That such hearing must be requested in writing, filed with the city clerk, at least three (3) working days (Saturdays, Sundays and holidays excluded) before the date for termination. Upon receipt of a request for such hearing the city clerk shall immediately advise the applicant customer of the date and the time of the hearing.

The applicant, customer, and the city, may present such evidence as is pertinent to the issue, may be represented by counsel, may examine and cross-examine witnesses, but formal rules of evidence shall not be followed.

If the officer before whom the hearing is held shall find service should not be terminated, he or she shall so order and advise the city clerk. If the officer finds service should be terminated, he or she shall so order, and the customer shall be notified in person, posting notice on the premises by attaching a red tag or by mail, unless such order is made at the hearing in the presence of the customer. Extension of the termination date, up to ten (10) working days from the order, may be granted by the hearing officer for good cause shown.

Hearing may be conducted by any of the following officers: The public works director, the city clerk, the director of governmental services or such hearing officer as may be appointed by the mayor. The decision of the hearing officer can be appealed to the governing body for review and the decision of the body shall be final when the matter shall have been heard by it.

(Ord. 551; Code 2003)

### **15-139. Water bill adjustment policy.**

The director of public works or his/her designee shall hear and determine adjustments of water bills in connection with leaks and/or defects in customer service lines within the city limits. The director of public works or his/her designee have set forth a policy to adjust bills as heretofore mentioned. The director of public works or his/her designee is hereby authorized, upon approval of the governing body, to amend such policy from time to time as the best interest of the city and customers may appear or dictate.

Upon discovery of a leak existing within that portion of a property's water system for which the property owner is responsible, the City may immediately disconnect service or may serve a notice to repair the leak to the account holder by registered mail, personal notice, or by posting notice upon the property. If notice to repair is issued, such leak shall be repaired within seven (7) days of the date on the notice. Failure to repair the leak within seven (7) days as directed will result in the disconnection of water service. Service shall not be reconnected until the leak is repaired.

(Ord. 725; Code 2003; Code 2024)

### **15-140. Water meters; tested.**

When a consumer requests that his or her water meter be tested for accuracy, the city shall replace said meter at no cost to the consumer if said meter, after testing, is found to be in faulty working condition and inaccurate. However, if the meter is found to be accurate and in good working condition, a service charge

as set out in Chapter 17 shall be charged for each request within a one (1) year period, shall be made to the consumer by the public works director and be payable at the office of the city clerk and deposited in the appropriate funds of the city. The public works director shall maintain a permanent record of all water meters tested.

(Ord. 551; Code 2003; Code 2007)

#### **15-141. Petty cash fund.**

There is hereby established by the governing body a petty cash fund for the use of the water department. The fund shall be deposited in a depository bank of the city and paid out on checks drawn on such fund by the city clerk as provided by law.

(Code 1971, Sec. 12-129; Code 1984)

#### **15-142. Additional regulations.**

In cases that are not specifically provided for herein, the public works director is authorized to make special written rules or requirements which shall be binding upon the city and the water customers, the same as if incorporated herein, when the same shall have been approved by the governing body.

(Code 1971, Sec. 12-130)

#### **15-143. Subdivision owners; request annexation.**

When the owners of any subdivision or area, platted and developed for residential sites or planned for such development, shall request the governing body to annex such subdivision or area to the territorial limits of the city, such owners shall, at their own cost, construct or cause to be constructed, complete water distribution facilities that shall comply with all city codes and specifications for the entire subdivision or area so to be annexed and to convey and transfer to the city the ownership of and title to such water distribution facilities upon the acceptance by the city of the development plat and annexation of the subdivision or area involved.

(Code 1971, Sec. 12-131; Code 1984)

#### **15-144. Application for connection to water system: accompanied by map.**

All applicants for connection to the city's water system shall furnish to the city a detailed map of the proposed system sufficient to permit the city to know generally the nature of the user's system. This map will be submitted for a plan review and written approval by the public works director or his or her designee. At such time as the system is completed, the applicant shall provide a detailed engineering "as built" map at no cost to the city.

(Code 1984)

#### **15-145. Subdivision owners; agreement with city.**

The city will not hereafter annex to the city any subdivision or area platted and developed for residential sites or planned for such development without requiring the owners of such subdivision or area to enter into an agreement of the kind referred to in section 15-143 of this article.

(Code 1971, Sec. 12-132)

#### **15-146. Water users to maintain connection with water and sewer system.**

Any residence, family unit, dwelling unit, apartment or commercial building which is or shall be connected to the water system of the city and is connected to or shall be connected to the sewer system and sewage disposal facilities of the city shall maintain both the connection with the city's water system and the connection with the city's sewer system as long as such service is available, and the owner or occupant thereof shall remain liable for the payment of minimum water and minimum sewer fees and charges as established by the governing body.

(Code 1971, Sec. 12-133)

#### **15-147. Water wells.**

Nothing in this article shall prevent a customer of the city's municipal water system from using water from wells or other source for irrigation, the watering of lawns or gardens, or other use except household uses. The permit fee for water wells shall be as set out in Chapter 17.

(Code 1971, Sec. 12-134; Code 1984; Code 2007)

#### **15-148. Commingling of water; water system, private sources; unlawful.**

No residence or customer of the city's water system may create any system of water piping, water connections or cross connections within or outside a dwelling which will in any way permit the commingling of water from the city's water system with any water obtained from other sources.

(Code 1971, Sec. 12-135)

#### **15-149. Water use restricted or stopped.**

The city reserves the right to restrict or prohibit the use of water and to specify the purposes for which it may be used whenever the public works director determines the public exigency so requires.

(Code 1971, Sec. 12-136; Code 1984)

#### **15-150. Emergency water rationing; imposing restrictions.**

Whenever the governing body, upon the recommendation of the public works director, determines that water use must be restricted or prohibited, they shall forthwith issue a proclamation of emergency through the news media and use other appropriate methods of making public the proclamation.

(Code 1971, Sec. 12-137; Code 1984)

#### **15-151. Water rationing; water restrictions.**

In the event a proclamation of emergency is issued, water usage will be restricted or prohibited first for uses in the following priority:

(a) Watering lawns, gardens, trees, shrubs, plants, and watering outside dwellings for such purposes as car, boat or trailer washing or washing exterior of dwellings;

(b) Industrial uses of water, including but not limited to car wash operations and packing plant operations;

(c) Business uses other than industrial;

(d) Home uses other than those set forth in subsection (a).

(Code 1971, Sec. 12-138; Code 1984)

**15-152. Fire hydrant location.**

Fire hydrants shall be located no further than seven (7) feet from the curb line of the street and the height of the lowest discharge cap shall be no lower than fifteen (15) inches from the finished grade of the ground.

(Code 1984)

**15-153. Penalty.**

Any person, firm or corporation who shall violate any of the provisions of this article, shall upon conviction thereof be fined in accordance with the provisions in this code in section 1-121.

(Code 1971, Sec. 12-139; Code 1984; Code 2003)

**15-154. Liability.**

The city shall not be liable to the property owner for any damage to any items or constructed material located on the public right-of-way when such damage is caused by or results in whole or in part from construction, reconstruction, repair or maintenance work, performed by city forces.

(Code 2022)

## **Article 2. Water Rates**

**15-201. Rates for water service.**

Charges for water used from the municipal waterworks and distribution system shall be as set out in Chapter 17.

(Ord. 348-B; Ord. 349-A; Ord. 538; Ord. 556-A; Code 2003; Code 2007)

**15-202. Businesses close together; one meter.**

When businesses which are closely related to each other are carried on at one location or adjoining locations by a corporation, co-partnership, individual, or managed by one manager and are supplied with water by one meter, each business shall be considered as one business and there shall be one minimum charge made for each unit.

(Code 1971, Sec. 12-202)

**15-203. Family units; apartments.**

For the purpose of this article, family unit or dwelling unit, or apartment shall be charged a minimum fee for water service only when there is plumbing or sewer connections to the premises so used as a family unit or dwelling unit, business unit or apartment.

(Code 1971, Sec. 12-203)

**15-204. Trailer camps; tourist.**

When water is supplied through one master meter for a licensed commercial tourist or transit service such as house trailer camps, temporary house trailer parks, and such similar locations the proprietor or manager of such house trailer camp or park may establish an average consumption by written agreement with the city clerk and the minimum charge provided for in section 15-201 and as set out in Chapter 17.

(Code 1971, Sec. 12-204; Code 2003; Code 2007)

#### **15-205. Water meters; number needed.**

The duty for determining the number of separate family or dwelling units, business units, or apartments supplied by one meter shall be upon the public works director who shall at such time as he or she sees fit, upon presenting the statements for the monthly meter readings to the city clerk for billing, therefore shall furnish the city clerk with a statement upon such consumers as he or she feels should be charged more than one minimum as provided for in section 15-201 and as set out in Chapter 17.

(Code 1971, Sec. 12-205; Code 2003)

#### **15-206. Separate meter installation for business units or dwellings.**

Any consumer of water may have a separate meter installed for any such separate family or dwelling unit, business unit or apartment that he or she may so desire. When separate meter installation is made it shall be governed by the provisions of the installation of meters as provided for by other laws of the city.

(Code 1971, Sec. 12-206)

#### **15-207. Water bill.**

The foregoing charges shall be payable upon bills rendered each month by the city clerk in accordance with the rules and regulations therefore as provided in this article.

(Code 1971, Sec. 12-207)

#### **15-208. Rights reserved.**

The city reserves the right to change the foregoing rates.

(Code 1971, Sec. 12-208; Code 1984)

#### **15-209. Special water rates.**

The foregoing rates are fixed subject to the authority of the governing body to enter into special contracts for the supply of water to industrial and other large users of water. The governing body may authorize the public works director to contract for the sale of water without metering the same at a rate to be fixed by the gallon, barrel or tank wagon loads. The city clerk shall collect all sums due for the sale of unmetered water and shall account monthly for such sums.

(Code 1971, Sec. 12-209)

### **Article 3. Sewer Regulations**

#### **15-301. Definitions.**



Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

(a) Sewage Works: Shall mean all facilities for collecting, pumping, treating and disposing of sewage.

(b) Director: Shall mean the public works director of the city or his/her authorized deputy, designee or representative.

(c) Sewage: Shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

(d) Sewer: Shall mean a pipe or conduit for carrying sewage.

(e) Public Sewer: Shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

(f) Combined Sewers: Meaning sewers receiving both surface runoff and sewage, are not permitted.

(g) Sanitary Sewer: Shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

(h) Storm Sewer or Storm Drain: Shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

(i) Sewage Treatment Plant: Shall mean any arrangement of devices and structures used for treating sewage.

(j) Industrial Wastes: Shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.

(k) Garbage: Shall mean solid wastes from preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

(l) Properly Shredded Garbage: Shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

(m) Building Drain: Shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the innerface of the building wall.

(n) Building Sewer: Shall mean the extension from the building drain to the public sewer or other place of disposal.

(o) B.O.D. (denoting Biochemical Oxygen Demand): Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed parts per million by weight.

(p) PH.: Shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.



(q) Unit: Shall mean that portion or portions of a property which is used or designed for use as a single family dwelling place, business, commercial, fraternal, religious or other facility.

(r) Suspended Solids or “SS”: Shall mean solids that either float on the surface of, or are removable by laboratory filtering.

(s) Natural Outlet: Shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

(t) Watercourse: Shall mean a channel in which a flow of water occurs, either continuously or intermittently.

(u) Person: Shall mean any individual, firm, company, association, society, corporation or group.

(v) Shall is mandatory; May is permissive.

(w) Normal Domestic Wastewater: Shall mean wastewater that has a BOD concentration of not more than 300mg/l and a suspended solids concentration of not more than 350mg/l.

(x) Operation and Maintenance: Shall mean all expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

(y) Replacement: Shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term operation and maintenance includes replacement.

(z) Treatment Works: Shall mean any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquefied industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems,, pumping, power and other equipment and their appurtenances; extensions improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary water and sanitary sewer systems.

(aa) Useful Life: Shall mean the estimated period during which a treatment works will be operated.

(bb) Water Meter: Shall mean a water volume measuring and recording device, furnished and/or installed by the city or furnished and/or installed by others approved by the city.

(cc) Slug: Shall mean any discharge of water, sewage or industrial wastes which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five times the average of twenty-four (24) hour concentration or flows during normal operation.

(dd) Contributor: Shall mean each housing unit, business, building, parcel of real estate or other unit which contributes waste water to the city sewer system and which is assessed a monthly base sewer fee and a monthly user charge.

(ee) Subsidized High Density Residential Contributor: Shall mean any contributor to the city's treatment works, who resides in a building in which exceeds four (4) floors above street grade and where said building is used for the purpose of providing low income living quarters for those persons qualifying for the same.

(ff) User Charge: Shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

(gg) User: Shall mean a contributor of wastewater to the city's treatment works by way of connection to the city's sewage system.

(Code 1971; Code 1984; Ord. 750; Code 2003)

### **15-302. Unlawful deposits upon property.**

It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the city, or in any area under the jurisdiction of said city, any human or animal excrement, garbage, or other objectionable waste.

(Code 1971, Sec. 9-102)

### **15-303. Unlawful discharge; natural outlet.**

It shall be unlawful to discharge to any natural outlet within the city, or in any areas under the jurisdiction of the city, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

(Code 1971, Sec. 9-103)

### **15-304. Construction of privy unlawful.**

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(Code 1971, Sec. 9-104; Code 1984)

### **15-305. Clean out.**

When a building drain (sewer) is installed or replaced in the city an approved clean out shall also be installed within two (2) feet of the exterior structure. When the flow line of a sewer is greater than four (4) feet below grade, the clean out shall be installed with a combination fitting, wye and 1/8th bend, or other approved fittings which assure directional entry into the sewer. When such sewers installed in areas within the city, which have clay sewer mains, new sewer taps shall be made with the use of a core drill bit and shall provide a coupon of the pipe. Such coupon shall be made available at the time of inspection.

(Code 2004)

### **15-306. Connection to sanitary sewer required.**

The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purpose, situated within the city and abutting any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within ninety (90) days after date of official notice to do so if the public sewer is within one-hundred (100) feet of the property line.

(Code 1971, Sec. 9-105; Code 2003)

#### **15-307. Sewer system tap fee.**

The city clerk is hereby authorized and directed to collect a fee as set out in Chapter 17 for any connection by any person, persons, business or organization into the sewer system of Haysville. This fee is to be paid at the time application is made.

(Ord. 406; Sec. 1; Ord. 406-A; Code 2003; Code 2007)

#### **15-308. Construction of article: health officer.**

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer.

(Code 1971, Sec. 9-113)

#### **15-309. Permit: alter public sewer.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the public works director.

(Code 1971, Sec. 9-113)

#### **15-310. Classes of plumbing permits for constructing building sewers: fee.**

There shall be three classes of plumbing permits for constructing a building sewer:

- (a) Residential;
- (b) Commercial service; and
- (c) Service to establishments producing industrial wastes.

The applicant shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the public works director. A permit and inspection fee as set out in Chapter 17 for residential, for an industrial plumbing permit for constructing a building sewer shall be paid to the city clerk at the time the application is filed.

(Code 1971, Sec. 9-114; Code 2003)

#### **15-311. Installation, connection to building sewers; expense by owner.**

All costs and expense of the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify, hold harmless and defend the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Code 1971, Sec. 9-115; Code 2003)

### **15-312. Separate sewers.**

In accordance with the plumbing chapter of this code a separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer and except for duplexes which shall have one building sewer for each dwelling unit.

(Code 1971, Sec. 9-116; Code 1984)

### **15-313. Use of old building sewers.**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the city engineer, to meet all requirements of this article.

(Code 1971, Sec. 9-117)

### **15-314. Building sewer material.**

All materials used in building sewers shall be in accordance with the current plumbing code of the city of Haysville.

(Code 1984)

### **15-315. Connection into public sewer.**

The connection of the building sewer into the public sewer shall be made in the “Y” branch, if such branch is available at a suitable location. Where the public sewer is twelve (12) inches in diameter or less, and no properly located “Y” branch is available as verified by the public works director, the owner shall at his or her expense have installed a “Y” branch or a tap through the use of a polyvinylchloride (PVC) pre-formed saddle with stainless steel straps and adhered to the public sewer with required, listed PVC adhesive, approved by the public works director in the public sewer at the location specified by the public works director. Where the public sewer is greater than twelve (12) inches in diameter, and no properly located “Y” branch is verified as being available by the public works director, a neat hole may be made in the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about 45 degrees. A 45-degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the public works director or his/her designee.

(Code 1971, Sec. 9-124; Code 2003; Code 2020)

### **15-316. Inspection of building sewer.**

The applicant for the plumbing permit to construct a building sewer shall notify the public works director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the public works director or his or her designee.

(Code 1971, Sec. 9-125; Code 2003)

#### **15-317. Excavations; barricades, lights.**

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(Code 1971, Sec. 9-126)

#### **15-318. Storm water not dischargeable into sanitary sewer.**

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

(Code 1971, Sec. 9-127; Code 2003)

#### **15-319. Covering of manholes.**

It shall be unlawful to cover or cause to be covered or concealed any city entry access covers with any type of debris such as dirt, grass, grass clippings, rocks, tree limbs, wood, scrap iron, cars. The covering of an access cover shall be a misdemeanor or hold the property owner liable for all damages resulting to the access cover or caused by preventing or delaying access to such cover in emergency situations when the property owner fences in the easement with their property and creates such violation.

(Code 2003)

#### **15-320. Storm water into storm sewers.**

Storm water and all other unpolluted drainage shall be discharged to storm sewers, or to a natural outlet approved by the public works director. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the public works director, to a storm sewer, or natural outlet. In no case does this authorize any city sanction of illegal procedures or practices which may be in violation of State Water Pollution Statutes or Kansas State Board of Health regulations.

(Code 1971, Sec. 9-128)

#### **15-321. Unlawful discharge; storm sewer; penalty.**

No person, persons, business or other entity shall discharge or place or cause to be discharged or placed into any public storm sewer, any substance or obstruction other than storm water and surface runoff water. Any person, persons or business found in violation of this section, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding \$1,000 for each violation; each day in which such violation shall continue shall be deemed a separate offense. Any person in violation of this section shall become liable to the city for any expense, loss or damage occasioned to the city by reason of such violation.

(Ord. 398; Ord. 648)

#### **15-322. Unlawful discharges.**

No person shall discharge or cause to be discharged any of the following described waters or waste to any public sewers:

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer.
- (c) Any water or wastes having a PH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (e) Depositing any such substance into the City's sanitary sewage system is hereby declared a nuisance in accordance with Chapter 7 of this Code. The Director of Public Works, or such Director's designee, may require any party owning or leasing property from which prohibited substances are being discharged into the City's sewers, sewage treatment plant, or any part of the sanitary sewer system, to obtain the services of an independent lab to test such wastewater emissions to determine the products discharged into the city's sanitary sewer system and the levels of such discharges. The independent lab must be instructed to provide a copy of any results directly, and immediately, to the Director of Public Works of the City of Haysville, Kansas. Failure to obtain the required tests within the amount of time allowed for by the Director may result in the City turning off water service to such property. All costs associated with such testing shall be paid by the party obtaining such testing. If the property owner or lessee refuses to obtain such testing, the City may obtain such testing, and charge such costs back to the property owner in accordance with Chapter 7 of this Code.

(Ord. 470; Code 2015)

### **15-323. Same.**

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the public works director that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his or her opinion as to the acceptability of these wastes, the public works director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than 150EF (65EC).
- (b) Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150EF (0 and 65EC).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the public works director.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the public works director for such materials.

(f) Any waters or wastes containing phenols of other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the public works director as necessary, after treatment of the composite sewage, to meet the requirements of state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the public works director in compliance with applicable state or federal regulations.

(h) Any waters or wastes having a PH in excess of 9.5.

(i) Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of low or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(k) Any waters or wastes having (1) a five-day BOD greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight of suspended solids, or (3) having an average daily flow greater than two percent (2%) of the average sewage flow of the city, shall be subject to the review of the public works director. Where necessary in the opinion of the public works director the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the public works director and no construction of such facilities shall be commenced until the approvals are obtained in writing.



(Ord. 470, Art. V, Sec, 4)

#### **15-324. Minimum diameter.**

No building sewer, drain or private sewer shall be less than four (4) inches in diameter. Larger sizes shall be used when the calculated volume of sewage will require larger sizes. The current plumbing code shall be used to calculate any required volumes, but in no case shall the diameter of the building sewer be less than that of the soil pipe which is stubbed out from the building.

#### **15-325. Violations, penalties.**

Violations of any provision of this Chapter shall be addressed in accordance with Section 15-421 of this Chapter, unless a specific penalty provision shall have been made applicable to any specific section of this Chapter.

(Code 2003; Code 2015)

#### **15-326. Liability.**

The city shall not be liable to the property owner for any damage to any items or constructed material located on the public right-of-way when such damage is caused by or results in whole or in part from construction, reconstruction, repair or maintenance work, performed by city forces.

(Code 2022)

### **Article 4. Private Disposal System**

#### **15-401. Prohibited substances.**

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain substances or possess characteristics which in the judgment of the public works director, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the public works director may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities and rates of discharge;
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of 15-416.

If the public works director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to review and approval of the public works director, and subject to the requirements of all applicable codes, ordinances and laws.

(Ord. 470, Ord. 648; Art. V, Sec. 5, Code 2004)

#### **15-402. Reserved.**

(Ord. 470, Art. V, Sec. 6; Code 2022)



**15-403. Tap to sanitary sewers.**

Where a public sanitary sewer is not available under the provisions of this chapter, the building sewer may be connected to a private sewage disposal system complying with the provisions of this article and with written approval of the public works director.

(Code 1971, Sec. 9-106; Code 1984)

**15-404. Sewer system; cost of installation, code compliance.**

The cost and expense of the installation and connection must be borne by the owner. Such installation and connection must comply with all the provisions of this code and all other applicable regulations and laws. The tap fee shall be as set out in Chapter 17.

(Ord. 406, Sec. 2; Code 2003; Code 2007)

**15-405. Sewer system installation.**

Any installation as provided for by this article shall be made by persons licensed to perform such work in the city and the owner shall indemnify, defend and hold harmless the city from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer tap and connection.

(Ord. 406, Sec. 3; Code 2003)

**15-406. Sewer system, final inspection.**

The sewer connection shall not be covered by any material until a final inspection has been made by the public works director or his or her authorized designee and written permission has been given to cover such connections to the sewer system.

(Ord. 406, Sec. 4)

**15-407. Permit required.**

Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the public works director. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the public works director. A permit and inspection fee as set out in Chapter 17 shall be paid to the city at the time the application is filed.

(Ord. 470, Art. III, Sec. 2; Code 2003)

**15-408. Same.**

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the public works director. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the public works director when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the public works director provided that the twenty-four (24) hour notice will allow the inspection to occur during normal working hours.

(Ord. 470, Art. III, Sec. 3)

**15-409. System; compliance with county health department.**

The type, capacities, location, layout and lot area for construction of private sewage disposal systems shall comply with all recommendations and requirements of the Sedgwick County Community Health Department and the State Department of Health and Environment. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 20,000 square feet. No septic tank or cesspool shall be permitted to discharge into any public sewer or natural outlet.

(Code 1971, Sec. 9-109, Ord. 470, Art. III, Sec. 4; Code 2003)

**15-410. Connection to public sewer required when available.**

At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned, cleaned of sludge and filled with gravel or dirt, Provided that the waste produced can be processed by the wastewater treatment facility as determined by the public works director.

(Code 1971, Sec. 9-110; Ord. 470, Art. III, Sec. 5)

**15-411. Construction standards for septic system absorption, and other private sewage facilities.**

There is hereby adopted by reference by the city of Haysville, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the construction standards for septic system absorption fields, and other private sewage facilities, all such regulations as promulgated by, and adopted by, Sedgwick County, Kansas, the most recent version of which became effective within the unincorporated portions of Sedgwick County, Kansas, on June 20, 2014, to be applied where such systems are permitted within the city of Haysville, Kansas. One copy of construction standards for septic system absorption fields, and other private sewage facilities, as promulgated by Sedgwick County, Kansas, shall be filed in the office of the city clerk and are hereby adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq.

(Ord. 882)

**15-412. Operate private sewage facilities at own expense.**

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city. Private sewage facilities are all such facilities regulated pursuant to those standards adopted in 15-411 above, and include: septic systems and laterals, sewage lagoons, advanced wastewater systems, remediation units. Owners of property upon which private sewage facilities are to be located, or upgraded, shall sign an easement and restrictive covenant with the City, in conformance to the regulations adopted in 15-411 above, prior to receiving a permit for such construction.

(Code 1971, Sec. 9-111; Ord. 470, Art. III, Sec. 6)

**15-413. Pre-treatment.**

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

(Ord. 470, Art. V, Sec. 7)

#### **15-414. Manhole required.**

When required by the public works director, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole shall be installed by the owner at his or her expense, and shall be maintained by him or her. It is unlawful to cover or conceal manholes.

(Ord. 470, Art. V, Sec. 8; Code 2003)

#### **15-415. Tests; analysis.**

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the 18th edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customary accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas PH are determined from periodic grab samples.

(Ord. 470, Art. V, Sec 9; Code 2003)

#### **15-416. Special agreements.**

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character normally requiring pretreatment before acceptance may be accepted by the city for treatment, subject to payment therefore, by the industrial concern.

(Ord. 470, Art. V, Sec. 10)

#### **15-417. Protection from damage.**

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person or entity violating this section shall be subject to criminal prosecution therefore and liable for payment of any damages caused by such violations.

(Ord. 470, Art. V, Sec. 10; Code 2003)

#### **15-418. Right of entry; inspections.**

The public works director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article, and such persons shall be authorized to make application to a court of competent jurisdiction ordering that such access be provided should such access be denied. The public works director or his or her representatives shall have no authority to inquire into any process including metallurgical, chemical, oil, refining, ceramic, paper, or other

industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(Ord. 470, Art. VII, Sec. 1; Code 2003)

#### **15-419. Same.**

While performing the necessary work on private properties referred to in section 15-418, the public works director or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by section 15-413.

(Ord. 470, Art. VII, Sec. 2)

#### **15-420. Same.**

The public works director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement, and such persons shall be authorized to make application to a court of competent jurisdiction ordering that such access be provided should such access be denied. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 470, Art. VII, Sec. 3; Code 2003)

#### **15-421. Violations and penalties.**

(a) Any person who shall violate the provisions of this Chapter or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 for each violation or thirty (30) day confinement in the county jail for each violation or by both such fine and imprisonment, unless a specific penalty provision shall have been made applicable to any specific section of this Chapter. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.

(b) Penalty Clause Not Exclusive. The imposition of the penalties herein prescribed shall not preclude the city from instituting an appropriate action to restrain, correct, or abate a violation of this article, and specific authority for such is hereby granted to take any action or imposing any penalty allowed by the State law, this article or any provision of this code.

(Code 1971, Sec. 9-139; Code 1984, Ord. 882; Code 2015)

#### **15-422. Enforcement.**

Enforcement of this code within the boundaries of the city shall be by the code enforcement official(s) designated by the City, and jurisdiction for prosecution of any violations of this code shall be in the Haysville Municipal Court.

(Ord. 882)

**15-423. Liability.**

Requirements of this code and article in force shall not be construed as imposing on the city, its officers, agents, or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.

(Ord. 882)

## **Article 5. Wastewater Rates**

**15-501. Charges established.**

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the city to collect charges from all users who contribute wastewater to the city's treatment works. The proceeds of such charges so derived will be used for the purpose of operating and maintaining the public wastewater treatment works.

(Ord. 450, Art. I)

**15-502. Same.**

The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement which the city may by ordinance designate to be paid by the user charge system.

(Ord. 450, Art. III, Sec. 1)

**15-503. Same.**

The city is authorized under the laws of the state of Kansas to issue and sell revenue bonds for the purpose of paying all or part of the cost of the acquisition, construction, reconstruction, alteration, repair, improvement, extension or enlargement of the system, provided the principal and interest on such revenue bonds shall be payable solely from the net revenues derived by the city from the operation of the system.

(Ord. 450, Art. II, Sec. 2; Code 2003, Ord. 711, Code 2004)

**15-504. Year-end balances.**

Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. Moneys which have been transferred from other sources to meet temporary shortages in the operation, maintenance and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rates shall be adjusted such that the transferred moneys will be returned to their respective account within the fiscal year following the fiscal year in which the moneys were borrowed.

(Ord. 450, Art. II, Sec. 3)

**15-505. User charges.**

Each user shall pay for the services provided by the city based on his or her use of the treatment works as determined by water meters acceptable to the city.

For residential contributors, monthly user charges will be based on average monthly water usage during the months of January, February and March. If a residential contributor has not established a January, February and March average, his or her monthly user charge shall be the average charge of all other residential contributors.

For industrial and commercial contributors, user charges shall be based on water used during the current month. If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that contributor may be based on a wastewater meter or separate water meters installed and maintained at the contributor's expense, and in a manner acceptable to the city.

(Ord. 450, Art. IV, Secs. 1:3; Code 2003)

#### **15-506. User charges.**

Each contributor, residential, commercial or industrial, shall pay a user charge rate for operation and maintenance, including replacement, a sum as set out in Chapter 17. In addition, each contributor shall pay a base rate sewer fee as set out in Chapter 17.

(Ord. 556-D; Ord. 751; Ord. 832; Code 2003, Code 2004; Code 2007; Ord. 942)

#### **15-507. Charges for service beyond the city limits.**

Any contributors, whose property being serviced by the sewer system is outside the corporate city limits, shall pay, in addition to the above charges, an amount as set out in the approved schedule of fees.

(Ord. 450, Art. IV, Sec. 4; Code 2003)

#### **15-508. Additional charges.**

Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent of the sludge from the city's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each user shall be as determined by the responsible plant operating personnel and approved by the city council.

(Ord. 450, Art. IV, Sec. 5)

#### **15-509. User charges.**

The user charge rates established in this article apply to all users of the city's treatment works regardless of their location.

(Ord. 450, Art. IV, Sec. 5)

#### **15-510. Same.**

The city will review the user charge system every year and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

(Ord. 450, Art. VI, Sec. 1)

**15-511. Same.**

The city will notify each user, in conjunction with a regular bill, of any change of rate to be charged for operation, maintenance including replacement of the treatment works.

(Ord. 450, Art. VI, Sec. 2)

**15-512. Same.**

The city is hereby authorized to establish and enforce sewer user charges on all existing or future users of the system, whether located inside the city limits or outside the city limits, pursuant to K.S.A. 12-631, et. seq., and other applicable laws and amendments thereto.

(Ord. 450, Art. VI, Sec. 3; Code 2003)

**15-513. Billing.**

The city water department shall render bills for sewer service charge to the person or legal entity designated to receive the water bill for water and water service furnished to the premises. If there is no city water connection on such premises then such bill for sewage service charge shall be rendered to the person or legal entity owning premises. If there is no city water connection on such premises then such bill for sewerage service charge shall be rendered to the person or legal entity owning premises. All bills for sewerage system charges shall be payable on or before the date shown on the statement.

(Ord. 345, Sec. 5)

**15-514. Sewer fees due; delinquency.**

Sewer bills for sewer service rendered by the city become due and payable on the 1st of each month as specified on the billing date thereon at the office of the city clerk, provided that any bill which shall remain unpaid after the 20th of the month as indicated thereon shall become delinquent and a late charge of five-percent (5%) of the bill shall accrue; provided further that when any sewer customer shall for unjustified reason fail to pay when due any account for sewer service rendered, it shall be the duty of the city clerk to mail a delinquency notice to the customer. The delinquent customer shall have at least five (5) days, excluding Saturdays, Sundays, and legal holidays, from the date the notice was mailed to pay the delinquent account in full.

The notice shall indicate:

- (a) The amount due plus late charge;
- (b) The customer's right to a hearing, if requested;

(c) That such hearing must be requested in writing, filed with the city clerk, at least three (3) working days (Saturdays, Sundays and holidays excluded) before the bill is due. Upon receipt of a request for such hearing the city clerk shall immediately advise the applicant customer of the date and the time of the hearing.

The applicant customer, and the city, may present such evidence as is pertinent to the issue, may be represented by counsel, may examine and cross-examine witnesses, but formal rules of evidence shall not be followed.



Hearing may be conducted by any of the following officers: The director of governmental services, public works director, mayor, the city clerk, or such hearing officer as may be appointed by the director of governmental services. The decision of the hearing officer can be appealed to the governing body for review and the decision of the body shall be final when the matter shall have been heard by it.

(Code 1984; Code 2003, Code 2004)

#### **15-515. Failure or refusal to pay.**

In the event any person, firm, corporation, political unit (except the United States and the state of Kansas) or organization owning, living or operating on premises connected to the city sewerage system, shall neglect, fail or refuse to pay the service charge levied herein, such charge shall constitute a delinquency which shall be collected by a collection agency or by assessing a lien upon the real estate serviced by the connection to the sewer system, and shall be certified by the city clerk to the county clerk of Sedgwick County, to be placed on the tax rolls for collection, subject to the same penalties and collection in like manner as other taxes as by law are collectible.

(Ord. 345, Sec. 6; Code 1984)

#### **15-516. If customer is not occupant.**

If the customer of record is not the occupant where water service is provided, then the water department of the city shall provide similar notice to the occupant. The request for a hearing must be no later than three (3) working days before the date the bill is due, such hearing will be conducted by the governing body of the city or such person or persons as the governing body shall designate. Customers are responsible for furnishing the department with their correct address and the correct names and addresses of the owners of the property for billing purposes. The owners of the property shall ultimately be responsible for payment of sewer charges which can be assessed as a lien on the real estate serviced by the connection to the sewer system if not paid.

(Ord. 345, Sec. 6; Code 1984)

#### **15-517. Charges paid into sewer revenue.**

Revenues generated from the collection of sewerage service charges shall be paid into the sewer revenue fund by the city clerk.

(Code 1984)

#### **15-518. Statements for service charges.**

The officers or employees of the city, who may be designated from time to time, shall cause all statements for sewer service charges of the city to be rendered monthly at the same time as statements for water and water service provided by the city are rendered.

(Code 1971, Sec. 9-203)

#### **15-519. Plans review; application for connection to sanitary sewer system accompanied by map.**

All applicants shall furnish to the city a detailed map, detailed plans and specifications of the proposed system sufficient to permit the city to know generally the nature of the user's system. This map shall be submitted for a plan review and written approval by the public works director or his or her designee. At



such time as the system is completed, the applicant will provide a detailed engineering “as built” map. Both maps are to be furnished to the city without cost to the city.

(Code 1971, Sec. 9-205; Code 1984)

#### **15-520. Penalty.**

It shall be a violation of this code for any person or persons to tamper with any sewer line constituting any part of the city’s sewage disposal system, or to make any connection therewith without written permission from the city or to reconnect sewer service when such service shall have been disconnected until such time as a reconnection shall be authorized by the city. Each day the violation is committed shall constitute a separate offense. Any person so convicted shall be subject to a fine to be assessed according to the general penalty provisions of this code in section 1-121.

(Code 1971, Sec. 9-206; Code 2003)

### **Article 6. Consolidating**

#### **15-601. Combining of existing waterworks and wastewater utility systems.**

It is hereby deemed and declared to be necessary to combine the Water System and the Sewer System into a combined Water and Wastewater Utility System (the “System”). The System revenues will secure future financing for System improvements; however, the city shall maintain separate financial records for water operations and sewer operations.

(Ord. 707; Code 2003)

### **Article 7. Stormwater Management System and Utility**

#### **15-701. Definitions.**

In addition to the words, terms and phrases defined elsewhere within this code, the following words, terms and phrases, as used herein, shall have the following meanings:

(a) Bonds means obligations of the City, for which the principal of and the interest on is paid in whole or in part from special assessments, user fees, sales tax, general ad valorem taxes, or any available City or Stormwater Utility revenues heretofore or hereafter issued to finance the Costs of Capital Improvements.

(b) City means the City of Haysville, Kansas.

(c) Costs of Capital Improvements means costs incurred by the Stormwater Utility in providing capital improvements as part of the Stormwater Management Program, including, without limitation, alteration, enlargement, extension, improvement, construction, reconstruction, and development of the Public Storm Sewers, professional services and studies connected therewith; principal and interest on Bonds heretofore or hereafter issued, including payment of any delinquencies; studies related to the operation of the system; costs related to water quality enhancements, costs related to complying with federal, state or local regulations; acquisition of real and personal property by purchase, lease, donation, condemnation or otherwise; and for the costs associated with purchasing equipment, computers, furniture and all other items necessary or convenient for the operations of the Stormwater Utility.

(d) Debt Service means an amount equal to the sum of all interest payable on Bonds during any fiscal year or years, and any principal installments payable on the Bonds during such fiscal year or years.

(e) Director means the Director of the City's Public Works Department or the Director's designee.

(f) Director of Governmental Services means the Director of Governmental Services of the City or the Director of Governmental Services' designee.

(g) Dwelling Unit means an enclosure containing sleeping, kitchen and bathroom facilities designed for and used or held ready for use as a permanent residence by one Family, as defined in Chapter 16, Article 4, of the Haysville Municipal Code.

(h) Equivalent Residential Unit or ERU means a unit of measure that is equal to the average Impervious Area per Dwelling Unit located on Residential Property within the City limits.

(i) Equivalent Residential Unit Rate or ERU Rate means the amount charged for each ERU in calculating the Stormwater Utility User Fee.

(j) Exempt Property means public right-of-way, public trails, public streets, public alleys, public sidewalks, and public lands and/or easements in or upon which the Public Storm Sewers are constructed and/or located.

(k) Fiscal Year means a twelve-month period commencing on the first day of January of any year.

(l) Governing Body means the Governing Body of the City.

(m) Impervious Area means the total number of square feet of hard surface area on a given property that either prevents or retards the entry of water into the soil matrix, or causes water to run off the surface in greater quantities or at an increased rate of flow, than it would enter under conditions similar to those on undeveloped land. Impervious Area includes but is not limited to, roofs, roof extensions, driveways, pavement and athletic courts.

(n) Nonresidential Property means all property other than Single Family Property.

(o) Operating Budget means the annual budget established for the Stormwater Utility for the succeeding Fiscal Year.

(p) Operations and Maintenance means, without limitation, the current expenses, paid or secured, by the Stormwater Utility, for operation, maintenance and repair and minor replacement of the Public Storm Sewers or for implementing the Stormwater Management Program, as calculated in accordance with generally accepted accounting practices, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses including professional services, equipment costs, labor costs, and the cost of materials and supplies used for current operations.

(q) Public Storm Sewers means all storm sewers within the City, and all appurtenances and ancillary structures thereto, which have been dedicated to and accepted by the City for ownership and maintenance or otherwise owned by the City.

(r) Residential Property means property used primarily for Single Family Dwelling Units.

(s) Stormwater Management Program means all aspects of work necessary to perform and provide storm and surface water services in the City, including but not limited to administration, planning, engineering, operations, maintenance, best management practices, control measures, public education, citizen participation, regulation and enforcement, protection, and capital improvement of Stormwater Management Systems, plus such expenses as reserves and bond debt service coverage as are associated with provision of the Stormwater Management Program and/or System.

(t) Stormwater Management System, means surface water and storm sewers and all appurtenances necessary in the maintenance, operation, regulation, and improvement of the same, including, but not limited to, pumping stations; enclosed storm sewers; outfall sewers; surface drains; street, curb and alley improvements associated with storm or surface water improvements; natural and manmade wetlands; channels; ditches; rivers; streams; detention and retention facilities; and other flood control facilities and works for the collection, conveyance, pumping, infiltration, treating, controlling, managing and disposing of water carried pollutants or storm or surface water.

(u) Stormwater Utility means the utility created by this article for the purpose of implementing and funding the Stormwater Management Program.

(v) Stormwater Utility User Fee means a fee authorized by Charter Ordinance No. 18 and this article, charged to owners of property served and benefited by the Stormwater Utility, which may be updated or modified by Resolution approved by the Governing Body.

(w) Undeveloped Land means land that has not been built upon or altered from its natural condition in a manner that disturbed or altered the topography or soils on the property to the degree that the entrance of water into the soil matrix is prevented or retarded.

## **15-702. Findings and statements of policy.**

(a) The City of Haysville, Kansas, desires to create a Stormwater Management Program pursuant to Charter Ordinance No. 18.

(b) A Stormwater Management Program will provide both general and specific benefits to all property within the City and will include the provision of adequate systems of collection, conveyance, detention, retention, treatment and release of stormwater; the reduction of hazards to property and life resulting from stormwater runoff; improvement in general health and welfare through reduction of undesirable stormwater conditions; improvement of water quality in the Stormwater Management System and its receiving waters; the provision of a planned and orderly system for managing and mitigating the effects of new development on stormwater and appropriate balancing between development and preservation of the natural environment.

(c) The Stormwater Management Program will also initiate innovative and proactive approaches to stormwater management within the City to address problems in areas of the City that currently are prone to flooding, protect against replication of these types of problems and the creation of similar problems in newly developing areas of the City, protect property in the City from stream bank erosion and the attendant loss of natural resources and the reduction of property values, conserve natural stream assets within the City, enhance water quality, and assist in meeting the mandates of the National Pollutant Discharge Elimination System as created under the Federal Clean Water Act and associated state and federal laws and their supporting regulations.

(d) Both standard and innovative stormwater management is necessary in the interest of the public health, safety and general welfare of the residents, businesses and visitors of the City.

(e) Implementation of the Stormwater Management Program will require the expenditure of significant amounts of public money.

(f) All property in the City will benefit from the Stormwater Management Program.

(g) The City desires to fairly distribute costs of the Stormwater Management Program implementation among all developed property which generates the need therefor.

(h) The City has determined that the establishment of a Stormwater Utility is an appropriate method of funding certain portions of the costs of implementing the Stormwater Management Program.

(i) The City has adopted Charter Ordinance No. 18, which grants to the City the authority to adopt, by ordinance or resolution, rules and regulations providing for the management and operation of a Stormwater Utility, fixing Stormwater Utility User Fees, requiring security for the payment thereof, providing methods and rules relating to the calculation and collection of the fees and for credits against the fees, and providing for the disposition of the revenues derived therefrom.

(j) The Stormwater Utility User Fee imposed by this article, is calculated by a formula that reasonably relates classes of property within the City to their anticipated use of or benefit from the Stormwater Management System, and such fee is neither a tax nor a special assessment, but a charge (in the nature of tolls, fees or rents) for services rendered or available.

(k) The City has researched collection options and hereby determines that in order to promote efficiency, eliminate duplication of services, and utilize the most economically feasible method of fee collection, the Stormwater Utility User Fee shall be billed and collected monthly with the monthly water and sewer utility bill for those properties utilizing other city utilities and shall be billed and collected separately at intervals as set by the Governing Body for those properties not utilizing other city utilities.

### **15-703. Creation of a stormwater management program; establishment of a stormwater utility.**

Pursuant to City Charter Ordinance No. 18, the City's general home rule authority, its nuisance abatement authority, its police powers and all other authority, the Haysville Governing Body does hereby create a Stormwater Management Program and does hereby establish a Stormwater Utility and declares its intention to operate the same.

### **15-704. Administration.**

The Director shall have the power to undertake the following activities to implement the Stormwater Management Program:

(a) Advise the Governing Body on matters relating to the Stormwater Management Program and to make recommendations to the Governing Body concerning the adoption of ordinances, resolutions, policies, guidelines and regulations in furtherance of the objectives of the Stormwater Management Program.

(b) To undertake studies, acquire data, prepare master plans, analyze policies or undertake such other planning and analyses as may be needed to address concerns related to stormwater within the City and to further the objectives of the Stormwater Management Program, and to undertake activities designed to communicate, educate and involve the public and citizens in addressing these issues or in understanding and abiding by the elements of the Stormwater Management Program.

(c) Acquire, design, construct, operate, maintain, expand, or replace any element or elements of the Public Storm Sewers, including funding the acquisition of easements by eminent domain, and obtaining title or easements other than by eminent domain, over any real or personal property that is part of, will become part of or will protect the Public Storm Sewers, or is necessary or convenient for the implementation of the Stormwater Management Program.

(d) Regulate, establish standards, review, and inspect the design, construction or operation and maintenance of any Stormwater Management System that is under the control of private owners, whether or not such systems are required or intended for dedication to the Public Storm Sewer system, when such systems have the potential to impact, enhance, damage, obstruct or affect the operation and maintenance of the Public Storm Sewers or the implementation of the Stormwater Management Program.

(e) Regulate, establish standards, review and inspect land use or property owner activities when such activities have the potential to affect the quantity, timing, velocity, erosive forces, quality, environmental value or other characteristics of stormwater which would flow into the Stormwater Management System or in any way affect the implementation of the Stormwater Management Program.

(f) Undertake any activities related to stormwater management when such activities are recommended by applicable federal, state or local agencies or when such activities are required by any permit, regulation, ordinance, or statute governing stormwater or water quality concerns.

(g) Analyze the cost of services and benefits provided by the Stormwater Utility and the structure of fees, service charges, credits, and other revenues on an annual basis and make recommendations to the Governing Body regarding the same.

(h) Undertake expenditures as required by the Governing Body to implement these activities, including all Costs of Capital Improvements, Operations and Maintenance, Debt Service, and other costs as required.

#### **15-705. Budget.**

The operating budget shall conform with State law, City policy and generally accepted accounting practices. The City, as part of its annual budget process, may adopt capital and operating budgets for the Stormwater Utility, and may utilize enterprise funds, special revenue funds or reserve funds as deemed reasonable and appropriate by the Governing Body of the City. The operating budget will commence in January of each year.

#### **15-706. Stormwater utility user fee.**

(a) Fee Established. There is hereby imposed on each and every residential developed property and nonresidential developed property, other than property that is not serviced by the stormwater management system or exempt property, a stormwater utility user fee. Such stormwater utility user fee shall be determined and set in accordance with the ERU and ERU rate both of which shall be established by resolution of the Governing Body and may be amended from time to time by the Governing Body.

(b) Stormwater utility user fee for Residential Developed Property. The stormwater utility user fee for residential developed property shall be the ERU rate as set forth by Resolution of the Governing Body. In the event of a newly constructed dwelling unit, the charge for the stormwater utility user fee attributable to that dwelling unit shall commence upon the issuance of the certificate of occupancy for that dwelling unit, or if construction is at least fifty percent complete and is halted for a period of three months, then that

dwelling unit shall be deemed complete for purposes of this Code and the stormwater utility user fee shall commence at the end of the three-month period.

(c) Stormwater utility user fee for Nonresidential Developed Property.

(1) The stormwater utility user fee for nonresidential developed property shall be the divided into ten tiers as determined by property size. A standard multiplier shall be associated with each tier, so that the tier shall be charged a fee of the ERU rate times such multiplier.

<u>CLASS</u>	<u>PROPERTY SIZE</u>	<u>STANDARD MULTIPLIER</u>
I.	0 to 2500 square feet	ERU x 1.26
II.	2501 to 5000 sq. feet	ERU x 2.53
III.	5001 to 7500 sq. feet	ERU x 3.79
IV.	7501 to 10,000 sq. feet	ERU x 5.05
V.	10,001 to 20,000 sq. feet	ERU x 10.10
VI.	20,001 to 30,000 sq. feet	ERU x 15.15
VII.	30,001 to 40,000 sq. feet	ERU x 20.20
VIII.	40,001 to 50,000 sq. feet	ERU x 25.25
IX.	50,001 to 75,000 sq. feet	ERU x 37.88
X.	75,001+ sq. feet	ERU x 50.51

(d) Dwelling Unit and Impervious Surface Calculation. The Director or Director's designee shall initially, and from time to time, determine the number of dwelling units located on residential developed property within the City in order to provide the information to the Governing Body necessary to establish the stormwater utility user fee provided by subsection B of this section. Nonresidential real property in the city shall have its square footage of impervious area calculated in order to establish the stormwater utility user fee provided by subsection C of this section. The Director or the Director's designee shall make the initial calculation and may from time to time change this calculation from such information and data deemed pertinent by the Director or the Director's designee at the direction of the Governing Body;

(e) Stormwater utility user fee Credit. The Governing Body may by resolution adopt guidelines that establish credits and/or incentives that reduce the stormwater utility user fee that would otherwise be assessed against properties that utilize privately owned and maintained retention or detention facilities, if it is determined that the existence of such retention or detention facilities results in a reduction in the operating budget of the utility.

## **15-707. Appeal procedure.**

(a) Any persons disagreeing with the calculation of the Stormwater utility user fee, disagreeing with whether their property is served by the Stormwater Utility or who believe they are entitled to a credit pursuant to guidelines adopted by the City Council, may appeal such calculation or finding to the Director. Appeals must be in writing. The Director or his/her designee shall thereafter hold an informal hearing. The Director or designee, prior to such hearing, may request that the appealing party provide information concerning the basis of the appeal, including a land survey prepared by a registered surveyor showing Dwelling Units, total property area, and Impervious Area as appropriate, if such information is deemed to be material by the Director or designee. Based on information provided, the Director or designee shall make a determination as to whether the Stormwater utility user fee should be adjusted or eliminated for such property. The Director shall notify parties in writing of the Director's or his/her designee's decision.

(b)



- (1) A person shall have the right to appeal the decision of the Director to the Stormwater Appeals Board. Such appeal shall be made within twenty days of the date the Director notifies the person of the Director's decision in the informal proceedings. Such appeal shall be in writing and shall be filed with the director.
- (2) The Stormwater Appeals Board shall consist of the following members: Chief Administrative Officer and the City Clerk.
- (3) A hearing on such appeal shall be held within thirty days from the date the notice of appeal is received and the applicant shall be given seven days' advance notice of the time and date the appeal hearing is to be held. Although the standards of a court of law are not necessary for this administrative appeals hearing, generally, the appellant shall present evidence concerning the stormwater utility user fee for the property in question and the Director and/or his/her designee shall present evidence concerning their findings from the informal proceedings. The Stormwater Appeals Board shall render a decision in writing that sets forth findings that support their decision within seven days of the hearing.

If the decision of the Stormwater Appeals Board is not resolved to the satisfaction of the appellant, the appellant may make a written appeal of the decision of the Stormwater Appeals Board to the Mayor within five days of the receipt of the decision of the Stormwater Appeals Board. Such appeal shall be filed through the City Clerk. Based on the written testimony, reports, file documents, etc., the Mayor shall make a decision within five working days of the receipt of the appeal and provide a written response to the appellant. This response shall serve as the final administrative decision of the City.

The decision of the Mayor shall be final and any further appeal of such decision shall be to the Eighteenth Judicial District Court of the state of Kansas by way of the provisions of K.S.A. 60-2101(d).  
(Code 2019)

#### **15-708. Stormwater utility user fee collection.**

(a) The operation and maintenance of the stormwater utility shall be combined with the existing water/wastewater utility. The stormwater utility user fee shall be billed and collected monthly with the monthly water and sewer utility bill for those properties utilizing other city utilities and shall be billed and collected separately at intervals as set by the director for those properties not utilizing other city utilities. The stormwater utility user fee for those properties utilizing other city utilities shall be part of a consolidated statement for utility customers which shall be paid by a single monthly payment. In the event that a partial payment is received, the payment shall be applied to the water and sewer portion of the account first and then to the stormwater utility user fee portion of the account. Unless otherwise provided for herein, all bills for stormwater utility user fees shall become due and payable in accordance with sections of the code of the city and with rules and regulations that pertain to the Haysville water and sewer utility that relates to the collection of utility charges. Stormwater utility user fee bills for any given property shall initially be the responsibility of the person who is paying for water and/or sewer service for the property. If the property is not using water and/or sewer services, then stormwater utility user fees shall be the responsibility of the person in possession of the property, unless other arrangements are made. If no person is in possession of the property, then the stormwater utility user fees shall be the responsibility of the property owner. The property owner is responsible for the stormwater utility user fees not paid by the occupant.

(b) Stormwater utility user fees shall be subject to a penalty for late payment which is the same as that imposed for late payment of water and sewer utility charges. In addition to any other remedies or penalties provided by this chapter or any other ordinance of the city, failure of any user of the stormwater management system to pay such charges promptly when due shall subject such user to discontinuance of

water services and the Director of Governmental Services, or his/her designee, is empowered and directed to enforce this provision as to any and all delinquent users in accordance with provision(s) applicable to Water and Sewer Utility Services.

(c) Stormwater utility user fees authorized to be charged in this chapter when delinquent may be certified by the clerk of the city to the county clerk of Sedgwick County to be placed on the tax roll for collection, subject to the same penalties and to be collected in like manner as other taxes, and such charges shall, thereafter, constitute a lien upon the real estate served by the stormwater utility and against which such charges were made, regardless of whether the stormwater utility user fees were incurred when a property owner was in possession of the property or a nonowner was in possession of the property.

#### **15-709. Stormwater utility fund.**

Stormwater utility user fees collected by the city shall be paid into an enterprise, special revenue fund, and/or reserve fund which will be known as the “stormwater utility fund.” Such fund shall be used for the purpose of paying the extension and replacement, operations and maintenance and debt service of the stormwater management system and to carry out all other purposes of the utility.

### **Article 8. Stormwater Management Regulations**

#### **15-801. General provisions.**

(a) Purposes. The purpose and objective of this chapter are as follows:

- (1) To maintain and improve the quality of surface water and groundwater within the city;
- (2) To prevent the discharge of contaminated stormwater runoff from industrial, commercial, residential, and construction sites into the municipal separate storm sewer system (MS4) and natural waters within the city;
- (3) To promote public awareness of the hazards involved in the improper discharge of hazardous substances, petroleum products, household hazardous waste, industrial waste, sediment from construction sites, pesticides, herbicides, fertilizers, and other contaminants into the storm sewers of the city;
- (4) To encourage recycling of used motor oil and safe disposal of other hazardous consumer products;
- (5) To facilitate compliance with state and federal standards and permits by owners of industrial and construction sites within the city;
- (6) To enable the city to comply with all federal and state laws and regulations applicable to its NPDES permit for stormwater discharges.

(b) Administration. Except as otherwise provided in this chapter, the Director, or his appointed representative, shall administer, implement, and enforce the provisions of this chapter.

(c) Abbreviations. The following abbreviations when used in this chapter shall have the designated meanings:



BMP	Best Management Practices
CFR	Code of Federal Regulations
EPA	U.S. Environmental Protection Agency
HHW	Hazardous Household Waste
mg/l	Milligrams per liter
MS4	Municipal Separate Storm Sewer System
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
PST	Petroleum Storage Tank
SWP3	Stormwater Pollution Prevention Plan
USC	United States Code

(d) Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

- (1) Best management practices (BMPs) mean schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States or the city's MS4. Best management practices also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas. The BMPs required in this chapter will be sufficient to prevent or reduce the likelihood of pollutants entering storm sewers, ditches or ponds.
- (2) City means the city of Haysville, Kansas.
- (3) Commencement of construction means the disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.
- (4) Commercial means pertaining to any business, trade, industry, or other activity engaged in for profit.
- (5) Construction general permit. See "Kansas general permit for stormwater discharges from construction sites."
- (6) Contractor means any person or firm performing construction work at a construction site, including any general contractor and subcontractors. Also includes, but is not limited to, earthwork, paving, building, plumbing, mechanical, electrical, landscaping contractors, and material suppliers delivering materials to the site.
- (7) Director means the Director of Public Works, or his or her duly authorized representative.

- (8) Discharge means any addition or introduction of any pollutant, stormwater, or any other substance whatsoever into the municipal separate storm sewer system (MS4) or into waters of the United States.
- (9) Discharger means any person who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any owner of a construction site or industrial facility.
- (10) Domestic sewage means human excrement, gray water (from home clothes washing, bathing, showers, dishwashing and food preparation), other wastewater from household drains, and waterborne waste normally discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, and institutions, that is free from industrial waste.
- (11) Earthwork means the disturbance of soils on a site associated with clearing, grading or excavation activities.
- (12) Environmental Protection Agency (EPA) means the United States Environmental Protection Agency, the regional office thereof, any federal department, agency, or commission that may succeed to the authority of the EPA, and any duly authorized official of EPA or such successor agency.
- (13) Extremely hazardous substance means any substance listed in the appendices to 40 CFR Part 355, emergency planning and notification.
- (14) Facility means any building, structure, installation, process or activity from which there is or may be a discharge of a pollutant.
- (15) Fertilizer means a substance or compound that contains an essential plant nutrient element in a form available to plants and is used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop, or a mixture of two or more fertilizers.
- (16) Final stabilization means the status when all soil-disturbing activities at a site have been completed. This would establish a uniform perennial vegetative cover with a density of seventy percent coverage for unpaved areas and those not covered by permanent structures or equivalent permanent stabilization measures (by employing riprap, gabions or geotextiles).
- (17) Fire protection water means any water, and any substances or materials contained therein, used by any person to control or extinguish a fire, or to inspect or test fire equipment.
- (18) Garbage means putrescible animal and vegetable waste materials from the handling, preparation, cooking or consumption of food, including waste materials from markets, storage facilities, and the handling and sale of produce and other food products.
- (19) Harmful quantity means the amount of any substance that will cause a violation of a State Water Quality Standard or any adverse impact to the city's drainage system.
- (20) Hazardous household waste (HHW) means any material generated in a household (including single and multiple residences) by a consumer which, except for the exclusion provided in

40 CFR Section 261.4(h)(1), would be classified as a hazardous waste under 40 CFR Part 261.

- (21) Hazardous substance means any substance listed in Table 302.4 of 40 CFR Part 302.
- (22) Hazardous waste means any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR Part 261.
- (23) Hazardous waste treatment, disposal, and recovery facility means all contiguous land, and structures, other appurtenances and improvements on the land used for the treatment, disposal, or recovery of hazardous waste.
- (24) Individual building sites mean and include sites of building construction or earthwork activities that are not a part of a new subdivision development and any individual lot within a newly developing subdivision.
- (25) Industrial General Permit. See “Kansas general permit for stormwater discharges associated with industrial activity.”
- (26) Industrial waste means any waterborne liquid or solid substance that results from any process of industry, manufacturing, mining, production, trade or business.
- (27) Industry means and includes: (a) municipal landfills; (b) hazardous waste treatment, disposal, and recovery facilities; (c) industrial facilities that are subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) 42, U.S.C. Section 11023; industrial facilities required to obtain NPDES stormwater discharge permits due to their standard industrial classification or narrative description; and (d) industrial facilities that the Director determines are contributing a substantial pollutant loading to the MS4, which are sources of stormwater discharges associated with industrial activity.
- (28) Kansas general permit for stormwater discharges associated with industrial activity and Industrial general permit mean the industrial general permit issued by KDHE and any subsequent modifications or amendments thereto, including group permits.
- (29) Kansas general permit for stormwater discharges from construction sites and construction general permit mean the construction general permit issued by KDHE and any subsequent modifications or amendments thereto, including group permits.
- (30) Landfill means an area of land or an excavation in which municipal solid waste is placed for permanent disposal, and which is not a land treatment facility, a surface impoundment, or an injection well.
- (31) Municipal separate storm sewer system (MS4) means the system of conveyances, (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, drainage easements or storm drains) owned and operated by the city and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.
- (32) Municipal solid waste means solid waste resulting from or incidental to municipal, community, commercial, institutional, or recreational activities, and includes garbage,

rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and other solid waste other than industrial waste.

- (33) NPDES permit means for the purpose of this chapter, this is a permit issued by EPA or the state of Kansas that authorizes the discharge of stormwater pollutants to waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.
- (34) Nonpoint source means the source of any discharge of a pollutant that is not a point source.
- (35) Notice of intent (NOI) means the notice of intent that is required by either the industrial general permit or the construction general permit.
- (36) Notice of termination (NOT) means the notice of termination that is required by either the industrial general permit or the construction general permit.
- (37) Notice of violation means a written notice provided to the owner or contractor detailing any violations of this chapter and any clean-up action expected of the violators.
- (38) Oil means any kind of oil in any form, including but not limited to: petroleum, fuel oil, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with waste.
- (39) Owner means the person who owns a facility, part of a facility or land.
- (40) Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents or assigns, including all federal, state and local governmental entities.
- (41) Pesticide means a substance or mixture of substances intended to prevent, destroy, repel, or migrate any pest, or substances intended for use as a plant regulator, defoliant or desiccant.
- (42) Petroleum product means a petroleum product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel for the propulsion of a motor vehicle, or aircraft, including motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel.
- (43) Petroleum storage tank (PST) means any one or combination of aboveground or underground storage tanks that contain petroleum product and any connecting underground pipes.
- (44) Point source means any discernable, confined, and discrete conveyance including, but not limited to: any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.
- (45) Pollutant means dredged spoil, spoil waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, soil, yard waste, hazardous household wastes, used motor oil, anti-freeze, litter, and industrial, municipal, and agricultural waste discharged into water.

- (46) Pollution means the alteration of the physical, thermal, chemical or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation or property, or public health, safety or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.
- (47) Qualified personnel means persons who possess the required certification, license, or appropriate competence, skills, and ability as demonstrated by sufficient education, training, and/or experience to perform a specific activity in a timely and complete manner consistent with the regulatory requirements and generally accepted industry standards for such activity.
- (48) Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the municipal separate storm sewer system (MS4) or the waters of the United States.
- (49) Reportable quantity (RQ) means, for any hazardous substance, the quantity established and listed in Table 302.4 of 40 CFR Part 302; for any extremely hazardous substance, the quantity established in 40 CFR Part 355.
- (50) Rubbish means nonputrescible solid waste, excluding ashes, that consist of: (a) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and (b) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (one thousand six hundred to one thousand eight hundred degrees Fahrenheit).
- (51) Sanitary sewer means the system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to the city sewage treatment plant (and to which stormwater, surface water, and groundwater are not intentionally admitted).
- (52) Septic tank waste means any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.
- (53) Service station means any retail establishment engaged in the business of selling fuel for motor vehicles that is dispensed from pumps.
- (54) Sewage means the domestic sewage and/or industrial waste that is discharged into the city sanitary sewer system and passes through the sanitary sewer system to the city sewage treatment plant for treatment.
- (55) Site means the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.
- (56) Solid waste means any garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material including: solid, liquid, semi-solid, or contained gaseous material resulting from industrial, municipal, commercial, mining, agricultural operations, and community and institutional activities.

- (57) State means the state of Kansas.
- (58) Stormwater means stormwater runoff, snowmelt runoff, and surface runoff and drainage.
- (59) Stormwater discharge associated with industrial activity means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant which is listed as one of the categories of facilities in 40 CFR Section 122.26(b)(14), and which is not excluded from EPA's definition of the same term.
- (60) Stormwater pollution prevention plan (SWP3) means a plan required by a NPDES stormwater permit and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges associated with construction or other industrial activity.
- (61) Subdivision development means and includes activities associated with the platting of any parcel of land into two or more lots and includes all construction taking place thereon.
- (62) Used oil (or used motor oil) means any oil that has been refined from crude oil or a synthetic oil that, as a result of use, storage or handling; has become unsuitable for its original purpose because of impurities or the loss of original properties.
- (63) Water of the state and water mean any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, navigable or non-navigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.
- (64) Water quality standard means the designation of a body or segment of surface water in the state for desirable uses and the narrative and numerical criteria deemed by the state to be necessary to protect those uses.
- (65) Waters of the United States mean all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and the flow of the tide; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "waters of the United States" at 40 CFR Section 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the Federal Clean Water Act.
- (66) Wetland means any area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.
- (67) Yard waste means leaves, grass clippings, yard and garden debris, and brush that result from landscaping maintenance and land-clearing operations.

## 15-802. General prohibition.

(a) No person shall introduce or cause to be introduced into the municipal separate storm sewer system (MS4) any discharge that is not composed entirely of stormwater, except as allowed in subsection B of this section.

(b) The following non-stormwater discharges are deemed acceptable and not a violation of this section:

- (1) A discharge authorized by, and in full compliance with, a NPDES permit (other than the NPDES permit for discharges from the MS4);
- (2) A discharge or flow resulting from emergency firefighting;
- (3) A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials;
- (4) A discharge from water line flushing;
- (5) A discharge or flow from lawn watering, landscape irrigation, or other irrigation water;
- (6) A discharge or flow from a diverted stream flow or natural spring;
- (7) A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
- (8) Uncontaminated groundwater infiltration;
- (9) Uncontaminated discharges or flow from a foundation drain, crawl space pump, footing drain or sump pump;
  - (A) Discharge shall not discharge through a street curb. Discharge shall terminate a minimum of 7 ½ feet from a sidewalk, 2 feet from any side lot property line or 10 feet from any front or rear property lot line and flow on the surface of the soil of the lot on which discharge originates. Sump pump discharge shall not be directed to project flow across a property line. The installation of sump pump discharge piping in an easement is prohibited.
- (10) A discharge or flow from a potable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;
- (11) A discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant;
- (12) A discharge or flow from individual residential car washing;
- (13) A discharge or flow from a riparian habitat or wetland or natural spring;
- (14) A discharge or flow from water used in street washing that is not contaminated with any soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance;



- (15) Stormwater runoff from a roof that is not contaminated by any runoff or discharge from an emissions scrubber or filter or any other source of pollutant;
- (16) Swimming pool water that has been dechlorinated so that it contains no harmful quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning;
- (17) Heat pump discharge waters (residential only).

(c) Notwithstanding the provisions of subsection B of this section, any discharge shall be prohibited by this section if the discharge in question has been determined by the Director to be a source of pollutants to the waters of the United States or to the MS4, written notice of such determination has been provided to the discharger, and the discharge has occurred more than ten days beyond such notice.

(Code 2022)

### **15-803. Specific prohibitions and requirements.**

(a) The specific prohibitions and requirements in this section are not necessarily inclusive of all the discharges prohibited by the general prohibition in Section 15-802 of this chapter.

(b) No person shall introduce or cause to be introduced into the MS4 any discharge that causes or contributes to causing the city to violate a KDHE water quality standard, the city's NPDES stormwater permit, or any state-issued discharge permit for discharges from its MS4.

(c) No person shall dump, spill, leak, pump, pour, emit, empty, discharge, leach, dispose, or otherwise introduce or cause, allow, or permit to be introduced the following substances into the MS4:

- (1) Any used motor oil, antifreeze or any other petroleum product or waste;
- (2) A harmful quantity of industrial waste;
- (3) Any hazardous waste, including household hazardous waste;
- (4) Any domestic sewage or septic tank waste, grease trap waste, or grit trap waste;
- (5) Any garbage, rubbish or yard waste;
- (6) Wastewater that contains a harmful quantity of soap, detergent, degreaser, solvent, or surfactant based cleaner from a commercial carwash facility; from any vehicle washing, cleaning, or maintenance at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle, including a truck, bus or heavy equipment, by a business or public entity that operates more than five such vehicles;
- (7) Wastewater from the washing, cleaning, de-icing, or other maintenance of aircraft;
- (8) Wastewater from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any harmful quantity of soap, detergent, degreaser, solvent, or any surfactant based cleaner;
- (9) Any wastewater from commercial floor, rug, or carpet cleaning;



- (10) Any wastewater from the washdown or other cleaning of pavement that contains any harmful quantity of soap, detergent solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance; or any wastewater from the washdown or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred, unless all harmful quantities of such released material have been previously removed;
- (11) Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emission filter, or the blowdown from a boiler;
- (12) Any ready-mixed concrete, mortar, ceramic, asphalt base material or hydromulch material, or discharge resulting from the cleaning of vehicles or equipment containing or used in transporting or applying such material;
- (13) Any runoff, washdown water or waste from any animal pen, kennel, fowl or livestock containment area;
- (14) Any swimming pool water containing a harmful level of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning;
- (15) Any discharge from water line disinfection by super chlorination if it contains a harmful level of chlorine at the point of entry into the MS4 or waters of the United States;
- (16) Any water from a water curtain in a spray room used for painting vehicles or equipment;
- (17) Any contaminated runoff from a vehicle wrecking yard;
- (18) Any substance or material that will damage, block, or clog the MS4; or
- (19) Any release from a petroleum storage tank (PST), or any leachate or runoff from soil contaminated by leaking PST; or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST release, unless the discharge has received a NPDES permit from the state.

(d) No person shall introduce or cause to be introduced into the MS4 any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation or other construction activities in excess of what could be retained on site or captured by employing sediment and erosion control measures to the maximum extent practicable under prevailing circumstances.

(e) No person shall connect a line conveying sanitary sewage, domestic or industrial, to the MS4, or allow such a connection to continue.

(f) Regulation of Pesticides and Fertilizers.

- (1) No person shall use or cause to be used any pesticide or fertilizer in any manner that the person knows, or reasonably should know, is likely to cause, or does cause, a harmful quantity of the pesticide or fertilizer to enter the MS4 or waters of the United States.
- (2) No person shall dispose of, discard, store, or transport a pesticide or fertilizer, or its container, in a manner that the person knows, or reasonably should know, is likely to cause, or does

cause, a harmful quantity of the pesticide or fertilizer to enter the MS4 or waters of the United States.

(g) Used Oil. No person shall discharge used oil into the MS4 or a sewer, drainage system, septic tank, surface water, groundwater or water course.

(h) Vegetative Waste and Structures.

- (1) No person shall construct, maintain, or allow any natural or non-natural structures or vegetative barriers including but not limited to trees, shrubbery, berms, fences (including chain link), and walls upon any MS4 which, the Director finds impedes, detains, retains, or otherwise interferes with the drainage of stormwater regardless of the source of stormwater.
- (2) No person shall deposit leaves, grass, trash or other such materials upon any MS4 if such deposit shall be determined by the Director to interfere with the ability of the city to properly maintain or clean the area to allow for the safe and efficient drainage of stormwater, or such accumulation directly interferes with the safe and efficient drainage of stormwater through the MS4.
- (3) No owner or occupant of property which abuts upon any MS4 shall permit or allow the accumulation of leaves, grass, trash or other such materials upon such MS4 if such accumulation is determined by the Director to interfere with the ability of the city to properly maintain or clean the area to allow for the safe and efficient drainage of stormwater, or such accumulation directly interferes with the safe and efficient drainage of stormwater through the MS4.

(i) Cleanup.

- (1) Should it be determined by the Director that any person or business has allowed any pollutant into the MS4 or waters of the United States, immediate measures will be taken by the responsible party to remove the pollutants. If the pollutants are not removed within the time period specified by the Director, the city may remove the pollutants and assess the cost thereof to the responsible party. The city may use any legal means to collect such costs, should the responsible party fail to pay such cost within forty-five days.
- (2) The responsible party may also be issued a citation for such violation of this Code in the manner set forth and described in this Stormwater Code.

#### **15-804. Release reporting and cleanup.**

(a) Any person responsible for any release of any hazardous material that may flow, leach, enter, or otherwise be introduced into the MS4 or waters of the United States shall comply with all state, federal, and any other local law requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release.

(b) As soon as possible following such release, a written report shall be obtained by the Director from all City, County, and State agencies with authority over reporting, cleanup, containment, and any other appropriate remedial action associated with such release.

#### **15-805. Stormwater discharges from construction activities.**

(a) General Requirements (All Sites).

- (1) The owners of construction sites shall ensure that best management practices are used to control and reduce the discharge of pollutants into the MS4 and waters of the United States to the maximum extent possible under the circumstances.
- (2) Qualified personnel (provided by the owner of the construction site) shall inspect disturbed areas that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once every seven calendar days and within twenty-four hours of the end of a storm that is one-half inch or greater. All erosion and sediment control measures and other identified best management practices shall be observed in order to ensure that they are operating correctly and are effective in preventing significant impacts to receiving waters and the MS4. Based on the results of the inspection, the best management practices shall be revised as appropriate as soon as practicable. These inspections, along with a description of revisions, will be documented in writing and available for inspection by the Director upon request.
- (3) Should it be found that soil or pollutants have already or may be carried into the MS4 or waters of the United States, immediate measures will be taken by the owner to remedy the violation and/or remove the pollutants. If the owner fails to remove pollutants within the time period prescribed in the notice of violation from the city, the city may remove the pollutants and assess the cost thereof to the responsible owner. Failure of the owner to pay such costs will be grounds for the denial of further approvals or the withholding of occupancy certificates.
- (4) When determined to be necessary for the effective implementation of this section, the Director may require any plans and specifications that are prepared for the construction of site improvements to illustrate and describe the best management practices required by subsection (A)(1) of this section that will be implemented at the construction site. Should the proper BMP's not be installed or if the BMP's are ineffective, upon reasonable notice to the owner, the city may deny approval of any building permit, grading permit, subdivision plat, site development plan, or any other city approval necessary to commence or continue construction, or to assume occupancy.
- (5) The owner of a site of construction activity is responsible for compliance with the requirements in this subsection. In the case of new subdivisions, builders on individual lots can operate under the developer's NPDES permit if the developer's SWP3 deals with individual lots and the contractor's certification has been signed.
- (6) Any contractor on a construction site will also be required to use best management practices so as to minimize pollutants that enter into the MS4.
- (7) All persons shall avoid damaging BMP devices once in place. Any person damaging a BMP device shall be responsible for the repair of the damaged BMP device. Malicious destruction of a BMP device or failure of such responsible person to repair BMP device will be deemed a violation of this chapter.

(b) Sites Requiring Federal and/or State NPDES Stormwater Discharge Permits. All owners of and contractors on sites of construction activity, that require a federal or state NPDES stormwater discharge

permit, or that are part of a common plan of development or sale requiring such permit(s), shall comply with the following requirements (in addition to those in subsection A of this section):

- (1) Any owner who intends to obtain coverage for stormwater discharges from a construction site under the Kansas general permit for stormwater discharges from construction sites (“the construction general permit”) shall submit a signed copy of its notice of intent (NOI) and Stormwater Runoff Management Plan to the Director when a building permit application is made. If the construction activity is already underway upon the effective date of this chapter, the NOI shall be submitted within thirty days. When ownership of the construction site changes, a revised NOI shall be submitted within fifteen days of the change in ownership.
- (2) A stormwater pollution prevention plan (SWP3) shall be prepared and implemented in accordance with the requirements of the construction general permit or any individual or group NPDES permit issued for stormwater discharges from the construction site, and with any additional requirement imposed by or under this chapter and any other city chapter.
- (3) The SWP3 shall be prepared by a qualified personnel and shall comply with State NPDES requirements. The signature of the preparer shall constitute his or her attestation that the SWP3 fully complies with the requirements of the permit issued.
- (4) The SWP3 shall be completed prior to the submittal of the NOI to the Director and for new construction, prior to the commencement of construction activities. The SWP3 shall be updated and modified as appropriate and as required by the NPDES permit.
- (5) The Director may require any owner who is required by subsection (B)(2) of this section to prepare a SWP3, to submit the SWP3, and any modifications thereto, to the Director for review at any time.
- (6) Upon the Director’s review of the SWP3 and any site inspection that he or she may conduct, if the SWP3 is not being fully implemented, the Director or his or her representative may upon reasonable notice to the owner, deny approval of any building permit, grading permit, site development plan, final occupancy certificate, or any other city approval necessary to commence or continue construction. A stop work order may also be issued.
- (7) All contractors working on a site subject to a NPDES permit shall sign a copy of the following certification statement before beginning work on the site: “I certify under penalty of law that I understand the terms and conditions of the National Pollutant Discharge Elimination System (NPDES) permit that authorizes the stormwater discharges associated with construction activity from the construction site identified as part of this certification and with the stormwater pollution prevention ordinance of the city, and I agree to implement and follow the provisions of the Stormwater Pollution Prevention Plan (SWP3) for the construction site.” The certification must include the name and title of the person providing the signature; the name, address, and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made. All contractors will be responsible for their own activities to ensure that they comply with the owners’ SWP3. Failure to comply with the SWP3 or malicious destruction of BMP devices is deemed to be a violation of this chapter.
- (8) The SWP3 and the certifications of contractors required by subsection (B)(7) of this section, and with any modifications attached, shall be retained at the construction site from the date of construction commencement through the date of final stabilization.

- (9) The Director may notify the owner at any time that the SWP3 does not meet the requirements of the NPDES permit issued or any additional requirement imposed by or under this chapter. Such notification shall identify those provisions of the permit or this chapter which are not being met by the SWP3, and identify which provisions of the SWP3 require modification in order to meet such requirements. Within thirty days of such notification from the Director, the owner shall make the required changes to the SWP3 and shall submit to the Director a written certification from the owner that the requested changes have been made.
- (10) The owner shall amend the SWP3 whenever there is a change in design, construction, operation or maintenance, which has a significant effect on the potential for the discharge of pollutants to the MS4 or to the waters of the United States, and which has not otherwise been addressed in the SWP3, or if the SWP3 proves to be ineffective in eliminating or significantly minimizing pollutants, or in otherwise achieving the general objective of controlling pollutants in stormwater discharges.
- (11) Qualified personnel (provided by the owner of the construction site) shall inspect disturbed areas that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, structural control measures, and locations where vehicles enter or exit the site, at least once every seven calendar days and within twenty-four hours of the end of the storm that is one-half inch or greater. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the SWP3 shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters or the MS4. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site sediment tracking.
- (12) Based on the results of the inspections required by subsection (B)(11) of this section, the pollution prevention measures identified in the SWP3 shall be revised as appropriate. Such modifications shall provide for timely implementation of any changes to the SWP3 within ten calendar days following the inspection.
- (13) A report summarizing the scope of any inspection required by subsection (B)(11) of this section, and the names(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the SWP3, and actions taken in accordance with subsection (B)(12) of this section shall be made and retained on site as part of the SWP3. Such report shall identify any incidence of noncompliance. Where a report does not identify any incidence of noncompliance, the report shall contain a certification that the facility is in compliance with the SWP3, the facility's NPDES permit, and this chapter. The report shall be certified and signed by the person responsible for making it.
- (14) The owner shall retain copies of any SWP3 and all reports required by this chapter or by the NPDES permit for the site, and records of all data used to complete the NOI for a period of at least three years from the date that the site is finally stabilized.
- (15) Upon final stabilization of the construction site, the owner shall submit written certification to the Director that the site has been finally stabilized. The city may withhold the final occupancy or use permit for any premises constructed on the site until such certification of final stabilization has been filed and the Director has determined, following any appropriate

inspection, that final stabilization has occurred and that any required permanent structural controls have been completed.

#### **15-806. Stormwater discharges associated with industrial activity.**

All operators of: (1) municipal landfills; (2) hazardous waste treatment, disposal, and recovery facilities; (3) industrial facilities that are subject to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) 42, U.S.C. Section 11023; industrial facilities required to obtain NPDES stormwater discharge permits due to their standard industrial classification or narrative description; and (4) industrial facilities that the Director determines are contributing a substantial pollutant loading to the MS4, which are sources of stormwater discharges associated with industrial activity, shall comply with the following requirements:

(a) Any owner who intends, after the effective date of this chapter, to obtain coverage for a stormwater discharge associated with industrial activity under the Kansas general permit for stormwater discharges associated with industrial activity (“the industrial general permit”) shall submit a signed copy of its notice of intent (NOI) to the Director.

(b) When required by their NPDES permit, all industries listed in this section shall prepare a stormwater pollution prevention plan (SWP3) and implement such plan in accordance with the requirements of their state or federal NPDES permit.

(c) The SWP3, when required, shall be prepared and signed by a qualified individual and will comply with all state NPDES requirements. The signature of the preparer shall constitute his or her attestation that the SWP3 fully complies with the requirements of the NPDES permit.

(d) The SWP3, when required, shall be updated and modified as appropriate and as required by the NPDES permit and this chapter.

(e) A copy of any NOI that is required by subsection (A)(1) of this section shall be submitted to the city in conjunction with any application for a permit or any other city approval necessary to commence or continue operation of the industrial facility.

(f) The Director may require any operator who is required by subsection (A)(2) of this section to prepare a SWP3, to submit the SWP3, and any modifications thereto, to the Director for review.

(g) Upon the Director’s review of the SWP3 and any site inspection that he or she may conduct, the Director may upon reasonable notice to the owner, deny approval necessary to commence or continue operation of the facility, on the grounds that the SWP3 does not comply with the requirements of the NPDES permit, or any additional requirement imposed by or under this chapter. Also, if at any time the Director determines that the SWP3 is not being fully implemented, upon reasonable notice to the owner, he or she may deny approval of any application for a permit or other city approval necessary to commence or continue operation of the facility.

(h) The SWP3, if required, with any modifications attached, shall be retained at the industrial facility from the date of commencement of operations until all stormwater discharges associated with industrial activity at the facility are eliminated and the required notice of termination (NOT) has been submitted.

(i) The Director may notify the owner at any time that the SWP3 does not meet the requirements of the NPDES permit, or any additional requirement imposed by or under this chapter. Such notification shall identify those provisions of the permit or chapter, which are not being met by the SWP3, and identify which



provisions require modification in order to meet such requirements. Upon thirty days of such notification from the Director, the owner shall submit to the Director a written certification that the requested changes have been made.

(j) The owner shall amend the SWP3, if required, whenever there is a change in design, construction, operation or maintenance, which has a significant effect on the potential for the discharge of pollutants to the MS4 or to the waters of the United States, or if the SWP3 proves to be ineffective in eliminating or significantly minimizing pollutants, or in otherwise achieving the general objective of controlling pollutants in stormwater discharges.

(k) As may be required by the facilities NPDES permit, qualified personnel (provided by the owner) shall inspect equipment and areas of the facility specified in the SWP3 at appropriate intervals or as may be specified in their NPDES permit. A set of tracking or follow up procedures shall be used to ensure that appropriate actions are taken in response to the inspections. Records of inspection shall be maintained.

(l) Industrial facilities will implement a sampling and testing program as required by their individual NPDES permits. The Director may require written reports of any such monitoring and testing to be submitted to him or her.

(m) The owner shall retain the SWP3 and all sampling and testing reports until at least one year after stormwater discharges associated with industrial activity at the facility are eliminated, or the operator is no longer operating the facility, and a notice of termination (NOT) has been submitted.

(n) For discharges subject to the semi-annual or annual monitoring requirements of the industrial general permit, in addition to the records-retention requirements of this chapter, owners are required to retain for a six year period from the date of sample collection, records of all sampling and testing information collected. Owners must submit such monitoring results, and/or a summary thereof, to the Director upon his or her request.

(o) After the effective date of this chapter, no stormwater discharge shall contain any hazardous metals in a concentration that would result in the violation of any Kansas Surface Water Quality Standard.

#### **15-807. Ditches and ponds.**

(a) **Duty to Maintain.** The owner of any private drainage ditch or pond that empties into the city's MS4 or the waters of the United States has a duty to use BMPs on the ditches or pond to minimize the pollutant levels downstream. Such BMPs include, but are not limited to, removing excessive build-up of silt, repairing bank erosion, maintaining vegetative cover, the cleaning of inlet and outlet works, and the like.

(b) **Inspection and Notice by City.** The city will periodically inspect these privately owned ditches and ponds. Should conditions be found that cause the pollution of downstream receiving waters, the Director shall so notify the owners, and state what actions are expected by the owners to remedy the problem.

(c) **Failure to Repair.** Should the owners fail to make the necessary repair within one hundred twenty days after notice, the city is authorized to do the repairs at the expense of the owner. Should the owner fail to reimburse the city for the cost of the repairs upon demand, the city may assess the cost thereof to the owner and initiate any collection proceedings authorized by law.

### **15-808. Compliance monitoring.**

(a) Right of Entry. The Director or his or her authorized representatives, shall have the right to enter the premises of any person discharging stormwater to the municipal separate storm sewer system (MS4) or to waters of the United States at any reasonable time to determine if the discharger is complying with all requirements of this chapter, and with any state or federal discharge permit, limitation, or requirement. Dischargers shall allow the inspectors ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and for the performance of any additional duties. The director or his designee is hereby authorized to enter upon premises for all such purposes to perform the duty imposed upon him or her by this Code and may apply to a court of competent jurisdiction for an order granting such entry in the event it is denied.

(b) Records. Subject to the requirements of subsection A of this section, dischargers shall make available, upon request, any SWP3s, modifications thereto, self-inspection reports, monitoring records, compliance evaluations, notices of intent, and any other records, reports, and other documents related to compliance with this chapter and with any state or federal discharge permit.

(c) Sampling. The Director shall have the right to set up on the discharger's property such devices that are necessary to conduct sampling of stormwater discharges.

### **15-809. Subdivision development.**

(a) The developer of any subdivision requiring a federal or state NPDES stormwater discharge permit will be responsible for obtaining the required permit and developing and implementing an overall SWP3 for the subdivision. Such SWP3 shall include BMPs to be used on individual lot building sites.

(b) City contractors installing public streets; water, sanitary sewer, storm sewer lines; and/or sidewalks will be required to comply with the developers' SWP3s and sign the appropriate contractor certification statement. For work in public rights-of-way or easements requiring a federal or state NPDES stormwater discharge permit, the city shall be responsible for obtaining the required permit and preparing and implementing the required SWP3s.

(c) Any utility company installing utilities within a new subdivision will also be required to comply with the developers' SWP3's and sign the appropriate contractor certification statement. For work in public rights-of-way or easements requiring a federal or state NPDES stormwater discharge permit, the utility company shall be responsible for obtaining the required permit and preparing and implementing the required SWP3s.

(d) The purchasers or individual lots within the subdivision for construction purposes shall comply with the developers' SWP3 and shall sign a certification statement agreeing to do so.

### **15-810. Enforcement actions.**

(a) The discharge of, or potential discharge of, any pollutant to the MS4 or waters of the United States; failure to properly apply for a federal or state stormwater discharge permit; the failure to prepare or implement a SWP3 when required by a federal or state permit; the failure to use effective BMP devices; the malicious destruction of BMP devices; failure to repair BMP devices; the failure to comply with any directive, citation, or order issued under this chapter; are violations of this chapter for which enforcement action may be taken.



(b) The enforcement actions to be taken under this chapter are as follows:

- (1) Criminal Penalty. Any person violating any provision of this chapter shall be prosecuted in the City's municipal court as set forth below. First and second offenses shall be prosecuted as code violations punishable by a fine of not more than one thousand dollars. Third and subsequent convictions of violations of the City's stormwater regulations shall be misdemeanors, punished by a fine of not more than one thousand dollars and/or by imprisonment for not more than six months, or by both such fine and imprisonment. Each and every day during which any violation of any provision of this chapter is committed, continued, or permitted is a separate violation.
- (2) Stop Work Order. Notwithstanding other penalties provided by this chapter, whenever the Director, or their designees, finds that any owner or contractor on a construction site has violated, or continues to violate, any provision of this chapter or any order issued thereunder, the Director may after reasonable notice to the owner or contractor issue a stop work order to the owner and contractors by posting such order at the construction site. Such order should also be distributed to all city departments and divisions whose decisions may affect any activity at the site. Unless express written exception is made, the stop work order shall prohibit any further construction activity at the site and shall bar any further inspection or approval by the city associated with the building permit, grading permit, site development plan approval, or any other approval necessary to commence or to continue construction or to assume occupancy at the site. Issuance of a stop work order shall not be a bar against, or a prerequisite for, taking any other action against the violator. Failure to comply with the requirements of any stop work order is a violation of this chapter and grounds for refusal to issue the Contractor any construction permits for future projects.
- (3) Administrative Penalty Process.
  - (A) When the Director finds that any stormwater discharger has violated or continues to violate the provisions set forth in this chapter, or the discharger's NPDES permit or any order issued thereunder, the Director may issue an order for compliance to the discharger. Such orders may contain any requirements as might be reasonably necessary and appropriate to address noncompliance including, but not limited to, the installation of best management practices, additional self-monitoring, and/or disconnection from the MS4.
  - (B) The Director, with the approval of the Governing Body, is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any industrial discharger responsible for noncompliance. Such orders shall include specific action to be taken by the discharger to correct the noncompliance within a time period specified by the order.
  - (C) Notwithstanding any other remedies or procedures available to the city, any discharger who is found to have violated any provision of this chapter, or any NPDES permit or any order issued under this chapter, may be assessed an administrative penalty as follows:
    - (i) Failure to properly apply for a required NPDES permit: first offense: five hundred dollars; second and subsequent offenses: two thousand five hundred dollars per violation;

- (ii) Failure to prepare stormwater pollution prevention plan: first offense: five hundred dollars; second and subsequent offenses: two thousand five hundred dollars per violation;
- (iii) Failure to install best management practices: first offense: two hundred dollars; second and subsequent offenses: one thousand dollars per violation;
- (iv) Failure to maintain best management practices: first offense: two hundred dollars; second and subsequent offenses: one thousand dollars per violation;
- (v) Failure to perform required sampling and testing or provide testing reports: first offense: two hundred dollars; second and subsequent offenses: one thousand dollars per violation.

Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Upon assessment of any administrative penalty, the city will bill the violator for such charge and the Director shall have such collection remedies as are available at law. No further construction permits shall be issued to a violator until all such administrative penalties are paid.

#### **15-811. Applicability of enforcement actions.**

- (a) Illegal dumping will be subject to criminal penalties process.
- (b) Illegal connections will be subject to either the criminal or administrative penalty processes.
- (c) Industrial violations will be subject to the administrative penalty process.
- (d) Individual building sites not requiring a federal or state NPDES permit will be subject to the criminal penalty and the stop work order processes; however, any owner or contractor of such sites deemed guilty in a court of law of a violation of this chapter will also be subject to the administrative penalty process for subsequent violations of this chapter.
- (e) Individual building sites requiring a federal or state NPDES permit will be subject to the administrative penalty process.
- (f) Subdivision developers in subdivisions not requiring a federal or state NPDES permit will be subject to the criminal penalty and stop work order processes; however, any owner or contractor of such sites deemed guilty in a court of law of a violation of this chapter will also be subject to the administrative penalty process for subsequent violations of this chapter.
- (g) Subdivision developers of subdivisions requiring a federal or state NPDES permit will be subject to the administrative penalty process.
- (h) City contractors and utility companies working on projects not requiring a federal or state NPDES permit will be subject to the criminal penalty process.
- (i) City contractors and utility companies working on projects requiring federal or state NPDES permit will be subject to the administrative penalty process.

#### **15-812. Hearing and appeal.**

Any violator that is subjected to the administrative penalty or stop work order processes may request an administrative hearing and appeal as follows:

(a) Any party affected by a penalty, order, directive or determination issued or made, pursuant to this chapter may, within seven days of the issuance of such penalty, order, directive, or determination request a hearing before the Director to show cause why such should be modified or made to not apply to such person. Such request shall be in writing and addressed to the Haysville City Clerk, 200 W. Grand, Haysville, Kansas, 67060. The Director or his designee shall hold the requested hearing as soon as practical after receiving the request, at which time the person affected shall have an opportunity to be heard. At the conclusion of the hearing, the Director shall issue a written response to the person requesting the hearing affirming, modifying, or rescinding the penalty, order, directive, or determination issued or made.

(b) Any party aggrieved by the decision of the Director may appeal such decision to the Governing Body within seven days of receipt of the decision by filing notice of appeal with the City Clerk. The Governing Body may affirm, modify, or reverse the decision of the Director. Any appeal of the Governing Body's decision shall be as provided by state law.

(c) Any hearing or appeal as described in this section to either the Director or Governing Body shall not be required to conform to the rules of a judicial hearing, shall be deemed an administrative hearing or appeal, and shall allow the aggrieved party an opportunity to explain his/her position. A reasonable time limit may be set upon such hearing.

#### **15-813. Enforcement personnel authorized.**

The following personnel employed by the city shall have the power to issue notices of violations, criminal citations and implement other enforcement actions under this chapter:

- (a) The Director and his/her designees;
- (b) All authorized code enforcement officers.

#### **15-814. Other remedies.**

Notwithstanding any other remedies or procedures available to the city, if any person discharges into the MS4 in a manner that is contrary to the provisions of this chapter, or any NPDES permit or order issued hereunder, the city attorney may commence an action for appropriate legal and equitable relief including damages and costs in the district court of Sedgwick County. The city attorney may seek a preliminary or permanent injunction or both which restrains or compels the activities on the part of the discharger.

#### **15-815. Falsifying information.**

Any person who knowingly makes false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or any NPDES permit, or who falsifies, or tampers with any monitoring device or method required under this chapter shall, upon conviction in the City's municipal court, be found guilty of a Class A misdemeanor, punished by a fine of not more than two thousand five hundred dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

#### **15-816. Supplemental enforcement actions.**

(a) Performance Bonds. Where necessary for the reasonable implementation of this chapter, the Director may, by written notice, order any owner of a source of stormwater discharge associated with construction or industrial activity affected by this chapter to file a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance with this chapter. The city may deny approval of any building permit, grading permit, subdivision plat, site development plan, or any other city permit or approval necessary to commence or continue construction or industrial activity at the site, or to assume occupancy, until such a performance bond has been filed.

(b) Liability Insurance. Where necessary for the reasonable implementation of this chapter, the Director may, by written notice, order any owner of a source of stormwater discharge associated with construction or industrial activity affected by this chapter to submit proof that it has obtained liability insurance, or other financial assurance, in an amount not to exceed a value reasonably determined by the Director, that is sufficient to remediate, restore, and abate any damage to the MS4, the waters of the United States, or any other aspect of the environment that is caused by the discharge.

### **15-817. Stormwater runoff management plans.**

No development shall increase the quantity and rates of stormwater emanating from said land areas except in accordance with an approved stormwater management plan as provided in these regulations. The stormwater management plan shall be prepared by a licensed professional engineer in the state. No building permits shall be issued prior to the approval of the stormwater management plan by the Director. The definitions utilized under 15801 et seq. shall be utilized within this portion of the Haysville Municipal Code.

### **15-818. Preliminary stormwater management plan.**

(a) A preliminary stormwater management plan shall accompany all preliminary applications for land development. This preliminary plan shall contain but not be limited to the following information and data:

- (1) A site plan of suitable scale and contour interval showing topographical information of the land to be developed and adjoining land whose topography may affect the proposed layout or drainage patterns for the development. A general plan of final contours of the site development shall also be shown as shall all existing streams, waterways, channels and the extent of the established floodplains;
- (2) The location and calculated flow rates of all adjacent storm drainage facilities;
- (3) A general discussion of the type and characteristics of soils contained in the development area;
- (4) A discussion of the concepts to be considered in the development to handle anticipated stormwater runoff including the methods to be utilized to detain or control increased stormwater runoff generated by the proposed development;
- (5) A preliminary plan of proposed storm drainage facilities including preliminary calculations of runoff to be handled by such facilities;
- (6) A discussion of the possible effects that the proposed development could have on areas adjoining the development.

(b) Following the receipt of the preliminary stormwater management plan, a general review meeting shall be conducted and shall include the Director and representatives of the developer and the developer's engineer. The City Engineer and City Planner may be included at the discretion of the Director. The purpose of this review shall be to jointly agree on the conceptual methods proposed to be utilized and the possible effects of the proposed development on existing or future adjacent developments.

### **15-819. Final stormwater management plan.**

(a) Following the review of the preliminary stormwater management plan and after the general approval of the preliminary plan by the Director, a final stormwater management plan shall be prepared for each phase of the proposed project as each phase is developed. The submittal of the final plan shall coincide with the application for final approval of the development and shall constitute a refinement of the concepts approved in the preliminary plan. It is important to note that if a project is to be phased, the total area of the conceptual project is to be considered in all calculations and that facilities should be designed for each phase which would be compatible with those of the total development plan. The final stormwater management plan for any development shall include but not be limited to the following additional information unless specifically allowed to be excluded by the Director:

- (1) A topographic map of the project site and adjacent areas, of suitable scale and contour interval, which shall define the location of streams, the extent of floodplains and calculated high-water elevations, the shoreline of lakes, ponds, swamps, and detention basins including their inflow and outflow structures, if any;
- (2) The location and flowline elevation of all existing sanitary and storm sewers, and the location of any existing sewage treatment facilities, which fall within the project limits and within a distance of five hundred feet beyond the exterior boundaries of the project;
- (3) Detailed determination of runoff anticipated for the entire project site following development indicating design volumes and rates of proposed runoff for each portion of the watershed tributary to the storm drainage system, the calculations used to determine said runoff volumes and rates and review of the criteria which has been used by the design engineer;
- (4) A layout of the proposed stormwater management system including the location and size of all drainage structures, storm sewers, channels and channel sections, detention basins, and analyses regarding the effect said improvements will have upon the receiving channel and its high-water elevation;
- (5) The slope, type, size, and flow calculations for all existing and proposed storm sewers and other waterways;
- (6) For all detention basins, if any, plot or tabulation of storage volumes with corresponding water surface elevations and of the basin outflow rates for those water surface elevations;
- (7) For all detention basins, if utilized, design hydrographs of inflow and outflow for the differential runoff from the site under proposed development conditions;
- (8) A grading and sediment and erosion control plan for the project site;
- (9) A profile and one or more cross-sections of all existing and proposed channels or other open drainage facilities, showing existing conditions and the proposed changes thereto, together with the high-water elevations expected from stormwater runoff under the controlled

conditions called for by these regulations and the relationship of structures, streets, and other utilities to such channels.

(b) The final stormwater management plan shall be reviewed by the Director. If it is determined according to present engineering practice that the proposed development will provide control of stormwater runoff in accordance with the purposes, design criteria and performance standards of these regulations and will not be detrimental to the public health, safety, and general welfare, the Director shall approve the plan or conditionally approve the plan, setting forth the conditions thereof. If approved, a drainage permit for the development shall be granted. If it is determined that the proposed development will not control stormwater runoff in accordance with these regulations the Director shall disapprove the stormwater management plan. If disapproved, the application and data shall be returned to the applicant for corrective action and resubmittal.

### **15-820. Design criteria.**

Unless otherwise approved, the following rules shall govern the design of improvements with respect to managing stormwater runoff:

(a) **Methods Of Determining Stormwater Runoff.** In determining the amount of stormwater runoff from a development, it is important for the designer to relate the methodology to be used in his calculations to the proportionate size of the tributary watershed area. In developments where the area contributing runoff is twenty-five acres or less, the rational method of calculating the quantity of runoff shall be used. Developments where the area contributing runoff is greater than twenty-five acres and up to two hundred acres shall be designed using the unit hydrograph method. The preferred method of hydrograph development shall be as described in the Soil Conservation Service publication "Urban Hydrology For Small Watersheds" (Technical Release No. 55 - January, 1975). Use of methods other than those described shall be only upon approval of the Director.

(b) **Development Design.** Streets, blocks, depth of lots, parks, and other public grounds shall be located and laid out in such a manner as to minimize the velocity of overland flow and allow maximum opportunity for infiltration of stormwater into the ground, and to preserve and utilize existing and planned streams, channels and detention basins, and include, whenever possible, streams and floodplains within parks and other public grounds.

(c) **Enclosed Systems And Open Channels.** The Design Criteria for Storm Drainage Facilities, latest edition, of the city, which by reference is made a part hereof as though repeated verbatim in this article, shall govern the design of enclosed systems and open channels within the city.

(d) **Methods Of Controlling Downstream Flooding.** The Director shall determine whether the proposed plan will cause or increase downstream local flooding conditions. This determination shall be made on the basis of existing downstream development and drainage system capabilities and an analysis of stormwater runoff prior to and after the proposed development. If the Director determines that the proposed development will cause or increase downstream local flooding conditions during the design storm, provisions to minimize such flooding conditions shall be included in the design of storm drainage improvements and/or the temporary controlled detention of stormwater runoff and its regulated discharge to the downstream storm drainage system.

(e) **Downstream Improvements.** Improvements to minimize downstream flooding conditions may include, but not be limited to, the construction of dams, dikes, levees, and floodwalls; culvert enlargements; and channel clearance and modification projects.



(f) Detention Basins. Temporary detention of stormwater runoff may be used in developments in order to minimize downstream flooding conditions. Generally, stormwater detention basins shall be designed and constructed for the attenuation of the peak rate of runoff to an amount not greater than that occurring prior to development. Temporary storage facilities will not be required in situations where the installation of such a facility would adversely affect the environment or where the site discharges directly into a major stream or system component. The design of temporary detention facilities shall be in accordance with the following design criteria:

- (1) Storage volume requirements: Sufficient storage volume shall be provided to prevent local flooding damage. Such volume shall be adequate to contain the differential volume of runoff which would result from the design storm occurring on a fully developed site over the maximum allowable release rate. Inflow rates into the storage basin shall be determined utilizing either the rational method or the unit hydrograph method dependent on the development size limitations and methodologies described in subsection (1) of this section. The minimum rainfall event to be utilized in determining the detention storage volume shall be based upon the planned land usage and intensity within the tributary area and shall be as follows:

(A) Residential development, ten-year rainfall event.

(B) Commercial and industrial, twenty-five-year rainfall event.

- (2) Minimum rainfall events shall be based upon the twenty-four-hour point rainfall as indicated in Technical Paper No. 40 published by the Department of Commerce, Weather Bureau.
- (3) In the event of special circumstances the Director may require the use of storms of greater magnitude. When utilizing the rational method for runoff computations the rainfall intensity (i) and runoff coefficient (c) shall be based upon the area being fully developed in accordance with the planned land usage.
- (4) Associated with the analysis will be the routing of the storm hydrograph through the basin to determine the effect of the temporary storage on the rate of inflow.
- (5) As a result of the flood routing procedure, a determination of the required combination to temporary storage volume and outlet control required to reduce post development peak outflows to no more than the maximum allowable release rate may be made.

(g) Maximum allowable release rate: The basic design factor used in the determination of the maximum release rate of a detention facility shall be the capability of the downstream system to handle the flow adequately. In general, the maximum release rate shall be defined as the rate of runoff occurring prior to the proposed development taking place and shall be determined mathematically as the runoff resulting from a ten-year return-frequency rainfall calculated using the rational formula. Deviations from the use of this rainfall frequency in design calculations shall be only where approved by the Director. Actual rainfall intensity (i) shall be determined for the time of concentration of the tributary area in its undeveloped and natural state. The runoff coefficient (c) shall likewise be determined for the land in its undeveloped state. In no case shall the release rate exceed the existing "safe" storm drainage capacity of the downstream system or watercourse.

(h) Freeboard: The minimum elevation of the top of the detention storage basin embankment shall be at least one foot above the water surface with the emergency spillway flowing at design, or a minimum of two feet above the crest of the emergency spillway.

(i) Sediment storage: A sediment storage volume of at least five percent of the total required temporary storage volume for runoff detention shall be provided.

(j) Outlet control works: Outlet works shall not include any mechanical components or devices and shall function without requiring attendance or control during operation. Size and hydraulic characteristics shall be such that all water in detention storage is released to the downstream storm sewer system within twenty-four hours after the end of the design rainfall.

(k) Emergency overflow: A method of emergency overflow shall be designed and provided to permit the safe passage of runoff generated from a one-hundred-year storm.

(l) Other design considerations: All stormwater detention basins shall be designed with the capability of passing a one-hundred-year hydrograph from a fully developed watershed basin through the outlet works without causing failure of the embankment. It is not the intent of this requirement to entail any additional reduction of the peak runoff rate, but to assure the integrity and safety of the structure.

(m) Design data submittal: In addition to complete plans, the following design data shall be submitted to the Director for all projects including temporary detention facilities:

- (1) Rainfall hydrograph plotted in units of inches per hour as ordinates, and time from beginning of the storm as abscissas;
- (2) Runoff hydrograph plotted in units of cubic feet per second runoff rate of the tributary area as ordinates, and time from the start of runoff as abscissas;
- (3) Area: capacity curve for proposed detention facility plotted in units of datum elevation as ordinates, and cumulative volume of storage as abscissas;
- (4) Discharge characteristics curve or outlet works plotted in units of detention facility water surface elevation as ordinates, and discharge rate for cubic feet per second (cfs) as abscissas; as ordinates, and time from the start of runoff as abscissas. Curves shall be so arranged that the vertical distance between the accumulated storage and accumulated discharge will indicate the net volume in storage at any point in time. Curves shall be extended to the time required for complete discharge of all runoff stored in the detention facility.

(n) Other detention methods: In addition to the above criteria, the following detention methods may be utilized to provide temporary detention storage:

- (1) Wet-bottom basins: The minimum normal depth of water before the introduction of excess stormwater shall be four feet. If fish are to be used to keep the basin clean, at least one quarter of the area of the permanent pool must have a minimum depth of ten feet. For emptying purposes, cleaning or shoreline maintenance, facilities shall be provided or plans prepared for the use of auxiliary equipment to permit emptying and drainage. All surface area within the fluctuating limits of the basin storage or that which is susceptible to or designed as overflow areas from storms with a higher return frequency than those utilized in the design of the facility shall be seeded and mulched, sodded or paved.
- (2) Dry-bottom basins: Where possible these shall be designed to serve secondary purposes for recreation, open space or other types of use which will not be adversely affected by occasional or intermittent flooding. To facilitate interior drainage, concrete paved swales shall be required from the inflow to the outlet structures.



- (3) Rooftop storage: Detention storage may be met in total or in part by detention on roofs. Details of such designs, which shall be included in the drainage permit applications, shall include the depth and volume of storage, details of outlet devices and downdrains, elevations of overflow scuppers, design loadings for the roof structure and emergency overflow provisions.
- (4) Paved parking lots: May be designed to provide temporary storage of stormwater on all or a portion of their surfaces to a maximum depth of nine inches. Outlets will be designed so as to empty the stored waters in such a time to create the least amount of inconvenience to the public. Minimum slopes of one percent and maximum slopes of four percent are to be utilized. The minimum freeboard from the maximum water ponding elevation to lowest sill elevation of adjacent buildings or structures shall be one foot.

### **15-821. Performance standards.**

(a) Stormwater Channel Location. Generally acceptable locations of stormwater runoff channels in the design of a subdivision may include but not be limited to the following:

- (1) In a depressed median of a double roadway, street, or parkway provided the median is wide enough to permit maximum three-to-one side slopes;
- (2) Centered on back lot lines or entirely within the rear yards of a single row of lots or parcels;
- (3) In each of the foregoing cases, a drainage easement to facilitate maintenance and design flow shall be provided and shown on the plat. No structures will be allowed to be constructed within or across stormwater channels.

(b) Storm Sewer Outfall. The storm sewer outfall shall be designed so as to provide adequate protection against downstream erosion and scouring.

(c) Lot Lines. Whenever the plans call for the passage and/or storage of floodwater, surface runoff, or stormwater along lot lines, the grading of all such lots shall be prescribed and established for the passage and/or storage of waters. No structure may be erected in these areas which will obstruct the flow of stormwater. Additionally, installation of fences and the planting of shrubbery or trees within the areas will not be permitted. Changes in the grade and contours of the floodwater or stormwater runoff channels will not be permitted unless approved in writing by the Director.

(d) Manholes. All sanitary sewer manholes constructed in a floodplain or in an area designed for the storage or passage of flood-water or stormwater shall be provided with either a watertight manhole cover or be constructed with a rim elevation of one (1) foot above the high water elevation of the design storm, whichever is applicable to the specific area.

(e) Easements. Permanent easements for the detention and conveyance of stormwater, including easements of access to structures and facilities, shall be dedicated to the city.

(f) Drainage Permits. A drainage permit for projects including detention facilities can be granted by the Director only after the final stormwater management plan has been approved and all easements have been dedicated, accepted, and recorded, and all required maintenance assurances and required bonds have been executed.

### **15-822. General information concerning plans for grading and sedimentation and erosion control.**

(a) Prior to the approval and recording of the final subdivision or land development plan, a plan depicting proposed site grading within the development shall be submitted to the Director for review and approval.

(b) Stripping of vegetation or earthmoving shall not be permitted nor will building permits be issued prior to approval of this plan by the Director.

(c) For major subdivision developments consisting of more than ten lots, the grading plan shall be accompanied by a detailed sedimentation and erosion control plan.

### **15-823. Grading plan - subdivision.**

The grading plan shall be prepared by a licensed professional engineer in the state. The contents of the plan shall include but not be limited to the following information:

(a) Contours of existing grades at intervals not more than five feet. Intervals less than five feet may be required dependent on the character of the topography;

(b) Property lines identified as to existing or proposed lot and block number;

(c) Elevation and location of nearest benchmark (U.S.G.S. datum);

(d) Final grading contours drawn at sufficient intervals of not more than five feet to depict major subdivision drainage patterns. In addition, final grading spot elevations shall be shown for all corners of each lot. Such corner elevations shall be general in nature and upon approval of the Director may be revised at the time of plot plan submittal;

(e) One-hundred-year floodplain line with elevation;

(f) Easement and right-of-way information including drainage easements required for off-site drainage ways;

(g) Existing or proposed utility information.

### **15-824. Grading plan - individual lots.**

Applications for individual building permits shall be accompanied by a specific grading plan for that lot. Such grading plan shall be incorporated into the plot plan and shall contain as a minimum, the following information:

(a) Property lines identified as to existing or proposed lot and block number, and/or proposed or assigned street address with distances to property Lines, building setback lines, easements;

(b) Proposed location of structure;

(c) Proposed type of structure (i.e. bi-level, split-level, etc.);

(d) Elevations of the top of foundation, proposed grade at principal structure corners and at lot corners, flowline of adjacent gutters, elevations of culverts, inlets, if applicable, and lowest opening “minimum pad elevation”, if applicable;

(e) Approximate location of drainage swales indicated by directional arrows depicting flow patterns. Spot elevations may be utilized in lieu of arrows. Additional information may be required by the Director to assure protection of adjacent property.

#### **15-825. Minimum grading standards.**

(a) The following minimum criteria for site grading shall apply to all applications for site grading:

(1) Protective slopes around structures:

(A) Downward slope from structure foundations to drainage swales,

(B) Minimum gradients:

(i) Impervious surfaces shall be one-eighth inch per foot (one percent),

(ii) Pervious surfaces shall be one-fourth inch per foot (two percent),

(C) Maximum gradient shall be four horizontal to one vertical for a minimum four feet from foundation walls;

(2) Lawn areas:

(A) Minimum gradient shall be one-eighth inch per foot (one percent),

(B) Maximum gradient shall not be greater than three horizontal to one vertical;

(3) Driveways sloping toward buildings shall be graded in such a manner as to provide an intercepting swale draining away from the structure prior to its connection with the building.

(b) In specific cases the use of gradients less than or greater than those specified may be required. Variance from these requirements may be allowed where justified and approved by the Director.

#### **15-826. Sediment and erosion control.**

In major developments, or as specifically required by the Director, a detailed sediment and erosion control plan shall accompany all grading plan applications. The implementation of the approved plan shall be concurrent with site grading activities for the proposed development and shall remain in effect until the completion of the subdivision or development. The plan submitted shall address the type and characteristics of the soils within the development and an indication shall be made of the potential erodibility of the site during construction operations. Methods to prevent sedimentation and erosion of the site shall include, but not be limited to, chemical treatment of the soil, siltation basins, mulches and netting. Protective measures proposed to be utilized should be dependent upon the degree of erodibility of the site.

#### **15-827. Appeals.**

Any person aggrieved by a decision of this chapter shall have the right to appeal in the manner set forth in Haysville Municipal Code 15-812.

#### **15-828. Penalty for violations; actions.**

The violation of any provision of this Code is a misdemeanor, enforceable under any of the provisions of Haysville Municipal Code 15-810, and any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00); and the city shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of this code and to abate nuisances maintained in violation thereof; and in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of the building, structure, or land. Each day any violation of this Code shall continue shall constitute a separate offense.

### **Article 9. Control of Fats, Oils, and Grease in Food Service Establishments**

#### **15-901. Waste discharge.**

Waste discharge in food service establishments from fixtures and equipment which may contain grease; including, but not limited to, scullery sinks, pot and pan sinks, pre-rinse/pre-wash sinks in dishwashing areas, wok stoves, self-cleaning stove ventilation/exhaust hood, soup kettles, mop sinks, food prep sinks, and floor drains located in areas where grease-containing materials may exist, may be discharged into the sanitary sewer collection system only under the conditions of this chapter.

When grease-containing materials are processed through garbage grinders, the waste from said garbage grinders should be directed to the grease interceptor. The director must approve garbage grinder disposal installations. An additional 30 percent of wetted volume will be added to the calculated size of the grease interceptor that is to receive garbage grinder waste.

Toilets, urinals, dishwashers, and other similar fixtures shall not discharge through the grease interceptor unless specifically approved, in writing, by the director.

All waste shall enter the grease interceptor through the inlet pipe only.

#### **15-902. Definitions.**

Unless otherwise expressly stated, or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the meaning indicated in this section:

(a) Automatic grease removal device means units, which use devices such as belts, wheels, or skimmers to actively remove the floatable grease from the waste stream. Typical devices include a moving belt entering and exiting a trapped volume of wastewater. The mechanism captures the grease, which is deposited into a separate holding container.

(b) Building discharge line system means a sewer line or lines maintained and controlled by private persons for the purpose of conveying sewage from the waste producing location to the sanitary sewer collection system.

(c) Common grease interceptor means an interceptor to which grease wastes are directed from more than one facility having different operators or type of operations, such as in a multi-tenant building.

(d) Director means the Director of Public Works or designee, who has been given the administrative authority to enforce this chapter.

(e) Food service establishment means any facility which cuts, cooks, bakes, prepares or serves food, or which disposes of food-related wastes; including, but not limited to, food manufacturers and packagers, restaurants, grocery stores, bakeries, lounges, hospitals, hotels, nursing homes, churches, schools, festivals, and amusement parks.

(f) Garbage grinder means a device, which shreds or grinds up solid or semisolid waste materials into smaller portions for discharge into the sanitary sewer collection system.

(g) Generator means a user, by site, who produces wastes from the user's process operations. The generator is responsible for assuring that the produced waste is disposed of in accordance with all federal, state and local disposal regulations.

(h) Gravity grease interceptor means a device that is constructed to intercept oily and greasy wastes from a food service establishment kitchen and food preparation area. Typical installation is located outside and in-ground as close to the kitchen fixtures as possible while allowing for accessibility for inspections and maintenance.

(i) Grease means a material composed primarily of fatty matter from animal or vegetable sources or from hydrocarbons of petroleum origins. The terms "oil and grease" or "oil and grease substances" shall be deemed as grease by definition.

(j) Grease interceptor means a plumbing appurtenance that is installed in a sanitary drainage system to intercept oily and greasy wastes from a wastewater discharge. The device is constructed as to intercept, separate and hold, free-floating oil and grease substances in order to keep oil and grease substances from entering the sanitary sewer collection system.

(k) Multi-tenant building means a facility with spaces for two or more tenants, including but not limited to

### **15-903. General criteria – Design and approval.**

Grease interceptors shall be constructed at a minimum of 1,000 gallon, two compartments with fittings designed for grease retention. Other grease devices or technologies not meeting the gravity grease interceptor definition shall be subject to the written approval of the director. Such approval shall be based on demonstrated removal efficiencies of the proposed technology. Hydro mechanical grease interceptors, also known as "Under the sink" grease interceptors, shall not be approved.

Access manholes, with a minimum diameter of 24 inches, shall be provided over each chamber and sanitary tee. The access manholes shall extend at least to finished grade and shall be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable traffic bearing covers to facilitate inspection, grease removal, and wastewater sampling activities.

There shall be an adequate number of access points for cleaning and inspecting all areas of the grease interceptor. Manhole covers shall be gas tight in construction. In areas where additional weight loads may exist, the grease interceptor shall be designed to have adequate load-bearing capacity.

#### **15-904. General criteria – location.**

Each grease interceptor shall be so installed and connected that it shall be at all times easily accessible for inspection, cleaning and removal of the intercepted grease. A gravity grease interceptor may not be installed in any part of a building where food is handled. Location of the grease interceptor shall meet the approval of the director. Multiple gravity grease interceptors installed at a single location shall be installed in series.

All new construction multi-tenant buildings shall include a separate waste line for each leasable space that discharges to a common interceptor. This waste line shall be permanently marked to identify it as required by the director. When a space is leased, sold, or rented to a food service establishment, all kitchen drains and any other drains that may carry grease waste shall be connected to this waste line; no domestic sewage may be connected to this line. The property owner shall be responsible for proper maintenance of this interceptor in accordance with the provisions of this ordinance. Festivals and amusement parks shall be considered a single facility for the purpose of this article.

#### **15-905. Installation Requirements.**

(a) New Facilities: On or after the effective date of the ordinance codified in this chapter, all food service establishments which are newly proposed, constructed, undergoing a change of ownership, or existing facilities which shall be expanded or renovated to include a food service establishment where such facilities did not previously exist, shall be required to have an approved gravity grease interceptor. Such food service establishments shall submit drainage plumbing plans to the director or designee for approval prior to obtaining a building permit. The director shall approve the prerequisite for an approved, properly sized, type and location of the gravity grease interceptor.

(b) Existing Facilities: On or after the effective date of the ordinance codified in this chapter, all existing food service establishments shall be required to install an approved, properly operated and maintained gravity grease interceptor within 120 days of notification by the city that any of the following conditions exist:

- (1) The facilities are found by the director to be contributing grease in quantities sufficient to cause sanitary sewer line stoppages or to necessitate increase maintenance on the sanitary sewer collection system in order to keep main line stoppages from occurring.
- (2) Remodeling of the food preparation or kitchen waste plumbing facilities which are subject to a permit issued by the Public Works Department. The compliance date under this subsection (b), will be determined by the director.

(c) Extensions: Any requests for extensions to these required installation dates must be made in writing to the director at least seven days in advance of the compliance date. The written request shall include the reasons for the user's failure or inability to comply with the compliance date set forth, the additional time needed to complete the remaining work, and the steps to be taken to avoid future delays.

#### **15-906. Grease Interceptor Maintenance.**

(a) Pumping. All grease interceptors shall be maintained by the user at the user's expense. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. Decanting or discharging of removed waste back into the interceptor from which the waste was removed or any other grease interceptor, for the purpose of reducing the volume to be disposed, is prohibited.

(b) Pumping Frequency. Grease interceptors must be pumped out completely a minimum of once every 90 days, or more frequently as needed, to prevent carryover of grease into the sanitary sewer collection system, unless it can be demonstrated to the director that the pumping frequency can be extended past the three-month period.

(c) Disposal of Grease Interceptor Pumpage. All waste removed from each grease interceptor must be disposed of at a facility permitted to receive such waste in accordance with the provisions of this chapter. In no way shall the pumpage be returned to any private or public portion of the sanitary sewer collection system or the sewage treatment plants, without prior written approval from the director.

(d) Additives. Any additive(s) placed into the grease interceptor or building discharge line system on a constant, regular, or scheduled basis shall be reported to the director. Such additives shall include, but not be limited to, commercially available bacteria or other additives designed to absorb, purge, consume, treat or otherwise eliminate grease and oils. Additives containing enzymes are prohibited. The use of additives shall in no way be considered as a substitution to the maintenance procedures required herein.

(e) Physical integrity. All grease interceptors shall be maintained in operable condition and to meet the criteria described in Section 15-802 at all times. The integrity of the baffle wall separating the two compartments shall be maintained; rebar shall not be exposed, and grease interceptors with leaks or holes shall be repaired or replaced at the discretion of the director.

## **15-907. Administrative Requirements.**

(a) Manifest. All pumpage from gravity grease interceptors must be tracked by a manifest, which confirms pumping, hauling and disposal of waste. This manifest shall contain the following information:

(1) Generator information:

Name

Address

Volume pumped

Date and time of pumping

Amount of floatable grease and settable solids in inches

Total liquid depth in inches, including grease and solids

Signature of generator verifying generator information

(2) Transporter information:

Company name



Address

Driver name and signature verifying transporter information

(3) Receiving facility information:

Facility name

Address

Date and time of receiving signature verifying receipt of waste

Upon receipt of the waste, the receiving facility shall send one copy of each manifest to the following address: Wastewater Superintendent, 401 S. Jane St., Haysville, Kansas, 67060.

(b) Maintenance Log. A grease interceptor log shall be maintained for each grease interceptor, including automatic grease removal devices and hydro mechanical grease interceptors. This log shall include the date, time, amount pumped, hauler and disposal site, and monthly inspection results of the floatable grease and settleable solids levels in inches and shall be kept in a conspicuous location for inspection. Said log shall be made immediately available to any representative of the Public Works & Utilities Department upon request.

(c) Reporting. The information required in the maintenance log must be submitted by the permitted food service representative to the wastewater utility every 15<sup>th</sup> day of the month following each quarter-year period. The report shall be submitted within fifteen days after the end of the reporting period to the pretreatment administration.

### **15-908. Monitoring, inspection and entry.**

(a) Monitoring. When required for the purposes of this chapter, the user shall provide, operate and maintain, at user's expense, safe and accessible monitoring facilities (such as a suitable manhole) at all times to allow observation, inspection, sampling and flow measurement of the building sewer or internal drainage systems. When the physical location and hydraulic conditions are suitable, a manhole or similar facility existing on the sanitary sewer collection system may be utilized as the user's manhole when agreed to by both the user and the director.

(b) Inspection and Entry. Authorized personnel of the city, bearing proper credentials and identification, shall have the right to enter upon all properties subject to this chapter, at any reasonable time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, in accordance with this chapter.

### **15-909. Emergency suspension of services.**

The city may suspend water or sewer service when such suspension is necessary, in the opinion of the director, in order to stop an actual or threatened discharge which:

(a) Presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment;



- (b) Causes stoppages, or excessive maintenance to be performed to prevent stoppages, in the sanitary sewer collection system;
- (c) Causes interference to the POTW; or
- (d) Causes the city to violate any condition of its NPDES permit.

Any person notified of a suspension of the water or sewer service shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary, including immediate termination of water or sewer service, to prevent or minimize damage to the POTW system or sewer connection or endangerment to any individuals. The city shall reinstate the water or sewer service when such conditions causing the suspension have passed or been eliminated. A detailed written statement submitted by the user describing the cause(s) of the harmful discharge and the measure(s) taken to prevent any future occurrence shall be submitted to the Pretreatment Administrator within fifteen days of the date of occurrence.

#### **15-910. Violation.**

It is unlawful for any user to discharge into the sanitary sewer collection system in any manner that is in violation of this chapter or of any condition set forth in this chapter.

#### **15-911. Enforcement.**

The director shall have the administrative authority to enforce this chapter. Whenever the city finds that any user has violated or is violating this chapter, or any prohibition, limitation, or requirements contained herein, the director will implement the Fats, Oils, and Grease Program enforcement response plan. Enforcement response necessary to initiate corrective action may include but not be limited to the following:

- (a) Notice of Violation. The city may serve upon any user a written notice stating the nature of violation. Within 15 days of the date of notice, a plan for the satisfactory correction thereof shall be submitted to the director by the user.
- (b) Administrative Order. When the director finds that a user has violated or continues to violate the provisions set forth in this chapter, or the order issued there under, the director may issue an order for compliance to the user responsible for the discharge. Orders may contain any requirements as might be reasonable, necessary and appropriate to address the noncompliance; including, but not limited, to the installation of pretreatment not technology, additional self-monitoring and management practices.
- (c) Consent Order. The director is empowered to enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with the user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to subsection (b) of this section.

#### **15-912. Administrative Penalty**

Notwithstanding any other remedies or procedures available to the city, any user who is found by the Director of Public Works or designee to have violated any provision of this chapter, or any permit or any order issued hereunder, may be assessed an administrative penalty of not to exceed \$1,000.00 per violation.

Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessment may be added to the user's next scheduled sewer service charge and the city shall have such other collection remedies as are available at law.

### **15-913. Criminal Penalties**

Any person, persons or business found in violation of this section, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding \$1,000 for each violation; each day in which such violation shall continue shall be deemed a separate offense. Any person in violation of this section shall become liable to the city for any expense, loss or damage occasioned to the city by reason of such violation.

## CHAPTER 17. FEE SCHEDULE

### Article 1. Charges, Taxes and Fees

#### 17-101. Charges, taxes and fees established.

Unless established elsewhere in this code, there are hereby established by chapter section the amounts of various charges and fees required by this code to be paid to the city.

### Article 2. Expiration and Renewal

#### 17-201. Expiration and renewal.

Unless expressly provided otherwise by this code, all annual licenses shall expire on December 31 of each year, irrespective of the date of original issuance. All license renewal fees shall become due on December 1st of each year, and shall be overdue if paid after January 1st of the year for which the renewal license is issued.

### Article 3. Specific Charges, Taxes, Fees and Certain Salaries

#### 17-301. Adult entertainment establishments.

The annual license fee required by section 5-704 of this code for adult entertainment establishments shall be two hundred fifty dollars (\$250.00).

#### 17-302. Adult hotels.

The annual license fee required by section 5-704 of this code for adult hotels shall be two hundred fifty dollars (\$250.00).

#### 17-303. Alcoholic liquor; temporary permits to sell or serve.

The fee required by section 3-420 of this code to be paid to the city by each applicant for a temporary permit to sell or serve alcoholic liquor by the drink (including beer containing more than three and two-tenths percent [3.2 percent] of alcohol by weight) shall be ~~one hundred dollars (\$100.00)~~ twenty-five dollars (\$25.00) per day (K.S.A. ~~41-31041-1201~~ et seq.). (Code 2024)

#### 17-304. ~~Amusement centers, billiard halls, and pool halls.~~

~~(a) The annual license fee required by section 5-204 of this code for amusement centers, billiard halls, and pool halls shall be fifty dollars (\$50.00), shall become due on December 1<sup>st</sup> of each year, and shall be overdue if paid after January 1<sup>st</sup> of the year for which the renewal license is issued, and shall authorize a maximum of five (5) billiard or pool tables, a maximum of five (5) domino tables, and a maximum of ten (10) coin-operated amusement devices which are not billiard, pool or domino tables. Any additional pool, billiard or domino tables, or other coin-operated amusement devices shall be subject to an annual fee of \$7.50 per table or device payable together with the annual fifty dollar (\$50.00) minimum licensing fee as~~

~~described above. Tables or devices not in use shall be dismantled, removed, or a license fee paid therefore pursuant to this section.~~

~~(b) The special supervision fee provided for by section 5-212 of this code shall be assessed at the rate of thirty-five dollars (\$35.00) for each hour, or fraction thereof, that special supervision is required and provided. **Reserved.**~~

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**17-305. Reserved.**

**17-306. Animal impoundments.**

The animal impound fees required to be paid by section ~~2-211~~ 2-210 of this code are separate from fines or costs assessed for conviction of any section of this code, and shall be charged to the individual claiming such animal from the City's impound facility. The fees as provided in this section shall be:

(a) First impoundment. A twenty-five dollar (\$25.00) impound fee, together with a food fee of one dollar (\$1.00) per day for each day of impoundment, shall be charged for each animal impounded for the first time, for the first five (5) full days of impoundment. Each subsequent day, or partial day, of impoundment shall be five dollars (\$5.00) per day of impoundment.

(b) Second impoundment, within a twelve (12) month period. A fifty dollar (\$50.00) impound fee, together with a food fee of one dollar (\$1.00) per day for each day of impoundment, shall be charged for each animal impounded for a second time, for the first five (5) full days of impoundment. Each subsequent day, or partial day, of impoundment shall be five dollars (\$5.00) per day of impoundment.

(c) Third impoundment, within a twelve (12) month period. A seventy five dollar (\$75.00) impound fee, together with a food fee of one dollar (\$1.00) per day for each day of impoundment, shall be charged for each animal impounded for a third time, for the first five (5) full days of impoundment. Each subsequent day, or partial day, of impoundment shall be five dollars (\$5.00) per day of impoundment.

(d) Fourth and subsequent impoundments, within a twelve (12) month period. A one hundred dollar (\$100.00) impound fee, together with a food fee of five dollars (\$5.00) per day for each day, or partial day, of impoundment, shall be charged for each animal impounded for a fourth and any subsequent time within a calendar year.

~~(e)~~ All impound fees and City animal registration fees shall be collected by the City, and the receipt shown to the City Animal Control Officer(s) or their designee, prior to any animal being released from impound. Such fee may only be waived by court order.

(f) Owners/harborers of impounded animals shall not avoid liability for the costs incurred in impoundment of their animal by failing to recover such animal(s) from the City or due to lawful destruction of the animal pursuant to any provision of this Code. Such fees are administrative and mandatory and are separate from any sentence imposed in an action for violation of this code. Such unpaid fees may be submitted to the municipal court for collection as part of a code violation or to the city clerk for collection in the manner of unpaid utilities.

(Code 2015; Code 2024)

**17-307. Auctions.**

Each applicant to whom the city clerk issues an auction permit pursuant to section 5-502 of this code shall pay to the city clerk a permit fee of fifty dollars (\$50.00).

**17-308. Reserved.**

**17-309. Planning Commission and Board of Zoning Appeals Fees**

Appeals of Administrative Interpretations	___ \$150.00
Conditional Use	___ \$375.00
Variance	___ \$250.00
Change of Zoning Classification	___ \$375.00
Planned Unit Development – Application	___ \$500.00
Plat – Subdivision Application	___ \$500.00
Lot Split	___ \$150.00
Vacation	___ \$250.00
Street Name Change	___ \$50.00
Landscape Plan Review	___ \$150.00
Administrative Adjustment	___ \$175.00
Violation	___ \$500 first offense
	___ \$750 second offense
Wireless - Modification	___ \$250.00
Wireless – Collocation Application (which is not a substantial modification)	___ \$500.00
Wireless – New Structure Application (or for a collocation that is a substantial modification of a wireless support structure)	___ \$2,000.00

(Code 2022; Ord. 1103)

**17-310. Building permits.**

Fees for building permits shall be set forth in the Commercial and Residential Building Code as adopted by the City of Haysville

(Code 2015)

**17-311. Building reinspection fee/non-business hours.**

There shall be charged for the re-inspection of any building pursuant to section 4-202 of this code an inspection fee at the rate of fifty dollars (\$50) per occurrence of such re-inspection.

(Code 2020; Code 2022)

**17-312. Business registration fees.**

Each person, firm, association, corporation or entity required by section 5-101 of this code to register with the city shall pay to the city an initial registration fee of ten dollars (\$10.00) and shall each year thereafter pay an annual registration renewal fee of five dollars (\$5.00). Registration fees shall become due on December 1st of each year, and shall be overdue if paid on or after January 1st of the year for which the renewal registration is issued. A ten dollar (\$10.00) late fee shall be assessed on January 1st, and an additional ten dollar (\$10.00) late shall be assessed for every subsequent month such fee is overdue,

beginning on the first of each subsequent month. The cumulative amount of late fee is due at the time such business registration is made current by payment of the registration fee.

(Code 2015)

### **17-313. Caterers selling or serving alcoholic liquor.**

The biennial fee required by section 3-415 of this code to be paid to the city clerk by each applicant for a caterer's license authorizing said applicant to sell or serve alcoholic liquor by the drink (including beer containing more than three and two-tenths percent [3.2 percent] of alcohol by weight) shall be five hundred dollars (\$500.00).

(Code 2012)

### **17-314. Cereal malt beverages.**

The annual license fees required for the sale at retail of cereal malt beverages, as required by section ~~3-103~~ 3-111 of this code, shall be as provided in this section.

(a) General Retailer. For each place of business selling cereal malt beverages at retail (as set forth within K.S.A. 41-2702(d)(1)) there shall be an initial license fee of one hundred and fifty dollars (\$150.00) which shall be valid for the balance of the calendar year for which it was issued. Licenses are issued for the calendar year and must be renewed prior to January 1st of each year. An annual renewal fee shall be one hundred and fifty dollars (\$150.00) if the renewal license fee is paid prior to November 30th of the preceding year; and two hundred dollars (\$200.00) if the renewal license fee is paid ~~any~~ after November 30th of the preceding year.

(b) Limited Retailer. Each place of business selling cereal malt beverages (as set forth within K.S.A. 41-2702(eg)) at retail in original and unopened containers, and not for consumption on the business premises, shall pay an initial license fee of fifty dollars (\$50.00) which shall be valid for the balance of the calendar year for which it was issued. An annual renewal fee shall be fifty dollars (\$50.00) and shall be due and collectable any time after November 30th of the year prior to which the license shall be valid. Licenses are issued for the calendar year and must be renewed prior to January 1st of each year.

(c) The annual license fee for such license shall be in addition to the State Stamp fee of \$25 mandated by K.S.A. 41-2702(e).

(d) The full amounts of the license fees established by this section shall be paid regardless of the time of the year in which the application is made, and the licensee shall be authorized to operate under said license only for the remainder of the calendar year in which the license is issued. No refunds shall be paid in the event a licensee ceases to do business prior to the end of the calendar year in which the fee was paid.

(e) Non-transferability. No license issued under this section shall be transferable to any person, or entity.

(f) Change of location. The fee assessed for changing the location of a business for which a cereal malt beverage license has been issued as provided for by Section ~~3-113~~ 3-115 of this code shall be ten dollars (\$10.00).

(g) Special Event Retailers' Permit. The assessed fee for a Special Event Retailers' Permit shall be one hundred dollars per day of operation of the Special Event site. For purposes of determining the fee amount, each day or part of day shall be subject to the daily operating fee. Such amount shall be payable

by permittee within seven days following approval by the Governing Body of the Special Event Retailers' Permit application, but in no case less than five (5) days prior to the proposed special event. A Special Event Retailers' Permit is not valid until such fee is paid, and a permit is obtained from the City Clerk.

(Code 2015, Code 2024)

**17-315. Community building.**

The city shall charge and receive for the use of the community building pursuant to section 12-107 of this code the fees provided for in this section.

(a) Refundable deposit. Each person or entity applying to use the community building shall pay at the time of application a refundable deposit of either: (i) one hundred dollars (\$100.00) for any use requiring a City issued temporary special event permit; or (ii) fifty dollars (\$50.00) for all other uses, which deposit shall be used to secure payment of any damages or cleanup costs incurred by the city for such use. Any portion of said deposit not used to repair damages or for cleanup shall be refunded to the applicant.

(b) Single use. The fee for a single, non-recurring use of the community building shall be seventy-five dollars (\$75.00) on Mondays through Thursdays and one hundred dollars (\$100.00) for Fridays through Sundays.

(c) Monthly use. The fee for use of the community building once per month on Mondays through Thursdays shall be seven hundred twenty dollars (\$720.00) per year.

(Code 2003; Code 2007; Ord. 1043)

**17-316. Reserved.**

(Code 2022)

**17-317. Contractors performing work within the city.**

Contractors shall pay to the city clerk, prior to performing any work within the city, fees in accordance with the following schedule:

Class A Contractor	_____	\$125.00 (over \$30,000)
Class B Contractor	_____	\$100.00 (\$30,000 or less)
Class C Contractor	_____	\$75.00 (Roofing & Siding)
Class D Contractor	_____	\$50.00 (Porch & Fencing)
Class MH Contractor (Manufactured & Mobile Homes)	_____	\$100.00
Pool Contractor	_____	\$50.00
Wrecking Contractor	_____	\$30.00
Concrete Contractor	_____	\$50.00
Drain Layer	_____	\$50.00
Drain Cleaner	_____	\$20.00
Electrical Contractor		
License	_____	\$75.00
Master Certificate	_____	\$20.00
Journeyman's Certificate/Mechanical Contractor	_____	\$10.00
License	_____	\$75.00
Master Certificate	_____	\$20.00

Journeyman’s Certificate	_____	\$10.00
Certificate Fee Plumbing Contractor	_____	\$5.00
License	_____	\$75.00
Master Certificate	_____	\$20.00
Journeyman’s Certificate	_____	\$10.00
Certificate Fee	_____	\$5.00
Water Treatment	_____	\$30.00
Solar Heat	_____	\$30.00
Fire Sprinkler	_____	\$30.00
Gas Fitter	_____	\$20.00
Irrigation		
License	_____	\$50.00
Master Certificate	_____	\$20.00
Journeyman’s Certificate	_____	\$10.00
Swimming pools	_____	\$50.00
Right Of Way Maintenance	_____	\$25.00
Submitted after February 15th	_____	\$75.00

(Code 2003; Code 2007; Code 2012; Code 2022)

**17-318. Councilpersons salary.**

The monthly salary to be paid to each city councilperson pursuant to section ~~4-3081-208~~ of this code shall be one hundred dollars (\$100.00).

(Code 2003; Code 2007, Code 2024)

**17-319. Court fees; miscellaneous**

The following fees are hereby adopted to defray the costs associated with the following specific processes carried out by the municipal court.

(a) Diversions. The fee required to be paid by any defendant requesting a diversion in connection with any case filed in the city municipal court pursuant to section 9-108 of this code shall be one-hundred dollars (\$100.00). Said fee shall be non-refundable. Additionally, the fee charged by the providing agency to complete a pre-diversion evaluation shall be paid to the providing agency at the time of such evaluation.

(b) Court costs assessed pursuant to section 9-106 of this code shall be eighty-four dollars (\$84.00), which shall include those costs that the City must remit to the State under K.S.A. 12-4117, and docket and administrative fees.

(c) Pre-Sentence Investigations. The fee to be paid to the city by each defendant convicted in the city’s municipal court and concerning whom a pre-sentence investigation is ordered shall be \$150.00, unless such PSI fee is paid directly to the provider. Probation Administrative fees as set forth within shall be assessed separately from the PSI fee.

(d) Registered letter fee	_____	\$10.00
(e) Notice letter for FTO/FTA	_____	\$5.00
(f) Warrant Fee	_____	\$25.00



- (g) Warrant Service Fee if served other than at court or police station/traffic stop \$20.00  
Mileage per Mile for Warrant Service As determined by State
- (h) Witness Fee (per person) \_\_\_\$10.00  
Mileage from home address per Mile for
- (i) Witness Under Subpoena, Except first 10 miles As determined by State
- (j) Administration Fee for Post-Conviction Remedy \_\_\_\$100.00
- (k) Copying fee for court records (see 17-368(b) below) -25 cents/page + employee hourly wage & benefits
- (l) Copying fee for each DVD, audio or video tape \_\_\_\$25.00 (see 17-368 below) + employee hourly wage & benefits  
(Code 2012; Code 2020, Code 2024)

**17-320. Court fines; public offenses.**

Fines for violations of municipal ordinances shall be assessed pursuant to such ordinance, in conformance with K.S.A. 12-4305, the Uniform Public Offense Code, the Standard Traffic Ordinance, or as otherwise set forth by this Code. The description of offenses contained in this schedule of fines is for reference only and is not a legal definition. Pursuant to K.S.A. 12-4305, the municipal court judge is permitted to impose any fine within the minimum and maximum approved by ordinance.

(Code 2012)

**ANIMALS**

Animal at large/Violation of Dog Park Rules & Regulations set forth in Chapter 12, Article 4:

- First offense \_\_\_\_\_\$25.00
- Second offense, within a twelve (12) month period \_\_\_\_\_\$50.0
- Third offense, within a twelve (12) month period \_\_\_\_\_\$75.00
- Fourth and subsequent offense, within a twelve (12) month period \_\_\_\_\_\$100.00

2-112. Endangering Animals Class C violation

A sum not exceeding \$500.00 and/or one (1) month in custody

- 2-202. Barking dog \_\_\_\_\_\$25.00
- 2-201. No tag attached \_\_\_\_\_\$25.00
- 2-213. Rabies vaccination require \_\_\_\_\_ \$50.00

**NUISANCE OFFENSES**

Burning (unlawful) \_\_\_\_\_\$500.00

Any nuisance offense set forth within Chapter 8, Article 4: Class C violation

A sum not exceeding \$500.00 and/or one (1) month in custody

1. Upon conviction for a first offense, by a fine up to \$250.00.
2. Upon conviction of a second or subsequent offense, by a fine of not less than \$250.00 and not more than \$500.00.

#### MISCELLANEOUS

Failure to obey notice or summons Class C violation

A sum not exceeding \$500.00 and/or one (1) month in custody.

Failure to appear in court Class B violation

A sum not exceeding \$1000.00 and/or six (6) months in custody.  
(Code 2012; Code 2020; Ord. 1064; Ord 1076; Code 2022)

#### 17-321. Culvert permit.

The permit fee for a culvert within the city shall be sixty dollars (\$60.00).  
(Code 2003; Code 2007)

#### 17-322. Approach permit.

The permit fee for an approach within the city shall be fifty dollars (\$50.00).  
(Code 2003; Code 2007; Code 2021)

#### 17-323. ~~Dances and dance halls.~~ Reserved.

~~The fee for any dance for which section 5-404 of this code requires a license shall be ten dollars (\$10.00) for any dance approved for a duration not exceeding three (3) days, and fifty (\$50.00) for any dance approved for a duration exceeding three (3) days. The licensing fee for any dance hall required to be licensed by this code shall be fifty dollars (\$50.00) for the initial license, and fifty dollars (\$50.00) for each annual renewal license. Renewal license fees shall become due on December 1st of each year, and shall be overdue if paid after January 1st of the year for which the renewal license is issued. The special supervision fee provided for by Section 5-408 of this code shall be thirty five dollars (\$35.00) per hour.~~

~~(Code 2003; Code 2007)~~

#### 17-324. Dog licenses.

The annual licensing fee for any license required to be obtained by section 2-201 of this code shall be as provided for by this section, shall expire with the rabies vaccination and shall be renewed with the city within thirty (30) days after the expiration of the rabies vaccination. Such licensing fees shall be as follows:

- (a) Unspayed females. The annual license fee for each unspayed female dog shall be \$30.00.
- (b) Spayed females. The annual license fee for each properly spayed female dog shall be \$10.00.
- (c) Non-neutered males. The annual license fee for each non-neutered male dog shall be \$30.00.
- (d) Neutered males. The annual license fee for each neutered male dog shall be \$10.00.

(e) If thirty (30) or more days have elapsed since the date of the rabies vaccination or thirty (30) or more days have elapsed since the dog became six (6) months old or thirty (30) or more days have elapsed since the dog was acquired, a penalty fee shall be assessed in the amount of \$2.00 for each month, or portion of month, during which the animal was not licensed pursuant to this code.

(Code 2003, Code 2004; Ord. 852, Ord. 862, Ord. 864; Ord. 1103)

**17-325. Door to door sales.**

The registration fee required to be paid for persons or entities engaging in door to door sales pursuant to section Chapter 5, Article 13 of this code shall include the cost of background investigations upon up to five individuals. All additional individuals shall be assessed the cost of such background investigation as set forth below.

thirty (30) day permit	\$100.00
six (6) month permit	\$300.00
one (1) year permit	\$500.00

background investigation for each individual not included within permit fee: \$10.00/person  
(Code 2003; Code 2007)

**17-326. Drain cleaner.**

There shall be charged twenty dollars (\$20.00) for a drain cleaner’s license.  
(Code 2003; Code 2007)

**17-327. Drain laying reinspection/non-business hours; fee.**

There shall be charged for the reinspection of any drain laying pursuant to section 4-705 of this code an inspection fee at the rate of thirty-five dollars (\$35.00) per occurrence of such reinspection.  
(Code 2003; Code 2007; Code 2020)

**17-328. Drinking establishments.**

Each drinking establishment located in the city and operating pursuant to a drinking establishment license issued by the state of Kansas and the provisions of this code regulating such establishments shall pay to the city a biennial license fee of five hundred dollars (\$500.00) pursuant to section 3-407. The city license shall run concurrently with the state drinking establishment license and must be obtained within five (5) days of issuance of the state license. If more than five (5) days elapse before purchase of the city license, a penalty of fifty dollars (\$50.00) is hereby established.

(Code 2003; Code 2007; Ord. 976)

17-329. **Reserved.**

17-330. **Reserved.**

17-331. ~~Election filing fee; waiver.~~ **Reserved.**

~~The filing fee required of each person seeking election to city office pursuant to section 1-206 of this code shall be twenty dollars (\$20.00) payable to Sedgwick County, except that no fee shall be required of any such candidate who presents, at the time such person files for election, a petition supporting such person's candidacy signed by fifty (50) qualified electors of the city or by a number of such electors equal to not less than one percent (1%) of the ballots cast and counted in the most immediately preceding city election, whichever is less.~~

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~~(Code 2003; Code 2007; Code 2019)~~

17-332. **Electrical permits.**

Fees for building permits shall be set for in the Electrical Code as adopted and enforced by the City of Haysville.

(Code 2003; Code 2007; Code 2012; Code 2020)

17-333. **Electrical reinspection/non-business hours; fee.**

There shall be charged for electrical reinspections pursuant to section ~~4-507~~ 4-202 of this code an inspection fee at the rate of fifty dollars (\$50) per occurrence for such reinspections.

(Code 2003; Code 2007; Code 2020; Code 2022, Code 2024)

17-334. **Entertainer.**

The annual license fee for entertainers, as described in section 3-201 of this code, shall be twenty-five dollars (\$25.00), payable to the city clerk.

(Code 2003, Code 2004; Code 2007)

17-335. **Erotic dance studios.**

The annual license fee required by section 5-803 of this code for erotic dance studios shall be one-hundred dollars (\$100.00).

(Code 2003; Code 2007)

17-336. **Excavation reinspection/non-business hours; fee.**

There shall be charged for excavation inspections pursuant to section 13-204 of this code an inspection fee at the rate of thirty-five dollars (\$35.00) per occurrence of such inspections.

(Code 2003; Code 2007; Code 2020)

**17-337. Excavation permits.**

There shall be charged for each excavation permit issued pursuant to section 13-206 of this code the sum of fifty dollars (\$50.00).

(Code 2003; Code 2007)

**17-338. Reserved.**

**17-339. Fence permits.**

The fee required by section 4-1108 of this code to be paid to the city by each applicant for a fence permit shall be twenty-five dollars (\$25.00).

(Code 2003; Code 2007)

**17-340. Fingerprint processing fees.**

A processing fee of twenty dollars (\$20.00) shall be paid to and collected by the city from each person requesting to be fingerprinted prior to such service being performed pursuant to section 10-104.

(Code 2003; Code 2007)

**17-341. Fireworks sales permits.**

There shall be collected for each location within the city for which a fireworks sales permit has been issued pursuant to section 5-1102 of this code, permit fees based upon the square footage of the structure from which fireworks are to be sold:

- |   |             |
|---|-------------|
| (a) For structures not exceeding 400 square feet  | \$ 2,500.00 |
| (b) For structures having square footage of 401,<br>but not exceeding 800 square feet   | \$ 5,000.00 |
| (c) For structures greater than 800 square feet,<br>but not exceeding 1,500 square feet | \$ 7,500.00 |
| (d) For structures exceeding 1,500 square feet  | \$10,000.00 |

For the purposes of this section, square footage shall be determined by the interior dimension measurement of the structure.

(Code 2003; Code 2007)

**17-342. Haysville activity center and pool usage and rental**

Admission and rental fees associated with the Haysville Activity Center and the Dewey Gunzelman Swimming Pool Facility shall be set by the Governing Body. Unless the Governing Body takes action to change any established admission or rental fee, such fees shall remain the same from year to year. The categories of the memberships and admissions shall be as follows:

- (1) HAC: One Day Admission - Daily rate for one individual
  - (a) Single: Individuals in the 6th grade or older that are not USD 261 students.
  - (b) Seniors: Any person aged fifty-five (55) and older.
  - (c) Military: Active Duty serviceperson with current military ID card.
  - (d) Campus/HMS Student: A current student attending USD 261 Campus, Haysville High School or any Haysville Middle School.
  - (e) Youth (6 years - 5th Grade): Any person between 6 yrs of age and fifth (5th) grade.
  - (f) Children (5 Years and younger): Any person aged five (5) years or younger.
  - (g) Weekly Pass (7 consecutive days): Any individual regardless of age may purchase a weekly pass.
- (2) HAC: Memberships - Annual (12 months), Six-months (6), and Three-month (3):
  - (a) Family: Families are defined as an individual, their spouse and their dependent children aged 23 and under.
  - (b) Single: Limited to one person.
  - (c) Senior: Limited to one person, aged fifty-five (55) and older.
  - (d) Military: Active Duty serviceperson with current military ID card.
  - (e) Campus HS Student: Any student attending Campus HS or Haysville High School. Limited to one person.
  - (f) Haysville MS Student: Any student attending Haysville Middle Schools. Limited to one person.
- (3) HAC: Activity Center Rental Rooms - Room/Deposits
  - (a) Rental Room A & B: Rental of the rental rooms will be based on the number of hours requested per day.
  - (b) Damage Deposit: Each person or entity applying to rent the HAC shall pay at the time of application for such use a refundable deposit to secure payment of any damages or cleanup costs incurred by the City in association with such use. Groups shall pay a Damage Deposit of fifty dollars (\$50.00). Groups applying for a special event permit shall pay a Damage Deposit of one hundred dollars (\$100.00). Any portion of said deposit not used to repair damages or applied toward venue cleanup shall be refunded to the applicant.
- (4) Dewey Gunzelman Swimming Pool. The categories of swimming pool passes shall be as follows:
  - (a) Daily passes.
    - (1) Preschooler: less than six (6) years of age;

(2) School Age and Adult: less than fifty-four (54) years of age;

(3) Senior: persons fifty-five (55) years of age or older.

(b) Season Passes

(1) Families are defined as an individual, their spouse and their dependent children aged 23 and under

(2) Individual: Any single individual, limited to only one person.

(c) Ticket books: Ticket books containing twenty (20) daily admission tickets

(5) Dewey Gunzelman Swimming Pool Rental and Deposit. The Governing Body shall establish rules and procedures for permitting the swimming pool facility to be rented for private events. Fees for rental of the swimming pool may be based upon the number of people in attendance at the rental event, and whether additional swimming facilities, equipment, and personnel are requested for the event. The deposit and rental fee are due at the time of the rental request. This entire amount will be refunded if the City determines that the requested date(s) are unavailable.

(6) Dewey Gunzelman Swimming Pool Rental Deposit. Each person or entity applying to rent the swimming pool shall pay at the time of application a refundable deposit to secure payment of any damages or cleanup costs incurred by the City arising out of such use. Any portion of said deposit not applied to repairs or cleanup shall be refunded to the applicant. Such deposit shall be as follows:

\$50 (Rentals < than 100 people)

\$100 (Rentals > 100 people or if a DJ/Band is utilized)

(Code 2003, Code 2004, Code 2007, Code 2009; Ord. 941; Code 2015; Ord. 1043)

**17-343. Historic district appeal.**

A fifty dollar (\$50.00) fee shall be paid when submitting an application for an appeal to the Historic District Committee.

(Code 2003; Code 2007)

**17-344. Ice cream vendor – mobile; license.**

Each applicant for an ice cream vendor's license shall be charged an annual license fee of fifty dollars (\$50.00) for each vehicle operating within the city limits pursuant to section 5-904.

(Code 2003; Code 2007)

**17-345. Insufficient funds check charge.**

A service charge of thirty dollars

(\$30.00) shall be charged for any check returned to the city, or any other form of refused or returned payment, including credit card and PayPal, pursuant to section ~~1-404~~ 1-304.

(Code 2003; Code 2007; Code 2015)

**17-346. Reserved.**

(Code 2007; Ord. 1103)

**17-347. Landlord guarantee.**

For each landlord guarantee there shall be charged a fee of forty dollars (\$40.00).

(Code 2003; Code 2007)

**17-348. Landscape plan review.**

A fee of one-hundred dollars (\$100.00) shall be paid when submitting a landscape plan for review.

(Code 2003; Code 2007)

**17-349. Manufactured home inspection fee.**

For each inspection of a manufactured home prior to occupancy being granted a fee of twenty-five dollars (\$25.00) shall be charged and collected pursuant to section ~~8-106 5-202~~.

(Code 2003; Code 2007; [Code 2024](#))

**17-350. Manufactured home parks, trailer parks; fee.**

For manufactured home parks or trailer parks located within the city limits, there shall be an annual fee in the amount of five dollars (\$5.00) for each space, whether occupied or not, pursuant to section ~~8-107 5-202~~.

(Code 2003; Code 2007; [Code 2024](#))

**17-351. Mayor's salary.**

The monthly salary to be paid to the mayor of the city pursuant to section ~~4-307 1-207~~ of this code shall be seven hundred fifty dollars (\$750.00).

(Code 2003; Code 2007; [Code 2024](#))

**17-352. Mechanical permits.**

Fees for mechanical permits shall be set forth in the Mechanical Code as adopted and enforced by the City of Haysville.

(Code 2020)

**17-353. Mechanical reinspection/non-business hours; fee.**

There shall be charged for mechanical re-inspections pursuant to section ~~4-807 4-202~~ of this code a fee at the rate of fifty dollars (\$50) per occurrence of such re-inspections.

(Code 2003; Code 2007; Code 2020; Code 2022; [Code 2024](#))

**17-354. Mobile food vendors; fee.**



The permit fee required by Chapter 5, Article ~~16-4~~ of this code for Mobile Food Vendors shall be as set forth below.

- (a) \$25.00 for each thirty (30) days, or portion thereof;
- (b) \$125.00 for six (6) months; or
- (c) \$200.00 for one (1) calendar year.

(Code 2020, Code 2024)

#### **17-355. Municipal judge pro tempore; fee.**

A municipal judge pro tempore shall be paid a fee of one hundred fifty dollars (\$150.00) per court day pursuant to section 9-105.

(Code 2019)

#### **17-356. ~~Oil and gas well drilling; application and annual license. Reserved~~**

~~The fee to be paid to the city clerk by each applicant for a permit to drill an oil or gas well within the city pursuant to section 5-303 of this code shall be five hundred dollars (\$500.00). In the event such permit is not granted, the city shall retain and credit to the city general fund the sum of one hundred dollars (\$100.00) to defray the costs of processing such application, and shall refund the balance of the fee to the applicant. In addition to the application fee prescribed by this section, and pursuant to section 5-315 of this code, each applicant to whom a drilling permit is issued shall pay to the city an annual license fee of one hundred fifty dollars (\$150.00) for each oil or gas well located within the city and which has not been plugged; each such license shall expire on December 31 of each year and shall be paid by January 1 of each year.~~

~~(Code 2003; Code 2007)~~

#### **17-357. Park shelters.**

The fees for use of city park shelters shall be as provided in this section.

- (a) For use of shelters without electrical service and without restrooms, ten dollars (\$10.00);
- (b) For use of shelters with electrical service and without restrooms, twenty-seven dollars (\$27.00);
- (c) For use of shelters with electrical service and with restrooms, thirty dollars (\$30.00);
- (d) For use of enclosed shelters with restrooms, sixty-five dollars (\$65.00) with a fifty dollar (\$50.00) refundable deposit to cover possible clean up and damage costs;
- (e) For use of Historic District Gazebo, fifty-five dollars (\$55.00) with a fifty dollar (\$50.00) refundable deposit to cover possible clean up and damage costs; or
- (f) Home Town Market facility, fifty dollars (\$50.00). The Home Town Market community open-air market establishes fees for booth rental in a manner established for that program. The fee charged for a lost key shall be twenty dollars (\$20.00).

(Code 2003, Code 2004; Code 2007; Code 2008; Ord. 1043; Ord. 1081; Code 2022)

**17-358. Pawnbrokers and precious metal dealers.**

The application and subsequent annual license fee required by section 5-1002 of this code to be paid to the city for persons or entities seeking to engage or engaging in the businesses of pawnbroking or dealing precious metals shall be fifty dollars (\$50.00).

(Code 2003; Code 2007)

**17-359. Permits for construction of public sidewalks, curbs, gutters or private driveways cutting through or passing over public sidewalks, curbs or gutters.**

The fee required by section 13-105 of this code for permits for the construction of public sidewalks, curbs, gutters or private driveways cutting through or passing over public sidewalks, curbs or gutters shall be forty cents (\$0.40) per lineal foot for all such construction.

(Code 2003; Code 2007)

**17-360. Plagens-carpenter sports complex usage fees.**

Fees for the usage of the Plagens-Carpenter Sports Complex may be annually set by regular action of the Governing Body. Rental fees are anticipated to include costs associated with regular maintenance, lights, and usage. A standard damage/clean-up Deposit Schedule shall also be established.

(Code 2003; Code 2009; Ord. 941)

**17-361. Plan review.**

Unless a fee in another amount is expressly provided for elsewhere in this code, the city shall charge and receive a fee at 65% of the permit fee for the review of each plan required by this code to be submitted to the city or its representatives for review.

(Code 2003; Code 2007; Code 2022)

**17-362. Plumbing permits.**

Fees for building permits shall be set forth in the Plumbing Code as adopted and enforced by the City of Haysville.

(Code 2003; Code 2007; Code 2012; Code 2020)

**17-363. Plumbing reinspection/non-business hours; fee.**

There shall be charged for plumbing re-inspections pursuant to section ~~4-610~~ 4-202 of this code an inspection fee at the rate of fifty dollars (\$50) per occurrence of such inspections.

(Code 2003; Code 2007; Code 2020, Code 2024)

**17-364. Private clubs.**

The biennial license fee to be paid to the city by each private club located within the city pursuant to section 3-411 of this code shall be five hundred dollars (\$500.00). Said fee shall be paid before commencing business under an originally-issued state license, and within five (5) days after the effective renewal date of any subsequently granted state license.

(Ord. 976)

**17-365. Private sewage disposal systems; permit and inspection.**

The permit and inspection fee required to be paid to the city before commencement of construction of a private sewage disposal system pursuant to Section 15-407 of this code shall be two-hundred dollars (\$200.00).

(Code 2003; Code 2007)

**17-366. Probation violation.**

The fine assessed for a probation violation shall be not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), per violation charged.

**17-367. Public defender/conflicts counsel; fee.**

When an attorney is appointed to act as a public defender in municipal court due to a conflict of interest or other reason, the fee for such representation shall be ~~seventy-five~~ seventy-five dollars (\$75.00) for up to two appearances in a single matter.

(Code 2019)

**17-368. Records inspection and copying.**

The fees provided for by Chapter 1, Article ~~8-5~~ of this code for the inspection and copying of records shall be as follows:

(a) Inspection. The fee for inspections provided for by section ~~1-802~~ 1-502 of this code may be an amount equal to the hourly rates of compensation, including benefits, for the city employee or employees involved in the inspection multiplied by the hours, or fractions thereof, such employee or employees were required to be so involved.

(b) Copying. The fees for copying records provided for by section ~~1-803~~ 1-503 of this code may be an amount equal to the hourly rates of compensation, including benefits, for the city employee or employees involved in the copying multiplied by the hours, or fractions thereof, such employee or employees were required to be so involved. An additional fee of ~~twenty-five~~ twenty-five cents (\$0.25) per page copied may also be charged, and an additional fee of \$25.00 shall also be charged for each Video/CD/DVD/Audio/VHS or other media form copied. Photographs will be reproduced digitally and provided on the appropriate media form. The employee time associated with providing the media form shall be in addition to the \$5.00 media cost.

(Code 2003; Code 2007; Code 2009; Code 2024)

**17-369. Recreational vehicle temporary permit fee.**

A temporary permit may be issued for a manufactured home, mobile home, or recreational vehicle to be occupied other ~~that than~~ within a park or camp, permitted in accordance with sections 5-303 for a period not to exceed 14 days, upon the payment of a fee of \$10.00. There shall not be more than four such permits issued for the placement of a manufactured home, mobile home, or recreational vehicle in accordance with sections 5-303 on the same property in any ~~12-month~~ 12-month period.

(Code 2020; Code 2024)

**17-370. Refuse haulers.**

The annual fee to be paid to the city by each person or entity licensed to collect and/or dispose of solid waste within the city pursuant to section ~~7-311~~ 8-311 of this code shall be one hundred fifty dollars (\$150.00) for each vehicle used by such person or entity in such collection and/or disposal.

(Code 2003; Code 2007; Code 2024)

**17-371. Retail liquor occupation/license tax.**

(a) There is hereby levied, pursuant to section 3-301, a biennial occupation tax on each retailer of alcoholic liquor within the city (including beer containing more than three and two-tenths percent [3.2 percent] of alcohol by weight) and for consumption off the premises (sales in the original packages only), and to whom the state of Kansas has issued a retailer's license, of five hundred dollars (\$500.00) payable within five (5) days of the issuance of the state license.

(b) Special Event Retailers' Permit. The assessed fee for a Special Event Retailers' Permit associated with a Temporary Alcohol Beverage Permit issued by the State shall be one hundred dollars per day of operation of the Special Event site. For purposes of determining the fee amount, each day or part of day shall be subject to the daily operating fee. Such amount shall be payable by permittee within seven days following approval by the Governing Body of the Special Event Retailers' Permit application, but in no case less than five (5) days prior to the proposed special event. A Special Event Retailers' Permit is not valid until such fee is paid, and a permit is obtained from the City Clerk.

(Code 2003; Code 2007; Ord. 976; Code 2015)

**17-372. Roofing and siding permits.**

Fees for Roofing and Siding Permits shall be set forth in the Building and Residential Code as adopted and enforced by the City of Haysville.

(Code 2020)

**17-373. Senior center building rental.**

The city shall charge and receive for the rental of the Senior Center the fee provided for in this section and authorized by this code. Rental of the Senior Center is for Members fifty-five (55) years of age or older for functions benefiting senior citizens.

(a) The fee for the rental of the Senior Center shall be fifty dollars (\$50.00) for Members of the Senior Center.

(b) Senior Center rental deposit. Each Member applying to rent the Senior Center shall pay at the time of application for such use a refundable deposit of one hundred dollars (\$100.00) to secure payment of any damages or cleanup costs incurred by the City for such use. Any portion of said deposit not used to repair damages or for cleanup shall be refunded to the applicant.

(Code 2003, Code 2004; Code 2007; Code 2009; Code 2018)

**17-374. Sewer system tap.**

The fee to be paid to the city clerk by any person or entity for a connection to the city's sewer/wastewater treatment system pursuant to section 15-307 of this code shall be five hundred dollars (\$500.00).

(Code 2003; Code 2007; Code 2020)

(SIDING PERMITS. See Section 17-372, Roofing and Siding Permits.)

#### **17-375. Sign permits.**

Temporary Sign	\$25.00
Permanent Sign	\$75.00
Return of Impounded Sign	\$10.00

(Ord. 902; Code 2007; Code 2019; Code 2021; Code 2022; Ord. 1103)

~~(SIDING PERMITS. See Section 17-372, Roofing and Siding Permits.)~~

#### **17-376. Special event permits.**

The fee charged for special event permits shall be twenty-five dollars (\$25.00) pursuant to section 12-302. Upon issuance of a special event permit, a refundable deposit of one hundred dollars (\$100.00) shall be paid by the permit holder to secure payment of any damages or cleanup costs incurred by the city related to the permitted special event. Any portion of said deposit not used to repair damages or for cleanup shall be refunded to the permit holder.

#### **17-377. Sprinkler systems; underground.**

The fee charged for underground sprinkler permits shall be thirty dollars (\$30.00) pursuant to section 4-1003. Backflow device test filing fee shall be ten dollars (\$10.00). Late filing of backflow device test shall be ten dollars (\$10.00) per month pursuant to section 15-134.

(Code 2003; Code 2007; Code 2019; Code 2022)

#### **17-378. Reserved.**

(Code 2022)

#### **17-379. Taxicabs.**

The annual license fee required to be paid to the city by taxicab licensees pursuant to section 5-603 of this code shall be twenty-five dollars (\$25.00) for each taxicab; in the event a licensee operates more than one cab pursuant to said license, fees of twenty-five dollars (\$25.00) for one taxicab and ten dollars (\$10.00) per taxicab for all other taxicabs shall also be paid.

(Code 2003; Code 2007)

#### **17-380. Temporary commercial water service rates.**

The charges authorized by section 15-121.1 of this code for temporary provision of water for non-residential purposes from the municipal water works and distribution system shall be as provided by this section.

(a) Payment must be made in advance of any service provided.

(b) Payment shall be in the amount of fifteen dollars (\$15.00) per week plus any applicable sales tax, not to exceed four (4) total weeks of temporary service, except for extensions as provided in 15-121.1, and shall be distributed as follows:

(1) \$ 6.00 to Water,

(2) \$ 4.00 to Sewer,

(3) \$ 3.00 to Sewer Fee,

(4) \$ 2.00 to Stormwater Fee, and

(5) applicable sales tax.

(c) In lieu of the standard costs set forth above, where practicable such water service may be metered as a temporary measure and costs imposed in accordance with 17-387.

#### **17-381. Temporary portable business permit fees.**

The permit fee required by Chapter 5, Article 12 of this code for Temporary Portable Business Permits shall be fifty dollars (\$50.00).

(Code 2003; Code 2007)

#### **17-382. Temporary residential water service.**

The fee for being afforded temporary residential water service pursuant to section 15-121 of this code shall be paid in advance and shall be in the amount of twenty dollars (\$20.00) per week plus applicable sales tax, not to exceed two (2) weeks and distributed as follows:

\$10.00 to water

\$10.00 to sewer

Any water used shall be metered at normal residential rates.

(Code 2019)

#### **17-383. Temporary sales fees.**

Each applicant to whom the city clerk issues a sales from residence permit pursuant to section 5-502 of this code shall pay to the city clerk a permit fee of three dollars (\$3.00) per day for up to three (3) consecutive days.

(Code 2003; Code 2007)

**17-384. Traffic fines.**

Pursuant to K.S.A. 12-4305 the municipal judge shall establish a schedule of fines which shall be imposed for municipal ordinance violations that are classified as ordinance traffic infractions. Also, the municipal judge may establish a schedule of fines which shall be imposed for the violation of certain other ordinances.

Any fine so established shall be within the minimum and maximum allowable fines established by ordinance for such offenses by the governing body.

**17-385. Transient guest tax.**

The transient guest tax shall be levied at a rate of 6% upon the gross receipts derived from or paid by transient guests for sleeping accommodations, exclusive of charges for incidental service or facilities, in any hotel, motel, or tourist court, and shall be collected as provided in K.S.A. 12-1698.

(Ord. 969; C.O. No. 21)

**17-386. Wastewater rate.**

Each user of the city's sewer/wastewater treatment system shall pay for the services provided by the city pursuant to ~~Sections 15-506, 15-507 and 15-508~~ Chapter 15, Article 5 of this code at a rate based on their use of the wastewater treatment works as determined and measured by meters acceptable to the city. The monthly user charges charged to residential contributors shall be based on their average monthly water usage during the months of January, February and March. Residential contributors who have not established a January, February and March average shall be charged a charge equal to the average charge for all other residential contributors. The monthly user charge charged to industrial and commercial contributors shall be based on current month water usage. If a commercial or industrial contributor has a consumptive water usage, or in some other manner uses water which is not returned to the city's wastewater collection system, the user charge for such contributor may be based on a wastewater meter or separate water meters installed and maintained at the contributor's expense and in a manner acceptable to the city.

In any event, the minimum monthly user charge shall be thirteen dollars and eighty-five cents (\$13.85) for each residential, industrial or commercial contributor, except that each such contributor defined as a subsidized high density residential contributor shall pay a minimum monthly charge of six dollars (\$6.00). In addition, each contributor paying in-city rates shall pay an additional rate for operation and maintenance, including replacement, of four dollars (\$4.00) per one-thousand (1,000) gallons of water (or wastewater) in 2010, \$4.65 in 2011, \$5.30 in 2012, \$5.95 in 2013, \$6.60 in 2014 and \$7.25 in 2015 and thereafter. Each contributor paying out-of-city rates shall pay an additional rate for operation and maintenance, including replacement, of six dollars (\$6.00) per one-thousand (1,000) gallons of water (or wastewater) in 2010, \$6.98 in 2011, \$7.95 in 2012, \$8.93 in 2013, \$9.90 in 2014 and \$10.88 in 2015 and thereafter.

When the wastewater user charge of thirteen dollars and eighty-five cents (\$13.85) is removed in October 2016, a five dollar (\$5.00) maintenance fee will be implemented."

(Code 2003, Ord. 878; Code 2007; Code 2009; Ord. 950; Code 2010)

**17-387. Water tap fees.**

For each tap to the city waterworks system made pursuant to section 15-107 of this code, the city clerk shall charge and collect, prior to such tap, a fee of \$2,250.00 for each meter connection of 3/4-inch or 5/8-

inch, a fee of \$2,500.00 for each meter connection of 1-inch, and a fee of \$4,000.00 for each meter connection of 2-inches.

(Code 2003; Code 2005; Code 2007; Code 2008; Code 2015; Code 2020; Ord. 1103)

#### **17-388. Water customer non-payment penalty.**

Water service to or for any customer whose name appears on the city's water shut-off list pursuant to section 15-117 shall not be continued until such customer pays to the city a forty dollar (\$40.00) non-payment penalty, together with all past due amounts owing to the city. The mayor or the mayor's designee may grant exceptions to this section only in hardship cases.

(Code 2003; Code 2007; Code 2020)

#### **17-389. Water meter calibration.**

The fees provided for by section 15-140 of this code for testing of water meters shall be twenty dollars (\$20.00) for the first test if the meter was found accurate within two percent (2%) and forty dollars (\$40.00) for subsequent tests within a one (1) year period.

(Code 2003; Code 2007; Code 2020)

#### **17-390. Water service rates.**

The charges authorized by section 15-201 of this code for water used from the municipal water works and distribution system shall be as provided by this section.

(a) Infrastructure Fee. For all users, a \$7.00 per month, infrastructure maintenance and improvement fee.

(b) Users located inside city limits. The charges for water users within the city limits shall be \$3.50 per 1,000 gallons. Users outside of the city but added to the system due to contamination concerns as identified by KDHE in 2017 related to the former American Cleaners Dry Cleaners Site, 412 W. Grand Avenue, shall be charged the same rate as users located inside city limits.

(c) Users located outside city limits. The charges for water users located outside the city limits shall be \$3.92 per 1,000 gallons.

(d) Bulk users. The charges for bulk users of water shall be \$25.00 plus \$3.50 per 1,000 gallons.

(Code 2003, Code 2004; Code 2007; Ord. 949; Code 2010; Code 2018; Code 2019; Code 2022)

#### **17-391. Water set-up and service transfer fees.**

Pursuant to section 15-116 of this code, each applicant for city water service shall pay a set-up fee of twenty-five dollars (\$25.00), together with any applicable taxes, to establish service, and any such customer who subsequently transfers water service from one (1) location in the city to another location in the city shall pay a transfer fee of fifteen dollars (\$15.00), together with any applicable tax.

(Code 2003; Code 2007)

#### **17-392. Well permits; water.**

The fee for each well permit required to be paid to the city shall be twenty dollars (\$20.00).



(Code 2003; Code 2007; Code 2020)

**17-393. Cleaning fee.**

Any person renting the Community Building, Haysville Activity Center Rental Room, or Senior Center shall in addition to all other fees and charges charged under this Article for such rental also be required to pay a reasonable nonrefundable cleaning fee, as set by City staff from time to time.

(Ord. 1070)