

CHAPTER 4. BUILDINGS AND CONSTRUCTION

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ARTICLE 1. FIRE LIMITS

4-101. FIRE LIMITS ESTABLISHED. The following shall be and are hereby declared to be the fire limits of the city:

Block 31 - Lots 1 through 3; Block 30 - Lots 1 through 12; Block 29 - Lots 1 through 12; Block 28 - Lots 1 through 12; Block 27 - Lots 1 through 12; Block 26, Lots 1 through 12; Block 25 - Lots 1 through 12; Block 21 - Lots 12 through 24; Block 20 - All of Block; Block 19 - Lots 1 and 2, 13 through 24; Block 18 - All of Block; Block 17 - Lots 1 through 10; Block 14 - Lots 7, 8, 9 and 10.

All in the original town, now city, of St. Francis, Kansas, according to the recorded plat thereof.
(Code 1994; Code 2003)

ARTICLE 2. BUILDING CODE

4-102. DEFINITIONS. As used in this article, the words and phrases herein defined shall have the following meanings unless the context otherwise requires:

(a) Whenever the word municipality is used in the building code, it shall be held to mean the City of St. Francis, Kansas;

(b) Whenever the term corporation counsel is used in the building code, it shall be held to mean the city attorney of the City of St. Francis;

(c) Whenever the term building official is used in the building code, it shall be held to mean the building inspector or his or her authorized designee.

(Code 1994; Code 2003)

4-202. UNIFORM BUILDING CODE INCORPORATED. There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location

and maintenance of buildings and structures, the Uniform Building Code, 1994 Edition as recommended by the International Conference of Building Officials, such code being made as a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. No fewer than three copies of the Uniform Building Code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of St. Francis," and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business.

Any person violating any provision of such code shall be punished as provided in section 1-116 of this code.

(Code 1978, 5-101:102; Code 1994; Code 2003)

4-203. **ADDITIONAL PROVISIONS.** The following sections of this article are in addition to the provisions of the standard code incorporated by reference in section 4-202. (Code 1994; Code 2003)

4-204. **BUILDING OFFICIAL; POWERS; DUTIES.** This and other articles relating generally to building and structures shall be administered and enforced by the mayor. With the approval of the Mayor and Governing Body, the City Superintendent shall act as chief building official and assume the responsibilities of building inspector. (Code 1978, 5-104:105; Code 1994; Code 2003)

4-205. **SAME; RIGHT OF ENTRY.** The building inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties as set out in this chapter. (Code 1978, 5-107; Code 1994; Code 2003)

4-206. **CLARIFICATION; MODIFICATION.** (a) The governing body shall be the final determiner of the scope and meaning of all provisions of the building code which may be unclear, ambiguous, or requiring interpretation.

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

(Code 1994; Code 2003)

4-207. **BUILDING PERMIT REQUIRED; APPLICATION; APPROVAL.** It shall be unlawful for any person to hereafter erect or cause to be erected within the city any building or structure of any kind or enlarge or add to the outside dimension thereof, or relocate any building or structure already erected or which may hereafter be erected or remodel any building or structure within the city without a building permit being first obtained therefore from the city clerk, after approval by the chief building official or his or her duly authorized assistant. The application for such permit shall be made and the permit obtained before work is commenced upon any building or structure or the foundation thereof, or before the removal of any building begins.

(Code 1994; Code 2003)

4-208.

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

- (1) The name of the owner of the lot or tract of ground;
- (2) The location of the building or structure;
- (3) The building work proposed;
- (4) The outside dimensions of the building by floors and dimensions of the basement (if any);
- (5) The class of occupancy;
- (6) The class of construction;
- (7) The kind of materials to be used for walls, floors, ceilings, roofs, and foundations;
- (8) The estimated cost of the work;
- (9) The date work will commence;
- (10) Expected date of completion;
- (11) Name and address of contractor or contractors doing the work;
- (12) Proof of contractor insurance;
- (13) Such other information as may be pertinent to the issuance of the required permit.

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

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

(d) Any permit issued under this section shall be valid and subsisting for a period of not more than six months from the date of issuance unless the permit, when approved and issued, provided for a different construction period. If work is not completed within the time allotted by the permit, a new permit, plus applicable fees, shall be required. (Code 2003)

4-209.

RESTRICTIONS ON BUILDING MATERIALS. The use of galvanized and/or unpainted metal on the exterior of any structure or improvements addressed by this article or articles 12 and 13 of this chapter is not allowed. Use of galvanized materials are subject to prior approval of the building official.
(Code 2003)

4-210.

SAME; PLANS AND SPECIFICATIONS. Whenever an application for a building permit is made, the chief building official may, if he or she finds it necessary to determine whether building work described in the application will comply with the laws pertaining to such work require that the applicant file a written description or drawing of

the proposed building as may be prepared for the purpose. If such drawing or description is insufficient for the purposes of determining whether a permit should be issued, the building official may require the applicant to file complete architectural and engineering plans and specifications for such building, or any part thereof, as may be necessary for the inspector to determine compliance with this article. The filing of such plans and specifications and the approval thereof in connection with an application for a permit shall not in any way affect the authority of the city to deny or issue a permit, or to inspect any building work for conformity with this article.
(Code 1994, 4-209; Code 2003)

4-211. SAME; FEES. No permit as required by the building code shall be issued until the fee prescribed in this article shall have been paid. Nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure, shall have been paid. Fees shall be as follows:

(a) For a permit for the construction or alteration of a building or structure, the fee shall be at the rate of \$.75 per \$1,000 of the estimated cost up to \$20,000; plus \$.50 per \$1,000 of the estimated cost in excess of \$20,000 up to \$100,000; plus \$.25 per \$1,000 of the estimated cost in excess of \$100,000; but not less than \$5.00 in any case, provided, that no fee shall be required when the estimated cost does not exceed \$200.

(b) For a permit for the removal of a building or structure from one lot to another, the fee shall be at the rate of \$.50 per \$1,000 of the estimated value of the building or structure in its completed condition after removal.

(c) For a permit for the removal of a building or structure to a new location within the same lot, the fee shall be at the rate of \$.50 per \$1,000 of the estimated costs of moving, of new foundations and of work necessary to put the building or structure in usable condition in its new location.

(d) For a permit for the demolition of a building or structure the fee shall be at the rate of \$2 for each 10 feet in the height of such building or structure plus 1% additional for each foot of street frontage of the building or structure in excess of 50 feet.

(e) The term "estimated cost" as used in this section , means the reasonable value of all services, labor, materials, and use of scaffolding and other appliances or devices entering into and necessary to the prosecution and completion of the work ready for occupancy, provided, that the cost of excavation or grading, and of painting, decorating or other work that is merely for embellishment or not necessary for the safe and lawful use of the building or structure, is not deemed a part of such estimated cost.

The fee herein shall be paid to the city clerk upon obtaining a building permit and the same shall be credited to the general operating fund of the city.
(Code 1978, 5-109; Code 1994, 4-210; Code 2003)

4-212. SAME; POSTING. A copy of the building permit shall be kept on the premises for public inspection during the performance of the work and until the completion of the same. The building inspector may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof.
(Code 1994, 4-211; Code 2003)

4-213. INSURANCE. A builder or building contractor must procure and maintain a liability insurance policy in the amount of \$250,000 for the death or injury of any one person and \$500,000 for the death or injury of any number of persons in any one accident

and \$100,000 for property damage in any one accident. Such policies of insurance shall be issued by some insurance company authorized to do business in the State of Kansas. A builder or building contractor may qualify as to the insurance requirements by filing a certificate with the city clerk executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days notice in writing to the city; and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year.
(Code 1994, 4-212; Code 2003)

4-214. **WORK BY PROPERTY OWNERS.** Nothing herein contained shall prohibit any property owner from personally performing any building or construction work within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the building inspector as to his or her ability to perform such work, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive a certificate of approval. Personal building or construction performed by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a builder or building contractor registered with the city.
(Code 1994, 4-213; Code 2003)

4-215. **LIABILITY.** This article shall not be construed to relieve from any liability or lessen the liability of any person performing any activity connected herewith, nor shall the city be held as assuming any liability by reason of any inspection authorized herein, by reason of any certificate of inspection issued by it or by reason of any permit or license granted herein.
(Code 1978, 5-103; Code 1994, 4-214; Code 2003)

4-216. **PENALTY.** Any such person, firm or corporation shall, upon conviction of a violation of this article be fined not less than \$25 nor more than \$100. Provided, that it shall be the responsibility of the offender to abate the violations as expeditiously as possible after notice, and each day that any violation is permitted to continue after the date specified within which said notice shall state for abatement or correction of the work constituting a violation shall be a separate offense.
(Ord. 491, passed 1-20-98; 4-215; Code 2003)

4-217. **INJUNCTIVE RELIEF.** Upon failure of such person, firm or corporation to cease and desist from continuing any activity prohibited by this article, the Building Official is authorized and directed to apply to the appropriate court with jurisdiction, on behalf of the city, to obtain a court order of injunctive relief against the continuing unlawful activity.
(Ord. 491, passed 1-20-98; 4-216; Code 2003)

4-218. **SEVERABILITY.** If any section of the Uniform Building Code or of this article shall be unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining sections, the section to be completely severable from the remaining provisions which shall continue in full force and effect.

(Code 1994; 4-217; Code 2003)

ARTICLE 3. ELECTRICAL CODE

4-301.

DEFINITIONS. For the purpose of this article, the words and phrases used herein shall have the meanings ascribed to them in this section, unless the context clearly indicates to the contrary.

(a) Approved shall mean approved by the chief building official, the electrical inspector or his or her designee.

(b) Authorized person shall mean any individual, firm or corporation who or which is licensed under the provisions of this article to do the work as permitted under the specified provisions of this article.

(c) City shall mean the territory within the corporate limits of this city.

(d) Conductor shall mean a wire or cable or other form of metal suitable for carrying the electric current or potential

(e) Electrical construction or installation shall mean and include all work and materials used in installing, maintaining or extending a system of electrical wiring and all appurtenances, apparatus or equipment used in connection therewith, inside or attached to any building, structure, lot or premises, except industrial plants where full-time maintenance is provided and other agencies providing inspections of installations and facilities. Electrical construction shall not be held to mean or include any of the following:

(1) The replacement of lamps, fuses, bulbs or the connection of portable electrical equipment to suitable permanently installed receptacles and replacement of receptacles and switches, lighting fixtures and apparatus where no changes or alterations are made to the wiring;

(2) Any work involved in the manufacturing, repair or testing of any electrical equipment or apparatus, but not including any permanent wiring; or

(3) Any work in industrial establishments where inspections come under the scope of other inspection agencies.

(f) Equipment shall mean conductors, materials, fittings, devices, appliances, fixtures, apparatus, motors and the like, used as a part of or in connection with an electrical installation.

(g) Inspector shall mean the chief building official or any individual who has been appointed by the city as electrical inspector.

(h) Person shall mean a natural person, his or her heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors, assigns, or the agent of any of the aforesaid.

(i) Special permission shall mean the written consent of the chief building official or the electrical inspector.

(j) Special ruling shall mean a written ruling filed in the office of the chief building official or the electrical inspector.

(Code 1994; Code 2003)

4-302.

ADOPTION OF ELECTRICAL CODE BY REFERENCE. The standard code known as the National Electrical Code of 1993, a publication of the National Fire Protection Association, the same being a standard code for the installation of electrical wiring and apparatus and available in book and pamphlet form is hereby incorporated by reference herein and made a part of this article as authorized and in the manner

prescribed by K.S.A. 12-3009:3012. Three copies shall be marked or stamped "Official Copy as Incorporated by the Code of the City of St. Francis," and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business.

Any person violating any provisions of such code shall be punished as provided in section 1-116 of this code.

(Code 1978, 5-401; Code 1994; Code 2003)

4-303. **ADDITIONAL PROVISIONS.** The following sections of this article are in addition to the provisions of the standard code incorporated by reference in section 4-302. (Code 1994; Code 2003)

4-304. **BUILDING OFFICIAL; AUTHORITY.** The mayor or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of an electrical inspector in accordance with section 4-204 of this chapter, which shall apply in a like manner to this article. (Code 1994; Code 2003)

4-305. **ELECTRICAL INSPECTOR; APPOINTMENT.** The mayor may assume the responsibilities of or appoint some qualified officer or employee of the city to be and perform the duties of electrical inspector as may be required, subject to the consent and approval of the governing body. (Code 1994; Code 2003)

4-306. **SAME; DUTIES.** The electrical inspector shall have the following duties: (a) To enforce all regulations relating to electrical construction, alteration, repair or removal; (b) May permit, with the approval of the governing body, on the basis of duly authenticated reports from recognized sources, the use of new materials or modes of electrical construction, not provided for in this article, and may, for the purpose of carrying out the intent of this article adopt an accepted standard of material or workmanlike practices of federal or state bureaus, national, technical organizations or fire underwriters; (c) To examine all buildings requiring electrical construction in the process of erection, construction, alteration or relocation in the city for the purpose of determining whether the work is in compliance with the permit given and in compliance with the regulations of the city pertaining to such work, including zoning regulations; and (d) To keep comprehensive records of applications, of permits or certificates issued, of inspections made, of reports rendered, and of notices or orders issued. All such records shall be open to public inspection during state office hours, but shall not be removed from the office of the building official or electrical inspector without his or her written consent.

4-307. **SAME; POWERS.** The electrical inspector shall have the following powers: (a) To enter any building or structure or premises at any reasonable hour, whether complete or in the process of erection, to perform the duties contained in this chapter; (b) To adopt and enforce all such prudent emergency measures as he or she may deem necessary and expedient for the public safety under the laws of the city;

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

(Code 1994; Code 2003)

4-308. SAME; RIGHT OF ENTRY. The electrical inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties as set out in this chapter.

(Code 1994; Code 2003)

4-309. CLARIFICATION; MODIFICATION. (a) The governing body shall be the final determiner of the scope and meaning of all provisions of the electrical code which may be unclear, ambiguous, or requiring interpretation.

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

(Code 1994; Code 2003)

4-310. INSURANCE. An electrician or electrical contractor must procure and maintain a liability insurance policy in the amount of \$100,000 for the death or injury of any one person and \$300,000 for the death or injury of any number of persons in any one accident and \$50,000 for property damage in any one accident. Such policies of insurance shall be issued by some insurance company authorized to do business in the State of Kansas. An electrician or electrical contractor may qualify as to the insurance requirements by filing a certificate with the city clerk executed by the resident agent of such company stating that the required policy of insurance has been issued but such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days notice in writing to the city; and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year.

(Code 1994; Code 2003)

4-311. WORK BY PROPERTY OWNERS. Nothing herein contained shall prohibit any property owner from personally performing any electrical construction or installing electrical wiring or equipment within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the electrical inspector as to his or her ability to perform such work or install such electrical wiring, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive a certificate of approval. Personal electrical construction or installation performed by an owner under this section shall be by himself, herself for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except an electrician or electrical contractor licensed by the city.

(Code 1994; Code 2003)

- 4-312. APPROVED MATERIALS. No electric materials for wiring of appliances or equipment shall be installed in the city unless they are in conformity with the provisions of this article and with the approved standards of construction for safety to life and property. Conformity of materials for wiring appliances and equipment to the standards of the Underwriters Laboratories, Inc. shall be prima facie evidence that the materials, devices, appliances and equipment comply with the requirements of this article. (Code 1994; Code 2003)
- 4-313. LIABILITY. This article shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any electrical equipment for damages to person or property caused by any defect therein, nor shall the city be held as assuming any such liability, by reason of the inspection or reinspection authorized herein, or the certificate of approval of any work or equipment authorized herein or by reason of any permit or license granted herein. (Code 1978, 5-402; Code 1994; Code 2003)
- 4-314. SEVERABILITY. If any section of the National Electrical Code or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining provisions of the National Electrical Code or of this article, the section is to be completely severable from the remaining provisions which shall continue in full force and effect. (Code 1994; Code 2003)

ARTICLE 4. PLUMBING AND GAS-FITTING CODE

- 4-401. DEFINITIONS OF PLUMBING. The term plumbing as used in this article shall be construed to mean the installation of gas or water pipes, fixtures, apparatus and the necessary connections either for supplying gas or water to premises or for the removing of liquid and water-borne wastes from premises in the city, or both such purposes, and shall also denote installing fixtures, drainage and vent systems and gas or water distribution systems as the case may be. (Code 1994; Code 2003)
- 4-402. UNIFORM PLUMBING CODE INCORPORATED. There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the practice of plumbing and gas-fitting, including the installation, maintenance, extension and alteration of all pipes, fixtures, appliances and appurtenances in connection with sanitary sewers and public and private water and fuel gas systems, the Uniform Plumbing Code, 1997 Edition, as recommended by the International Association of Plumbing and Mechanical Officials, such code being made as a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. No fewer than three copies of the uniform code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of St. Francis," and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business.
- Any person violating any provisions of such code shall be punished as provided in section 1-116 of this code. (Code 1978, 5-301; Code 1994; Code 2003; Ord. 484, passed 3-18-97)

- 4-403. **ADDITIONAL PROVISIONS.** The following sections of this article are in addition to the provisions of the standard code incorporated by reference in section 4-402 (Code 1994; Code 2003)
- 4-404. **BUILDING OFFICIAL; AUTHORITY.** The mayor or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of a plumbing inspector in accordance with section 4-204 of this chapter, which apply in a like manner to this article.
(Code 1978, 5-302; Code 1994; Code 2003)
- 4-405. **PLUMBING INSPECTOR; APPOINTMENT.** The mayor may assume the responsibilities of or appoint some qualified officer or employee of the city to be and perform the duties of plumbing inspector as may be required, subject to the consent and approval of the governing body.
(Code 1978, 5-302; Code 1994; Code 2003)
- 4-406. **SAME; DUTIES.** The plumbing inspector shall have the following duties:
- (a) To enforce all regulations relating to plumbing construction, alteration, repair or removal;
 - (b) May permit, with the approval of the governing body, on the basis of duly authenticated reports from recognized sources, the use of new materials or modes of construction, not provided for in this article, and may, for the purpose of carrying out the intent of this article adopt an accepted standard of material or workmanlike practices of federal or state bureaus, national, technical organizations or fire underwriters;
 - (c) To examine all buildings in the process of erection, construction, alteration or relocation in the city for the purpose of determining whether the work is in compliance with the plumbing permit given and in compliance with the regulations of the city pertaining to such work, including zoning regulations; and
 - (d) To keep comprehensive records of applications, of permits, or certificates issued, of inspections made, of reports rendered, and of notices or orders issued. All such records shall be open to public inspection during stated office hours, but shall not be removed from the office of the building official or plumbing inspector without his or her written consent.
(Code 1978, 5-304; Code 1994; Code 2003)
- 4-407. **SAME; POWERS.** The plumbing inspector shall have the following powers:
- (a) To enter any building or structure or premises at any reasonable hour, whether complete or in the process of erection, to perform the duties contained in this chapter.
 - (b) To adopt and enforce all such prudent emergency measures as he or she may deem necessary and expedient for the public safety under the laws of the city;
 - (c) May cause any work done in violation of this chapter to be discontinued until he or she shall have satisfactory evidence that the work will be done in accordance with the plumbing regulations of the city, subject to the right of any plumber, plumbing contractor or owner to appeal to the governing body.
(Code 1978, 5-305; Code 1994; Code 2003)

- 4-408. SAME; RIGHT OF ENTRY. The plumbing inspector, or his or her agent, upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour to perform his or her duties as set out in this chapter.
(Code 1994; Code 2003)
- 4-409. CLARIFICATION; MODIFICATION. (a) The governing body shall be the final determiner of the scope and meaning of all provisions of the plumbing code which may be unclear, ambiguous, or requiring interpretation.
(b) The plumbing inspector shall have power to modify any of the provisions of the plumbing code upon application in writing by the owner or lessee or his or her authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code. In approving modifications, the plumbing inspector shall see that the spirit of the code is observed, public safety secured and substantial justice done. The particulars of a modification when granted or allowed and the decision of the inspector thereon shall be entered upon the records of the plumbing inspector and a signed copy shall be furnished to the applicant.
(Code 1994; Code 2003)
- 4-410. INSURANCE. A plumber or plumbing contractor must procure and maintain a liability insurance policy in the amount of \$100,000 for the death or injury of any one person and \$300,000 for the death or injury of any number of persons in any one accident and \$50,000 for property damage in any one accident. Such policies of insurance shall be issued by some insurance company authorized to do business in the State of Kansas. A plumber or plumbing contractor may qualify as to the insurance requirements by filing a certificate with the city clerk executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days notice in writing to the city; and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 or such year.
(Code 1994; Code 2003)
- 4-411. WORK BY PROPERTY OWNERS. Nothing herein contained shall prohibit any property owner from personally installing plumbing piping or equipment within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the plumbing inspector as to his or her ability to install such piping or equipment, secure a permit, pay required fees do work in accordance with this article, and apply for an inspection and receive approval. Personal installation by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a plumber or plumbing contractor licensed by the city.
(Code 1994; Code 2003)
- 4-412. APPROVED MATERIALS. No plumbing materials, appliances or equipment shall be installed in the city unless they are in conformity with the provisions of this article and with the approved standards of construction for safety to life and property. Conformity of materials for plumbing materials, appliances and equipment to the standards of the Underwriters Laboratories, Inc. shall be prima facie evidence that the

materials, devices, appliances and equipment comply with the requirements of this article.

(Code 1994; Code 2003)

- 4-413. **LIABILITY.** This article shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or performing any plumbing construction for damages to persons or property caused by any defect therein, nor shall the city be held as assuming any such liability, by reason of the inspection or reinspection authorized herein, or the certificate of approval of any work or equipment authorized or by reason of any permit or license granted herein.
Code 1994; Code 2003

- 4-414. **SEVERABILITY.** If any section of the Uniform Plumbing Code or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining provisions of the Uniform Plumbing Code or of this article, the section is to be completely severable from the remaining provisions which shall continue in full force and effect.
(Code 1994; Code 2003)

ARTICLE 5. UNIFORM HOUSING CODE

- 4-501. **ADOPTION OF UNIFORM HOUSING CODE BY REFERENCE.** The standard code known as the 1997 Uniform Housing Code, a publication of the International Conference of Building Officials, the same being a code to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the use and occupancy, location, and maintenance of all residential buildings and structures within the City and available in book and pamphlet form is hereby incorporated by reference herein and made a part of this article as authorized in the manner prescribed by K.S.A. 12-3009:3012. Three copies shall be marked or stamped "Official Copy as Incorporated by the Code of the City of St. Francis," and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business.

Any person violating any provisions of such code shall be punished as provided in section 1-116 of this code.

(Code 2003)

- 4-502. **PENALTY.** Any such person, firm or corporation shall, upon conviction of a violation of this article be fined not less than \$25 nor more than \$100. Provided, that it shall be the responsibility of the offender to abate the violations as expeditiously as possible after notice, and each day that any violation is permitted to continue after the date specified within which said notice shall state for abatement or correction of the work constituting a violation shall be a separate offense.

(Code 2003)

4-503. **INJUNCTIVE RELIEF.** Upon failure of such person, firm or corporation to cease and desist from continuing any activity prohibited by this article, the Building Official is authorized and directed to apply to the appropriate court with jurisdiction, on behalf of the city, to obtain a court order of injunctive relief against the continuing unlawful activity.
(Code 2003)

4-504. **SEVERABILITY.** If any section of the Uniform Housing Code or of this article shall be unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining sections, the section to be completely severable from the remaining provisions which shall continue in full force and effect.
(Code 2003)

ARTICLE 6. MOVING BUILDINGS

4-601. **BUILDING OFFICIAL; AUTHORITY.** The mayor or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of an inspector in accordance with sections 4-204:206 of this chapter, which apply in a like manner to this article.
(Code 1994, 4-501; Code 2003)

4-602. **PERMIT REQUIRED.** No person, firm or corporation shall move, haul, or transport any house, building, derrick, or other structure of the height when loaded for movement of 16 feet or more from the surface of the highway, road, street or alley, or a width of eight feet or more or which cannot be moved at a speed of four miles per hour or faster, upon, across or over any street, alley or sidewalk in this city without first obtaining a permit therefore.
(K.S.A. 17-1914; Code 1978, 14-201; Code 1994, 4-502; Code 2003)

4-603. **SAME; APPLICATION FOR PERMIT.** All applications for permits required under the provisions of this article shall be made in writing to the city clerk specifying the day and hour said moving is to commence and the route through the city's streets over which the house, building, derrick or other structure shall be moved and stating whether it will be necessary to cut and move, raise, or in any way interfere with any wires, cables or other aerial equipment of any public or municipally-owned utility, and if so, the application shall also state the name of the public or municipally-owned utility, and the time and location that the applicant's moving operation shall necessitate the cutting, moving, raising or otherwise interfering with such aerial facilities.
(K.S.A. 17-1915; Code 1978, 14-202; Code 1994, 4-503; Code 2003)

4-604. **SAME; BOND, INSURANCE REQUIRED.** (a) It shall be the duty of any person at the time of making application for a permit as provided in this article to give a good and sufficient surety bond to the city, to be approved by the governing body, indemnifying the city against any loss or damage resulting from the failure of any such person to comply with the provisions of this article or for any damage or injury caused in

moving any such house or structure. The bond herein shall be in the sum of \$5,000, or cash may be deposited in lieu of such surety bond.

(b) A public liability insurance policy issued by an insurance company authorized to do business in the State of Kansas, in the amount of \$100,000 per person, \$300,000 per accident as to personal injury, and \$50,000 property damage may be permitted in lieu of a bond.

(Code 1994, 4-504; Code 2003)

4-605. SAME; FEE. Before any permit to move any house or structure is given under the provisions of this article, the applicant shall pay a fee of not less than \$5 to the city clerk; plus the additional cost for the time for any city crews involved in such moving.
(Code 1978, 14-205; Code 1994, 4-505; Code 2003)

4-606. CONTRACTOR; LICENSE REQUIRED; FEE. The provisions of section 4-212 of this chapter shall apply in a like manner to this article.
(Code 1994, 4-506; Code 2003)

4-607. ROUTE; DUTIES OF BUILDING OFFICIAL. The city clerk shall, upon filing of the above application, refer the same to the chief building official or his or her authorized designee to check the proposed route and determine if it is practical to move such house or other structure over the route proposed. If it shall appear that such route is not practical and another route may be used equally well with less danger to street and travel, then he or she may designate such other route as the one to be used and shall notify the applicant of the same. The building official may also require the planking of any street, bridge or culvert or any part thereof to prevent damage thereto. It shall also be the duty of the chief building official or his or her authorized designee to inspect the progress of moving any house or other structure to see that the same is being moved in accordance with the provisions of this article.
(Code 1994, 4-507; Code 2003)

4-608. NOTICE TO OWNERS. (a) Upon issuance of a moving permit the applicant shall give not less than 15 days written notice to any person owning or operating any wires, cables or other aerial equipment along the proposed route of the intent to move the structure, giving the time and location that the applicants moving operation shall necessitate the cutting, moving, raising or interfering of any wires, cables or other aerial equipment.

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

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

(K.S.A. 17-1916; Code 1978, 14-203; Code 1994, 4-508; Code 2003)

4-609. DUTY OF OWNERS. (a) It shall be the duty of the person or the city owning or operating such poles or wires after service of notice as provided herein, to furnish competent lineman or workmen to remove such poles, or raise or cut such wires as will be necessary to facilitate the moving of such house or structure. The necessary expense which is incurred thereby shall be paid by the holder of the moving permit.

(b) The owner of any wires, cables or other aerial equipment, after service of notice as provided in section 4-608, shall be liable to the permit holder for damages in an amount not to exceed \$100 per day for each day the owner shall fail or refuse to accommodate the permit holder's moving operations.

(K.S.A. 17-1917; Code 1978, 14-204; Code 1994, 4-509; Code 2003)

4-610. **INTERFERING WITH POLES, WIRES.** It shall be unlawful for any person engaged in moving any house or other structure to raise, cut or in any way interfere with any wires or poles bearing wires or any other aerial equipment.

(K.S.A. 17-1917; Code 1978, 14-204; Code 1994, 4-510; Code 2003)

4-611. **DISPLAY OF LANTERNS.** It shall be the duty of any person moving any of the structures mentioned in this article upon or across any street, alley or sidewalk or other public place, in this city, to display red lanterns thereon in such a manner as to show the extreme height and width thereof from sunset to sunrise.

(Code 1994, 4-511; Code 2003)

ARTICLE 7. DANGEROUS AND UNFIT STRUCTURES

4-701. **PURPOSE.** The governing body has found that there exist within the corporate limits of the city structures which are unfit for human use or habitation because of dilapidation, defects increasing the hazards of fire or accidents, structural defects or other conditions which render such structures unsafe, unsanitary or otherwise inimical to the general welfare of the city, or conditions which provide a general blight upon the neighborhood or surrounding properties. It is hereby deemed necessary by the governing body to require or cause the repair, closing or demolition or removal of such structures as provided in this article.

(K.S.A. 12-1751; Ord. 442, Sec. 1; Code 1994, 4-601; Code 2003)

4-702. **DEFINITIONS.** For the purpose of this article, the following words and terms shall have the following meanings:

(a) Enforcing officer means the mayor or his or her authorized representative.

(b) Structure shall include any building, wall, superstructure or other structure which requires location on the ground, or is attached to something having a location on the ground.

(K.S.A. 12-1750; Ord. 442, Sec. 2; Code 1994, 4-602; Code 2003)

4-703. **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 the following:

(a) Inspect any structure which appears to be unsafe, dangerous or unfit for human habitation;

(b) Have authority to enter upon premises at reasonable hours for the purpose of making such inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the structure. If entry is denied, the

enforcing officer may seek an order for this purpose from a court of competent jurisdiction;

(c) Report all structures which he or she believes to be dangerous, unsafe or unfit for human habitation to the governing body;

(d) Receive petitions as provided in this article.
(Ord. 442, Sec. 3; Code 1994, 4-603; Code 2003)

4-704. PROCEDURE; PETITION. Whenever a petition is filed with the enforcing officer by at least five residents charging that any structure is dangerous, unsafe or unfit for human habitation, or whenever it appears to the enforcing officer on his or her own motion that any structure is dangerous, unsafe or unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for such charges, report such findings to the governing body.
(Ord. 442, Sec. 4; Code 1994, 4-604; Code 2003)

4-705. SAME; NOTICE. The governing body upon receiving a report as provided in section 4-704 shall be resolution fix a time and place at which the owner, the owner's agent, any lienholder of records and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished.
(K.S.A. 12-1752; Ord. 442, Sec. 5; Code 1994, 4-605; Code 2003)

4-706. SAME; PUBLICATION. (a) The resolution shall be published once each 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.
(b) 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 and shall be marked "deliver to addressee only."
(K.S.A. 12-1752; Ord. 442, Sec. 6; Code 1994; Code 2003)

4-707. SAME; HEARING OFFICER. (a) If, after notice and hearing, the governing body determines that the structure under consideration is dangerous, unsafe or unfit for human use or habitation, it shall state in writing its findings of fact in support of such determination and shall cause the resolution to be published once in the official city newspaper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the governing body will cause the structure to be razed and removed.

(b) If the repair, alteration, or improvement of the structure can be made at a cost which shall not exceed 50 percent of the fair market value of the structure, the owner of the property shall, within the time specified in the order, repair, alter or improve the structure to render it safe and fit for human use or habitation, or shall vacate and close the structure until such time as he has complied with the order.

(c) If the repair, alteration or improvement of the structure cannot be made at a cost of 50 percent or less of its fair market value, the owner shall, within the time specified in the order, remove or demolish the structure.
(Ord. 442, Sec. 7; Code 1994, 4-607; Code 2003)

- 4-708. DUTY OF OWNER. Whenever any structure within the city shall be found to be dangerous, unsafe or unfit for human use or habitation, it shall be the duty and obligation of the owner of the property to render the same secure and safe or to remove the same. (Ord. 442, Sec. 8; Code 1994, 4-608; Code 2003)
- 4-709. SAME; FAILURE TO COMPLY. (a) If, within the time specified in the order, the owner fails to comply with the order to repair, alter, improve or vacate the structure, the enforcing officer may cause the structure to be repaired, altered, improved or to be vacated and closed.
(b) If, within the time specified in the order, the owner fails to comply with the order to remove or demolish the structure, the enforcing officer may cause the structure to be removed and demolished. (Ord. 442, Sec. 9; Code 1994, 4-609; Code 2003)
- 4-710. SAME; MAKE SITE SAFE. Upon removal of any structure, the owner shall fill any basement or other excavation located upon the premises and take any other action necessary to leave the premises in a safe condition. If the owner fails to take such action, the enforcing officer may proceed to make the site safe. (Ord. 442, Sec. 10; Code 1994, 4-610; Code 2003)
- 4-711. ASSESSMENT OF COSTS (a) The cost to the city of any repairs, alterations, improvements, vacating, removal or demolition by the enforcing officer, including making the site safe, shall be reported to the city clerk.
(b) The city shall give notice to the owner of the structure by restricted 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.
(c) 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.
(d) If the proceeds of the sale of salvage is insufficient to recover the cost, of 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. (K.S.A. 12-1755; Ord. 442, Sec. 11; Code 1994, 4-611; Code 2003)
- 4-712. IMMEDIATE HAZARD. When in the opinion of the governing body any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, the governing body may direct the enforcing officer to erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay. Such action may be taken without prior notice to or hearing of the owners, agents, lienholders and occupants. The cost of any action under this section shall be assessed against the property as provided in section 4-711. (K.S.A. 12-1756; Ord. 442, Sec. 12; Code 1994, 4-612; Code 2003)

4-713. APPEALS FROM ORDER. Any person affected by an order issued by the governing body under this article may, within 30 days following service of the order, petition the district court of the county in which the structure is located for an injunction restraining the enforcing officer from carrying out the provisions of the order pending final disposition of the case.
(Ord. 442, Sec. 13; Code 1994, 4-613; Code 2003)

4-714. SCOPE OF ARTICLE. Nothing in this article shall be construed to abrogate or impair the powers of the court or of any department of the city to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this article shall be in addition to and supplemental to the powers conferred by the constitution, any other law or ordinance. 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. 12-1750:1756
(Ord. 442, Sec. 14; Code 1994, 4-614; Code 2003)

ARTICLE 8. HEAT LOSS STANDARDS AND ENERGY EFFICIENCY RATIO

4-801. EFFECTIVE DATE. Effective on and after August 1, 1978, the standards specified in section 4-802 shall be complied with before the City will provide new utility service for residential dwellings and commercial buildings for which the foundations have not been completed on August 1, 1978.
(Code 1978, 5-601; Code 1994, 4-701; Code 2003)

4-802. HEAT LOSS STANDARDS AND ENERGY EFFICIENCY RATIO. (a) A new residential dwelling must be equipped with storm windows and storm doors or other satisfactory window or door thermal treatment. Total heat loss, based on the ASHRAE Handbook of Fundamentals, of a new residential dwelling shall not exceed 35 BTUs per square foot per hour of floor area of heated finished living space at a design temperature differential of 80 degrees Fahrenheit.

(b) New commercial building must be constructed so heat transmission loss of heated areas, based on the ASHRAE Handbook of Fundamentals, does not exceed 35 BTUs per square foot per hour of floor area based on a design temperature differential of 80 degrees Fahrenheit.

(c) All installed air conditioning systems on or after August 1, 1978, shall have an energy efficiency ratio of 7.0 BTUs or more of cooling capacity per watt hours of input based on the current ARI standards. All heat pump systems, on and after August 1, 1978, shall have an energy efficiency ratio of 6.7 BTUs or more of cooling capacity per watt hours of input based on current ARI standards.

(d) All installed air conditioning systems, on and after November 1, 1979, shall have an energy efficiency ratio of 8.0 BTUs or more of cooling capacity per watt hours of input based on current ARI standards. All heat pump systems, on and after November 1, 1979, shall have an energy efficiency ratio of 7.5 BTUs or more of cooling capacity per watt hours of input based on current ARI Standards.
(Code 1978, 5-602; Code 1994, 4-702; Code 2003)

- 4-803. CERTIFICATION REQUIRED. Before connection or attachment of utility service to a new residential dwelling or commercial building, the city will require a certificate from the owner stating that the structure meets the standards set forth in section 4-802. Further, the owner will attach supporting statements from architect and contractor, if either or both such persons were employed in the design and construction of the new residential dwelling or commercial building. Compliance with such certification is required for permanent utility service from the City.
(Code 1978; Code 1994, 4-703; Code 2003)

ARTICLE 9. DEMOLITION OF BUILDINGS

- 4-901. DEFINITION. The demolition, dismantling, razing, destroying or removal of any building or structure means the wrecking, pulling down, or bringing same to the level, and removal of all of the component parts thereof, and the filling of the lot to grade with material suitable to the city.
(Code 1978, 5-701; Code 1994, 4-801; Code 2003)
- 4-902. PERMIT. It shall be unlawful for any person, firm or corporation to demolish, destroy, wreck, dismantle or raze any building or structure in the city, without having first obtained a permit from the city to perform such demolition, destruction, dismantlement, wrecking or razing such building or structure.
(Code 1978, 5-702; Code 1994, 4-802; Code 2003)
- 4-903. PERMIT: APPLICATION, BOND, INSURANCE. To obtain such permit, the person, firm or corporation desiring to demolish, destroy, dismantle, wreck or raze any such building or structure, shall execute and deliver to the city clerk a bond with good and sufficient sureties, in an amount to be determined by the council, conditioned that said person, firm or corporation will faithfully observe all rules and regulations established by the terms of this article, and save the city harmless for any damage done to the sidewalks or streets adjacent to the location of such building or structure to be demolished, destroyed, dismantled, wrecked or razed. In addition to the filing of the aforementioned bond, the person, firm or corporation shall show proof of the existence of a policy of liability insurance for the protection of persons or property who may suffer damage from such demolition, destruction, dismantlement, wrecking or razing or any such building or structure, in the amount of \$100,000, and that a copy of such policy be filed with the city clerk of the city.
(Code 1978, 5-703; Code 1994, 4-803; Code 2003)
- 4-904. CITY CLERK ISSUE PERMIT. When such bond and insurance policy have been filed with the city clerk and approved by the mayor, the city clerk, upon receipt of a fee set by the governing body, shall issue a permit to such person, firm or corporation to demolish, destroy, dismantle, wreck or raze said building or structure, all work to be completed in a period of time not to exceed sixty days from the issuance of said permit, nor exceed the time set forth in a particular permit.
(Code 1978, 5-704; Code 1994, 4-805; Code 2003)

4-905. BOND, INSURANCE WAIVED. The requirements of furnishing surety bond and liability insurance for the demolition, dismantlement, razing, destroying or removal of existing residences and/or out buildings or accessory buildings by means of wrecking, pulling down or bringing same to the level, and removal of all of the component parts thereof, and the filling of the lot to grade with material suitable to the city, may be waived by the governing body of the city.
(Code 1978, 85-705; Code 1994, 4-805; Code 2003)

4-906. INSPECTION. The work done under such a permit so issued shall be subject to the inspection and approval of the building inspector. Failure of the person, firm or corporation to comply with all safety requirements of said building inspector will be grounds for the termination of such permit and the forfeiture of the bond, upon and with the approval of the city council.
(Code 1978, 5-706; Code 1994, 4-806; Code 2003)

ARTICLE 10. MOBILE HOMES AND PARKS

4-1001. DEFINITIONS. Definitions of terms as used in this article shall be as follows:

- (a) Building shall mean any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
- (b) Camp shall mean a trailer camp.
- (c) Health Officer shall mean the director of Cheyenne County Health Office or his or her authorized representative.
- (d) House Trailer shall mean a vehicular, portable dwelling unit designed especially for short term occupancy, such as: travel trailers, campers, converted buses and other similar units whether self-propelled, pulled or hauled and are designed primarily for highway travel without a special permit; and/or does not comply with all the requirements of the minimum housing code as a dwelling unit.
- (e) Inspection Officer shall mean an officer appointed by the city council, the duties of which are hereinafter set forth, or his authorized representative.
- (f) Mobile Home shall mean a movable, detached single-family dwelling unit with all the following characteristics:
 - (1) Designed for long term occupancy, and containing accommodations, a flush toilet, a tub or shower bath, kitchen facilities, and having plumbing and electrical connections provided for attachment to outside systems;
 - (2) Designed and constructed on a chassis that is capable of being transported after fabrication on its own wheels (or detachable wheels);
 - (3) Arrive at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations; location on supports, connection to utilities, and the like;
 - (4) Not necessary to be placed on a foundation as required for a permanent structure.
- (g) Mobile Home Park shall mean a parcel or tract of land used or intended to be used by one or more occupied mobile homes. The term mobile home park does not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purpose of storage, inspection or sale.

(h) Mobile Home Space shall mean a plot of ground within a mobile home park which is to accommodate one mobile home and which provides service facilities for water, sewerage and electricity.

(i) Occupy, Occupancy, or Occupied shall mean the use of any mobile home or house trailer by any person for living, sleeping, cooking or eating purposes for any period of four or five consecutive days.

(j) Park shall mean mobile home park.

(k) Person shall mean any individual, firm, trust, partnership, association or corporation.

(l) Roadway shall mean any private street located within a park or camp and providing for the general vehicular and pedestrian circulation within the park or camp.

(m) Service Building as used in this chapter shall mean a building housing all of the following: Separate toilet facilities for men and women, laundry facilities and separate bath or shower accommodations. Such building may also include other associated uses such as an office and recreational facilities for the camp or park.

(n) Trailer Camp shall mean the use of a parcel or tract of land, which provides space for transient occupancy, and used or intended to be used for the parking of two or more trailer houses, tents or similar type of temporary living facilities. The term trailer camp does not include a parcel or tract of land on which unoccupied house trailers, whether new or used, are parked for the purpose of storage, inspection or sale.

(Code 1978, 9-101; Code 1994, 4-901; Code 2003)

4-1002

LOCATION, MOBILE HOMES, HOUSE TRAILERS. It shall be unlawful for any person to occupy a mobile home in the city unless such mobile home is located in a park and it shall also be unlawful for any person to occupy a house trailer in the city unless such house trailer is located in a camp.

EXCEPTIONS:

(a) A mobile home may be occupied on any lot or lots in the city, except where prohibited by restrictive covenant: Provided, that the lot or lots on which said mobile home occupied is owned by the owner of said mobile home: Provided further, that a permanent foundation made of concrete or concrete materials be placed under the said mobile home. Acceptable foundations are as follows: (1) flat slab; (2) concrete runners that follow I beams; (3) individual footers at support points. Skirting is to be replaced with masonry placed on sufficient footings. This exception applied to mobile homes containing 500 square feet or more of living area. The ad valorem taxation of the mobile home shall be changed from personal property to real property.

(b) A mobile home may be occupied at a construction site by a night watchman when approved by the inspection officer, when deemed necessary for security purposes. Such permission may be cancelled by the inspection officer upon three days' written notice, when in his opinion, the intent of this section is being violated.

(c) A mobile home may be occupied other than within a park for a period not to exceed 30 days when a permit is secured in accordance with section 4-906(c)

(d) A house trailer may be occupied other than within a camp for a period not to exceed 30 days when a permit is secured in accordance with section 4-906(c).

(e) A camping, vacation trailer, or motor home may be stored in the rearyard on any lot; provided, that no living quarters shall be maintained or any business conducted in connection therewith while such trailer is so parked or stored.

(f) A house trailer may occupy a mobile home space in a park for a period not to exceed 30 day; provided, that a service building as required for a trailer camp is within 200 feet of the space so occupied.
(Code 1978, 9-102; Ord. 475, passed 5-7-1996; Amended for Code 2003)

4-1003. PARK LICENSE. All persons operating parks existing on the effective date of this code shall obtain a park license, upon the expiration of their existing license, if any, with such new license being issued only after approval by the inspection officer and the health officer and only after payment of the required fee. all persons developing new parks after the effective date of this article shall obtain a park license before occupancy of such park, with such license being issued only after approval of the required application by the inspection officer and the health officer and only after payment of the required fee. The park licenses for both existing and new parks shall be renewed annually, 12 months from the date of the previous license, after approval by the inspection officer and health officer, and after the payment of the required fee. No person shall operate a park without a current park license.
(Code 1978, 9-103; Code 1994, 4-903; Code 2003)

4-1004 CAMP LICENSE. All persons operating camps existing on the effective date of this code shall obtain a camp license, upon the expiration of their existing park license, with such new license being issued only after approval by the inspection officer and health officer, and only after payment of the required fee. All persons developing new camps after the effective date of this article shall obtain a camp license before occupancy of such camp, with accordance to, the said procedure as described in section 4-1003 of this article for issuance of a park license involving approval by appropriate officers, annual renewal and payment of the required fee. No person shall operate a camp without an approved current license.
(Code 1978, 9-104; Code 1994, 4-904; Code 2003)

4-1005. PERMITS: INDIVIDUAL MOBILE HOMES, HOUSE TRAILERS. Prior to occupying a mobile home or house trailer located other than within a park or camp, a permit shall be obtained as permitted by section 4-1002(d) and 4-1002(f) with such permit being issued only after approval of the required application by the inspection officer and after payment of the required fee.
(Code 1978, 9-105; Code 1994, 4-905; Code 2003)

4-1006. LICENSE, PERMIT FEES. License and permit fees for mobile home parks, trailer camps and temporary permit for individual mobile homes and house trailers shall be as follows:

- (a) The annual license fee for a park shall be as follows:
 - (1) One mobile home space \$15;
 - (2) Two mobile homes spaces 30;
 - (3) Three to 15 mobile home spaces 40;
 - (4) 16 to 25 mobile home spaces 50;
 - (5) 26 to 50 mobile home spaces 70;
 - (6) 51 to 75 mobile home spaces100;
 - (7) 76 to 150 mobile home spaces200;
 - (8) Over 150 mobile home spaces \$200 plus \$10 for each 10 mobile home spaces, or major fraction thereof, over 150.

- (b) The annual license fee for a camp shall be as follows:
 - (1) Two house trailer spaces 30;
 - (2) Three to 15 house trailer spaces 40;
 - (3) 16 to 25 house trailer spaces 50;
 - (4) Over 21 house trailer spaces \$50 plus \$10 for each 10 house trailer spaces, or major fraction thereof, over 25.

(c) A temporary permit may be issued for a mobile home or house trailer to be occupied other than within a park or camp, permitted in accordance with Section 4-1002(d) and Section 4-1002 (e) for a period not to exceed 30 days, upon the payment of a fee of \$5. There shall not be more than two such permits issued for the placement of a mobile home or house trailer in accordance with sections 4-1002(d) and 4-1002(e) on the same property in any 12 month period.

(Code 1978, 9-106; Code 1994, 4-906; Code 2003)

4-1007. EXISTING PARKS. (a) All persons operating existing parks shall obtain the appropriate license as required by section 4-1003 and 4-1004 of this chapter upon the expiration of the current park license. The inspection officer shall determine the appropriate classification for each park based on the records that have been filed with the various departments of the city in the applications for the existing license.

(b) No addition shall be made to any existing park after the date of this code, except as permitted by section 4-1008 of this article for a new park.

(Code 1978, 9-107; Code 1994, 4-907; Code 2003)

4-1008. APPLICATIONS: LICENSE FOR PARKS AND CAMPS. All persons developing new parks and camps after the effective date of this code shall make an application to the city council for the appropriate park or camp license. Applications for mobile home parks may be made only after a development plan has been approved by the city plan shall be submitted at the preliminary platting sate and when approved shall constitute approval by the city council of the city. When platting is not required, a sketch plan showing the relationship of the mobile home spaces to the roadways, parking, open space, and other information affecting the overall environment of the park may be submitted at any time for approval by the city council.

(Code 1978, 9-108; Code 1994, 4-908; Code 2003)

4-1009. APPLICATION INFORMATION REQUIRED. The application to the city council of the city shall be in triplicate, in writing, signed by the applicant and shall include the following:

- (a) The name, address and telephone number of the applicant;
- (b) The location and legal description of the park or camp;
- (c) Three complete sets of plans showing compliance with all applicable provisions of this chapter, including a plan drawn to scale, at not less than one inch equal to 100 feet showing the park or camp dimension;
- (d) Number and location of mobile home or house trailer spaces;
- (e) Location and width of roadways, sidewalks, off-street parking and easements;
- (f) Location, size and specifications of buildings, sewers, waterlines and gaslines;
- (g) The location and specifications of any sewage disposal system and water supply system;

(h) The existing topography and drainage grading plan.

The submitted plans may be approved by the city council of the city for construction only after they have been reviewed and approved by the health officer, and one returned to the applicant. Approval and issuance of a park license for such new parks and of camp license for such new camps shall not be made until construction in accordance with the approved plans has been completed.

(Code 1978, 9-109; Code 1994, 4-909; Code 2003)

4-1010. APPLICATION: EXPANSION TO PARK. An application for any addition to an existing park shall be processed as an application for a new park. The expansion of any park shall conform to this article and under no circumstances shall the total area be less than the area required for a new park.

(Code 1978, 9-110; Code 1994, 4-910; Code 2003)

4-1011. APPLICATION: TEMPORARY PERMIT, MOBILE HOME OR HOUSE TRAILER. Any person desiring to locate a mobile home or house trailer in accordance with sections 4-1002(d) or 4-1002(e) of this article shall make an application to the city council for a temporary permit. Such application shall be in writing, signed by the applicant and shall include the following:

(a) The name, address and telephone number of the applicant;

(b) The location and legal description of the property where the mobile home or house trailer is requested to be located;

(c) Shall provide all other applicable information as follows:

(1) Those applications requested in accordance with section 4-902(c) or 902(d) shall give the reason such application is being applied for and shall give the number of days the mobile home or house trailer is intended to be parked which in no event shall exceed 30 days. The application shall be accompanied by a plat plan drawn to scale, showing the legal description and boundaries of the application area, location of existing buildings, and the location of where the mobile home or house will be parked.

(2) The connection of the mobile home or house trailer to any utility shall be in accordance with all applicable regulations of the code of the City of St. Francis.

(Code 1978, 9-111; Code 1994, 4-911; Code 2003)

4-1012. PARK AND CAMP LOCATIONS. All parks and camps shall be located in accordance with the ordinances of the city and 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 grading systems, including roadways, storm sewers and appurtenances, and general drainage and grading shall be prepared by a licensed professional engineer.

(Code 1978, 9-112; Code 1994, 4-912; Code 2003)

4-1013. PARK AND CAMP LAYOUTS. Regulations for park and camp layouts shall be as follows:

(a) Area Mobile home parks shall contain the minimum area as required by the zoning ordinance. Trailer camps shall contain a minimum of 1,500 square feet for each trailer of camping space.

(b) Setbacks. All mobile homes and house trailers shall be so located as to maintain a setback no less than 15 feet from any public street or highway right-of-way; as to maintain a setback no less than 10 feet from any side or rear boundary line when such boundary is not common to any public street or highway right-of-way.

(c) Clearance. All mobile homes or house trailers shall be so located as to maintain a clearance of not less than 20 feet from any building or service building within the park or camp.

(d) Roadways and Sidewalks. All mobile home or house trailer spaces shall abut upon a park or camp roadway. All roadways shall not be less than 24 feet for a mobile home park and 20 feet for a house trailer park, a three foot sidewalk, not less than four inches thick, being provided adjacent to each curb in all mobile home parks. In those instances where a park roadway adjoins a public street or highway, a sidewalk need only be provided adjacent to the interior side of such roadway. All roadways shall have an unobstructed access to a public street or highway, with all dead end roadways being provided an adequate vehicular turnaround with a diameter of not less than 80 feet. All park and camp roadways shall be surfaced with concrete, asphalt, asphaltic concrete, gravel or crushed rock.

(e) Patios and Storage Lockers. Each mobile home and house trailer space shall be provided with a paved patio of at least 200 square feet. Storage lockers may be grouped in locker compounds at a distance not to exceed 100 feet from the 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.

(f) Off-Street Parking. Surfaced off-street parking shall be provided for each mobile home and house trailer space. No portion of the park roadways shall be used to provide the required off-street parking.

(g) Identification of Roadways and Spaces. All park and camp roadways and mobile home or house trailer 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 inches in height.

(h) Recreation Space. Each mobile home park shall devote at least eight percent of its gross area to recreation space for the use and enjoyment of the occupants of the park. Each such recreation space shall not be less than 10,000 square feet of land area. Required setbacks and clearances, and the roadways and off-street parking spaces shall not be considered as recreational space.

(i) Screening. Whenever a mobile home park adjoins an arterial street or an area zoned other than for residential use, then special protection shall be provided for the park by planting of the setback from such adjoining boundary, to create a landscape buffer consisting of coniferous and deciduous plant materials.

(j) Lighting. All park and camp roadways shall be lighted at night.
(Code 1978, 9-113; Code 1994, 4-913; Code 2003)

4-1014.

SERVICE BUILDINGS. Each park serving or intended to serve one or more house trailers and all camps may be provided with one or more service buildings which shall:

(a) Be located no nearer than 20 feet from a mobile home or house trailer in a park no nearer than 20 feet from a house trailer in a camp.

(b) Be so located that any house trailer which it serves shall not be parked more than 200 feet from it.

- (c) Be of permanent type construction and be adequately lighted.
 - (d) Be of moisture resistant material to permit frequent washing and cleaning.
 - (e) Have one flush type toilet, one lavatory and one shower or bathtub for females; and one flush type toilet, one lavatory and one shower or bathtub for males for up to nine house trailers. One additional unit of the above plumbing facilities shall be provided for each sex for each 10 additional house trailers served or major fraction thereof. All lavatories, bathtubs, and showers shall be connected with both hot and cold running water.
 - (f) Have adequate heating facilities to maintain a temperature of 70 degrees Fahrenheit in the building and provide hot water 140 degrees Fahrenheit at a minimum rate of eight gallons per hour for the required fixture units.
 - (g) Have an accessible, adequate, safe and potable water supply of cold water.
 - (h) Have all rooms well ventilated with all openings effectively screened.
 - (i) Have at least one slop water closet or other facility suitable for the cleaning and sanitizing of bedpans or other waste receptacles.
 - (j) Comply with all applicable provisions of the city ordinances of the city regarding the construction of buildings and the installation of electrical, plumbing, heating and air conditioning systems.
 - (k) Be maintained in a clean sanitary condition and kept free of any condition that will menace the health of any occupants or the public or constitute a nuisance.
- (Code 1978, 9-114; Code 1994, 4-914; Code 2003)

4-1015.

WATER SUPPLY. Regulations relating to the water supply in camps and parks in the city shall be as follows:

- (a) Required. An accessible, safe and potable supply of water as approved by the health officer shall be provided in each park or camp. If city water is available to the park or camp, it shall be used.
- (b) Layout. The size and location of water mains and fire hydrants shall be designed by a licensed professional engineer and shall be in accordance with the requirements of the water department and fire department of the city. When city water is available, a utility easement for the distribution system shall be granted to the St. Francis Water Department for operation and maintenance purposes. The distribution system shall become the property of the city.
- (c) Service Connections. Individual water service connections shall be provided at each mobile home space. Such connections shall be located at least four inches above ground surface, at least three-quarters inch in diameter and equipped with a three-quarters inch valve outlet. The outlet shall be protected from surface water flooding and all pipes shall be protected against freezing. Below ground shutoff valves may be used but stop and waste valves shall not be used. When service connections are provided for house trailer spaces, they shall comply with the above requirements.
- (d) Private Water Supply. When a private water supply is provided, it shall provide an adequate water supply with minimum flow rates of four gallons per minute for each of the first five mobile home or house trailer spaces and additional two gallons per minute for each additional space for the next 10 spaces and additional one and one-half gallons per minute for each additional one gallon per minute for each additional space.

Such system shall provide a minimum of twenty pounds per square inch of pressure at all connections provided.

(Code 1978, 9-115, Code 1994, 4-915; Code 2003)

4-1016. SEWAGE DISPOSAL. Regulations for sewage disposal for parks or camps shall be as follows:

(a) Individual Sewer Connections. Sewer connections shall be provided for each mobile home space in accordance with the sewage codes of the city. If individual connections are provided for house trailers, they shall be of similar construction.

(b) Design. Any sewage system connection to the city sewer systems shall be in accordance with all applicable requirements of the sewage codes of the city. All sewage systems shall be designed by a licensed professional engineer and shall be submitted for approval by the city council of the city.

(c) Treatment Plant. When the sewer lines of the park or camp are not connected to a public sewer, a sewage disposal system approved by the health officer shall be provided. The design of such facilities for new parks and camps shall be obtained on the type of treatment proposed and on the design of the facility prior to the construction.

(d) Camps. Camps shall provide sanitary stations for the sole purpose of removing and disposing of wastes from holding tanks in a clean, efficient and convenient manner. Sanitary stations shall be approved by the health officer, connected to the sewage system, located not less than 50 feet from any space or other residential area, and be screened from other activities by visual barriers such as fences, walls or natural growth.

(Code 1978, 9-116; Code 1994, 4-916; Code 2003)

4-1017. GARBAGE AND REFUSE. Provisions for garbage and refuse storage, collection and disposal shall be maintained so as to create no health hazards, rodent harborage, insect breeding areas, accident hazards or air pollution and shall comply with the requirements set forth in all ordinances of the city.

(Code 1978, 9-117; Code 1994, 4-917; Code 2003)

4-1018. RODENTS AND INSECTS. Regulations relating to keeping mobile home parks free from insect or rodent infestation shall be as follows:

(a) Maintenance Free From Infestation. Mobile home parks and trailer camps shall be maintained free of excessive insect or rodent infestation.

(b) Preventative Environmental Maintenance. The mobile home park or trailer camp management shall keep all areas outside of the confines of the individual mobile homes or house trailers reasonably free of breeding, harboring, and feeding places for rodents and insects. Such areas shall be kept free of litter, trash, salvage materials, junk, and weeds or other obnoxious vegetation growths in excess of 12 inches in height. Individual mobile home or house trailer occupant shall be responsible for the extermination of any insect or rodent infestations occurring within individual mobile homes or house trailers.

(Code 1978, 9-118; Code 1994, 4-918; Code 2003)

- 4-1019. ELECTRICITY. A weather proof electrical outlet supplying at least 110 volts shall be provided for each mobile home or house trailer space. All electrical wiring shall comply with applicable provisions of the electrical code of the city. No power lines shall be permitted to lie on the ground or to be suspended less than 15 feet above the ground over any roadway, parking or service area.
(Code 1978, 9-119; Code 1994, 4-919; Code 2003)
- 4-1020. GROUNDING. All occupied house trailers in the city shall be grounded for electrical purposes by a one-half inch by eight foot copperweld ground rod and bronze clamp, using not less than a number 6 AWG American wire gauge copper wire, adequately bonded to both the trailer frame and a neutral wire. Any person convicted of violating the provisions of this section shall be deemed guilty of a code violation and shall be punished by a fine not to exceed \$100 or by imprisonment for not exceeding 30 days, or by both such fine and imprisonment and shall be committed to jail until the fine and costs are paid.
(Code 1978, 9-120; Code 1994, 4-920; Code 2003)
- 4-1021. FUEL GAS. Regulations relating to fuel gas in the mobile home parks shall be as follows:
- (a) LIQUEFIED PETROLEUM GAS -- When liquefied petroleum gas is used, containers for such gas shall not hold more than 25 gallons water capacity; shall be the liquefied petroleum gas containers approved by the Interstate Commerce Commission for its intended purpose; and shall be integrally attached to the mobile home or house trailer in a manner approved by the Liquefied Petroleum Gas Association, Inc. Such containers shall be connected to a mobile home as required by the code for any permanent structure and shall be equipped with an excess flow valve at the discharge valve of the container. Gas lines shall be buried a minimum of 18 inches below grade from the container to a point at or below the mobile home.
- (b) NATURAL GAS -- Natural gas may be connected to mobile homes or house trailers under the following conditions.
- (1) All gas lines supplying mobile homes or house trailers shall be of adequate size to provide a sufficient supply of gas that will allow all appliances in the mobile home or house trailer to operate at their normal rate of capacity.
- (2) Where a gas utility company supplies gas to individual mobile homes or house trailers the service line to the mobile homes or house trailers the service lien to the mobile home or house trailer shall be sized as required by the utility serving the same and meter loop shall be made in accordance with the requirements of said utility company.
- (3) All gas lines including gas service lines serving the mobile home or house trailer shall be buried not less than 18 inches below grade to a point at or below the mobile home or house trailer.
- (4) For each individual mobile home or house trailer there shall be a gas stop cock and an American Gas Association approved flexible connector.
(Code 1978, 9-121; Code 1994, 4-1021; Code 2003)
- 4-1022. REGISTER. All mobile homes and house trailers in each park and camp in the city shall be as follows:
- (a) It shall be the duty of the person operating each park and camp to keep a register containing a record of all mobile home and house trailer owners and tenants located within each park and camp. The register shall contain the name and address of

each occupant; the make, mobile, year and manufacturer of each mobile home or house trailer; the dates of arrival and departure of each mobile home or house trailer, including the name of the contractors responsible for connection to the utilities.

(b) The person operating each park or camp shall keep a register available for inspection at all reasonable hours by law enforcement officers, assessors, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The original record of the register shall not be destroyed for a period of three years following the date of registration.

(c) It shall be the responsibility of the person operating each park and camp to notify the inspection officer of damage exceeding \$100 by fire or store to any mobile home or house trailer in his/her park or camp. The inspection officer shall compile all such information into categories of losses and their causes, as nearly as can be determined for future reference.

(Code 1978, 9-122; Code 1994, 4-922; Code 2003)

4-1023.

ALTERATIONS AND ADDITIONS. Regulations relating to alterations and additions to mobile homes within a park or to a park and facilities shall be as follows:

(a) Alterations and additions to mobile homes which are affected by provisions herein, within or to a park and facilities, shall be made only after application to the city council of the city and in conformity with all of the sections of this article.

(b) No additions of any kind shall be built onto or become a part of any mobile home or house trailer.

EXCEPTIONS: Accessory structures not exceeding an area of 100 square feet, carports and residential patio structures may be attached to or become a part of a mobile home if such structures may be attached to or become a part of a mobile home if such structure complies in all respects to the applicable provisions of the building code of the city and with the written approval of the inspection officer.

Skirting of mobile homes is permissible only with noncombustible material, however, skirting shall not permanently attach the mobile home to the ground, provide a harborage for rodents to create a fire hazard.

(c) Every mobile home regulated by this article shall be anchored to the ground by a method approved by the inspection officer. This anchorage shall be adequate to withstand the minimum horizontal wind and uplift pressures as set forth in the building code of the city for permanent structures. This regulation shall, from and after the date of this code, apply to all new mobile home parks and individual installations, and shall also thereafter apply whenever a mobile home is moved in, relocated, or replaced in existing parks.

(d) A mobile home or house trailer 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 city code for a permanent structure.

(Code 1978, 9-123; Code 1994, 4-923; Code 2003)

**ARTICLE 11. RECREATIONAL VEHICLE AND
TRAVEL TRAILER PARKS**

4-1101. **RV PARK LICENSE REQUIRED.** Any person renting space for the parking of recreational vehicles or travel trailers shall obtain a yearly license from the city. The city will make such inspections as are necessary to determine that appropriate full service hookups are available for each travel trailer to be placed in the park. Regulations relating to space and use requirements within the RV park may be promulgated from time to time by the city. A yearly license must be obtained by the recreational vehicle park owner with a license fee as determined by the governing body of the city.
(Code 1994, 4-1001; Code 2003)

4-1102. **RENTAL AND PARKING LIMITATIONS.** It shall be unlawful for any recreational vehicle or travel trailer to be placed within a recreational vehicle and travel trailer park for a period in excess of 30 days. It is explicitly stated that these shall not be considered permanent placements but shall only be temporary with a maximum period of 30 days from the time a recreational vehicle or travel trailer is placed to the time it is removed. Violation of this section shall subject both the recreational vehicle or travel trailer owner and the park owner to prosecution under this code. Furthermore, any park owner allowing a recreational vehicle or travel trailer to remain in excess of 30 days shall be subject to having their recreational vehicle and travel trailer park license revoked by the city.
(Code 1994, 4-1002; Code 2003)

ARTICLE 12. STORAGE BUILDINGS

4-1201. **DEFINITIONS.** For the purposes of this article, the words and phrases used herein shall have the meanings ascribed to them in this section, unless the context clearly indicates to the contrary.

(a) Commercial Storage Unit shall mean any building or structure offered by the owner to the public for lease or rent as storage for personal property belonging to, or under the control of, members of the public

(b) Private Storage Unit shall mean any building or structure located on property owned or rented by the occupant and used by that occupant for the storage of personal property belonging to, or under the control of, the occupant.

(Ord. 507 passed 4-3-2001; 4-1101; Code 2003)

4-1202. **PLACEMENT OF COMMERCIAL STORAGE UNIT.** The construction and placement of commercial storage units shall be subject to the provisions of this chapter and allowed within the city limits only in those areas zoned commercial or commercial/residential.

(Ord. 507 passed 4-3-2001; 4-1102; Code 2003)

4-1203. **PLACEMENT OF PRIVATE STORAGE UNITS.** The construction and placement of private storage units shall be subject to the provisions of this chapter and allowed in all zoned areas of the city, subject to their utilization by the owner and/or occupant of the premises upon which located.

(Ord. 507 passed 4-3-2001; 4-1103; Code 2003)

- 4-1204. CERTAIN USES AS STORAGE BUILDINGS OR STRUCTURES PROHIBITED. The placement or use of cargo containers, railroad cars, semi-trailers or trailers of any kind, originally designed and/or used for the transport of property shall not be allowed for storage units in the city limits.
(Ord. 507 passed 4-3-2001; 4-1104; Code 2003)

ARTICLE 13. FENCES

- 4-1301. PERMIT. It shall be unlawful for any person, firm or corporation to construct or erect a fence within the city without first applying for an obtaining a building permit pursuant to section 4-208 of this chapter.
(Code 2003)
- 4-1302. SET BACK RESTRICTIONS. Construction or erection of a fence shall not be allowed in any area zoned residence and/or commercial –residence, within 25 feet of the front boundary line of the lot or property or within three feet of the sides and rear of the lot or property.
(Code 2003)
- 4-1303. HEIGHT RESTRICTIONS. Six feet from the natural grade of the property shall be the maximum height of any fence constructed or erected in the city.
(Code 2003)
- 4-1304. ACCESS TO UTILITY METERS. No fence shall be constructed or erected that would prevent the direct, safe and open access by city employees to utility meters.
(Code 2003)
- 4-1305. EXISTING FENCES. Any existing fence, improvement or other structure that is in violation of this article, shall, in the event of replacement, reconstruction, or redesign, comply with the provisions of this article.
(Code 2003)

ARTICLE 14. PROPANE TANKS

- 4-1401. PURPOSE. This article is established for the safety and protection of the residents of St. Francis, Kansas. It is also designed to mitigate the potential threat imposed by the installation of LP Gas within the city.
- 4-1402. SCOPE. This article regulates: (a) The installation of LP Gas within the City.
(b) Propane storage containers 125 to 250 gallons in size; and
(c) Propane storage containers less than 125 gallons in size.

Propane tanks with a capacity greater than 250 gallons are prohibited.

4-1403.

PROPANE TANKS. The storage of LP Gas in closed containers or portable tanks (hereinafter tanks) on properties within the St. Francis City Limits shall comply with the following standards:

(a) Containers between 125 to 250 gallons in size:

(1) Containers. LP Gas tanks shall fully comply with all DOT/ICC or ASME standards.

(2) Signage. All tanks shall be painted and clearly marked "FLAMMABLE" and either "LP-GAS", "LPG", "PROPANE" or "BUTANE" in at least 3 inch red letters. Also, the owner's name, address and phone number displayed in at least 1 inch black letters.

(3) Location. **Tanks must be located outside**, in the back yard or rear section of the home or business and at least 10 feet away from the owner's home, business, or permanent structures (i.e. garage, shed, etc.). Containers must be positioned at least 10 feet off of any street or alley and located no closer than 25 feet from another LP-Gas container on an adjacent property. Containers must be located at least 25 feet from a neighbor's permanent structures in all directions. Where physical damage to LP-Gas containers or systems of which they are a part from vehicles is possible, precautions should be taken against such damage.

(4) Foundation. Tanks shall rest on either a concrete or substantial masonry support foundation. The foundation must be level. The owner must provide sufficient corrosion protection between the container and its saddle.

(5) Maintenance/Appearance. The owner shall properly maintain the tank and assure its safe operation. The tank shall be painted with a matte silver or flat white finish. The owner shall keep the ground below the container clear of dry grass and weeds.

(6) Pipe, Hose and Valves. All pipes and connections shall be tested and proven free of leaks by a qualified City Employee prior to use by the owner. Pipes and connections shall comply with Schedule 40 Standards (for psi below 125). Pipes and connections shall comply with Schedule 80 Standards (for psi above 125). Galvanized pipe shall not be used. All hose and quick connectors shall be listed for LP-Gas use. Pressure relief valves, shut-off valves and back-flow valves shall be listed for such use. All liquid lines 1.5 inch or larger and vapor lines 1.25 inch or larger shall have an emergency shutoff valve.

(7) Depth of pipelines. All pipelines running between any permanent structure and the tank shall be buried underground to a minimum depth of eighteen (18") inches.

(8) City Notification. Prior to the installation of any LP-Gas tank on any property, the owner must contact the City Office, complete and submit a New LP-Gas Installation Application and pay a LP-Gas Permit Fee of \$25.00.

(9) Inspection. After installation and prior to its use the owner must notify the City and have the installation inspected by a qualified city employee.

(10) Pre-Existing Tanks. Any LP-Gas tanks in existence prior to the passage of this ordinance shall be required to meet the above standards within 6 months subsequent to the passage of this ordinance. For containers larger than 250 gallons the owner must apply for a variance to this Ordinance. The \$25 application fee will NOT be charged for pre-existing containers.

(b) Containers less than 125 gallons in size. All of the above standards are applicable with the exception of the following (Note: Tanks that are 30 gallons or smaller and commonly used with barbecue grills and campers/RV's fall under this category. Please note their exceptions below):

(1) City Notification. The owner is NOT required to submit a New LP-Gas Installation Application or pay an LP-Gas Permit Fee of \$25.00 for containers of 30 gallons or less.

(2) Signage. It is not necessary for the owner to list their name, address and phone number on tanks less than 125 gallons in size. Tanks 30 gallons or less in size need not be labeled "FLAMMABLE" or "LP-GAS", "LPG", "PROPANE" or "BUTANE".

(3) Location. There is no minimum distance that a tank can be mounted or placed alongside a home's permanent structure(s). However, the tank must be a minimum of 10 feet from an intake, vent or A/C compressor and a minimum distance of 5 feet from a crawl space opening, window or exhaust fan (see container spacing diagram).

(4) Container Foundation. Containers of 30 gallons storage capacity or less are not required to be set on a concrete or steel foundation. However, they must be set on a stable, level foundation.

(5) Depth of pipelines. It is not necessary to bury pipelines, if the distance between the tank and the permanent home structure is two (2) feet or less or if the tank is placed on a mobile barbecue grill cart.

14-1404. **PROHIBITED LOCATIONS.** No propane tank shall be located within the Fire Limits of the City as established by Article 1 of Chapter 4 of the City Code of the City of St. Francis, Kansas.

14-1405. **VIOLATIONS.** A violation of this ordinance is a class B misdemeanor. (Ord. 534, passed 3-21-2006)