

## **CHAPTER IV. BUILDINGS AND CONSTRUCTION**

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### **ARTICLE 1. RESERVED FOR FUTURE USE**

#### **ARTICLE 2. BUILDING CODE**

4-201. INTERNATIONAL 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 International Building Code, 2000 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 International Building Code, 2000 Edition, shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Rossville," 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 1-112 of this code. (Code 2003)

4-202. BUILDING PERMITS. No person or corporation shall erect or cause to be erected within the limits of the city any structure of any kind or enlarge or add to the outside dimensions thereof, nor relocate any building or structure already erected or which may hereafter be erected, without a building permit being first obtained therefor from the city clerk. The application for such a permit shall be made and the permit obtained before the work is commenced upon the foundation for any such building or structure, or before the removal of any building begins, and such application shall state the exact site to be occupied, the material, dimensions and estimated cost of the proposed building, structure or addition, the purpose for which the same is intended to be occupied, the number of flues to be constructed within the same, and the probable time in which the work will be completed. (Code 1965, 5-207)

4-203. PERMITS; FEES. Before any person shall be issued a building permit under the provisions of this article, the following fees shall be paid to the city clerk for the benefit of the general fund of the city.

Permits for new construction, additions to, or enlargement of existing buildings, shall be a sum computed as follows:

- (a) \$5 for under 1,000 sq.ft.
- (b) \$7.50 for 1,000 sq.ft. up to 4,999 sq.ft.
- (c) \$10 for 5,000 sq.ft. up to 9,999 sq.ft.
- (d) \$15 for over 10,000 sq.ft.
- (e) Commercial - \$25.
- (f) Apartments (per unit) - \$5.

(Ord. 537, Sec. 1)

4-204. INSPECTION FEES. All costs incurred by the city in obtaining qualified plumbing, electrical, or general building inspectors to inspect such work for compliance with established codes (i.e., the Uniform Building Code, the Uniform Plumbing Code, and the National Electrical Code as adopted by the city) shall be paid by permit applicant. Each residential permit applicant shall at the time of application submit to the city clerk a \$200 deposit, which shall be applied to such inspection fees. Each commercial permit applicant shall at the time of application submit to the city clerk a \$300 deposit, which shall be applied to inspection fees. Any portion of this deposit not used for inspection fee expenditures shall be returned to the permit applicant upon completion of inspections and acceptance by the inspectors as meeting required codes. Charges in excess of the deposit shall be billed to the permit applicant. The code enforcement administrator shall have the authority to contract with licensed plumbers, electricians or general building contractors to perform such inspections. (Ord. 648, Sec. 1)

4-205. SAME; BUILDING. The following building inspection fees are hereby adopted by the governing body of the city:

- (a) Each residential footing and foundation, plumbing and heating and air conditioning, structural, electrical inspection -- \$50.
- (b) Each commercial footing and foundation, plumbing and heating and air conditioning, structural electrical inspection -- \$75.
- (c) Inspections outside of normal business hours (minimum charge - two hours) -- \$30 per hour.
- (d) Reinspection fees (minimum - one hour) -- \$30 per hour.
- (e) Inspections for which no fee is specifically indicated (minimum charge - one-half hour) -- \$30 per hour.
- (f) Additional plan review required by changes, additions or revisions to approved building plans (minimum charge - one-half hour) -- \$30 per hour.

(Ord. 646, Sec. 1)

4-206. PLANS. Applicant shall submit two copies of a site plan, floor plan, plumbing plan and electrical plan to the code enforcement administrator or the city clerk prior to the issuance of any permit. Amendments to any plans must be submitted when plans are amended. (Ord. 573, Sec. 3)

### ARTICLE 3. PLUMBING CODE

4-301. 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, 2000 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 Rossville," 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 1-112 of this code. (Code 2003)

4-302. PLUMBER OR PLUMBING CONTRACTOR; DEFINED. A plumber or plumbing contractor shall mean any person engaged in the business of installing, altering, maintaining, or repairing plumbing, which shall include all materials and plumbing fixtures, water pipes, portable water treatment equipment, traps, drainage and vent piping, and building drains, including their respective points, connections, devices, receptacles and appurtenances located within the property lines of any premises or in any building. (Code 1984)

4-303. PERMIT REQUIRED; FEE. (a) Any person, firm or corporation desiring to install any system of plumbing or to alter, reconstruct or renew any plumbing or to connect any building sewer to the sanitary sewer of the city or to a private sewage disposal system shall first apply to the city clerk for a permit to do such work.

(b) No permit shall be required for the making of repairs which do not in any way alter or replace any existing system of plumbing or water pipes.  
(Code 1965, 5-306)

4-304. PLUMBING INSPECTOR. It shall be the duty of the plumbing inspector or utility superintendent to inspect all plumbing hereafter done in the city for which a permit is required. He or she shall have power to reject any plumbing if the same is not done in accordance with the plumbing regulations of the city. He or she shall be authorized to enter upon premises for all such purposes to perform a duty imposed upon him or her: provided, that the owner of any building, the plumbing of which has been rejected by the inspector and who may feel aggrieved respecting such order, may by agent or personally appeal to the governing body of the city to have such order reviewed and the decision of the governing body shall be final when the matter shall have been heard by it. (Code 1965, 5-307)

4-305. PLUMBER'S BOND; INSURANCE. (a) Any person, firm or corporation engaged in the business of plumbing within the city shall, before doing any such work, file with the city clerk a surety bond in the sum of \$1,000. Such bond shall

be approved by the mayor as to form and by the city council as to surety and shall be conditioned that the principal therein will have the city free and harmless from all damages to all persons or property resulting from his or her negligence or the negligence of his or her agents or employees and further conditioned that he or she will restore all streets, alleys and sidewalks to the condition existing before the commencement of any work and that he or she will maintain the streets, alleys and sidewalks in such condition for six months subsequent to the completion of such work. No bond for the purpose of this article shall run for a longer period of time than two years and the bond shall remain in full force and effect as to any piece of work or excavation for six months after the same has been completed: provided, that no such bond may be extended by a renewal certificate but a new bond shall be given to the city in every case where an existing bond expires.

(b) In lieu of a bond, such person, firm or corporation may file with the city clerk, a certificate of liability insurance covering the work to be performed. The certificate shall show that such person, firm or corporation is covered by a liability insurance policy issued by a corporation authorized to do business in Kansas and that the policy has a \$300,000 minimum for bodily damages and \$50,000 for property damage.

(Code 1965, 5-302; Code 1984)

#### **ARTICLE 4. ELECTRICAL CODE**

4-401.           ADOPTION OF ELECTRICAL CODE BY REFERENCE. The standard code known as the National Electrical Code of 1999, 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 Rossville," 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 1-112 of this code. (Code 2003)

4-402.           ELECTRICIAN OR ELECTRICAL CONTRACTOR; DEFINED. An electrician or electrical contractor shall mean any person engaged in the business of installing, repairing or maintaining electrical wiring and apparatus, which shall include all wiring, materials, devices, machinery, appliances, fixtures, motors or conductors used in connection with the transmission or consumption of current used in electrical light, heat or power. (Code 1984)

4-403.           ELECTRICIAN'S BOND; INSURANCE. (a) No permit to do electrical work within the city shall be issued until a bond in the sum of \$1,000 has been filed with the city clerk. The bond, to be approved as to its sufficiency by the mayor and the terms and conditions of this article and all ordinances of the city governing excavations, and will indemnify and hold the city blameless against all costs, expenses, damages or injuries, by reason of the carelessness or negligence of the person or any agent or employee thereof. No bond for this purpose shall run

longer than two years and shall remain in full force and effect as to any work done or excavation made for six months after such work or excavation has been completed.

(b) In lieu of a bond, such person, firm or corporation may file with the city clerk, a certificate of liability insurance covering the work to be performed. The certificate shall show that such person, firm or corporation is covered by a liability insurance policy issued by a corporation authorized to do business in Kansas and that the policy has a \$300,000 minimum for bodily damage and \$50,000 for property damage.

(Code 1965, 5-302; Code 1984)

## **ARTICLE 5. DANGEROUS AND UNFIT STRUCTURES**

4-501. **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; Code 1992)

4-502. **DEFINITIONS.** For the purpose of this article, the following words and terms shall have the following meanings:  
(a) Enforcing officer means the chief of police 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; Code 1992)

4-503. **ENFORCING OFFICER; DUTIES.** The enforcing officer is hereby authorized to exercise such powers as may be necessary to carry out the purposes of this article, including 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. (Code 1992)

4-504. **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. (Code 1992)

- 4-505. SAME; NOTICE. The governing body upon receiving a report as provided in section 4-504 shall by 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; Code 1992)
- 4-506. 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; Code 1992)
- 4-507. SAME; HEARING, ORDER. 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. (Code 2003)
- 4-508. 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. (Code 1992)
- 4-509. 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.  
(Code 1992)
- 4-510. 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. (Code 1992)

- 4-511.           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 costs, or if there is no salvage, the balance shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments against the lot or parcel of land on which the structure was located and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the county clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full.  
(K.S.A. 12-1755; Code 2003)
- 4-512.           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 4-511.  
(K.S.A. 12-1756; Code 1992)
- 4-513.           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. (Code 1992)
- 4-514.           SCOPE OF ARTICLE. Nothing in this article shall be construed to abrogate or impair the powers of the courts 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. (Code 1992)

## **ARTICLE 6. MOVING BUILDINGS**

- 4-601.           PERMIT REQUIRED. It shall be unlawful for any person, firm, or corporation to move, haul, or transport, upon or across any street, alley or sidewalk in this city, any house, building, or other structure which exceeds the height, width, size or weight limitations provided by the laws of the State of Kansas for motor vehicles, after having been placed in final position for moving, without first obtaining a permit to do so as hereinafter provided. (Code 1984)
- 4-602.           BUILDINGS CONFORM TO EXISTING STRUCTURES IN AREA. No permit shall be issued therefor, and no building shall be moved into, or from one location to another in the city unless the general height and outward appearance of such building conforms to the other buildings in the block to which it is to be moved and in the block opposite, to such an extent that its relocation shall have no substantial adverse effect on property values in the neighborhood. (Code 1984)
- 4-603.           APPLICATION FOR PERMIT. All applications for moving permits shall be made in writing, upon forms provided by the city clerk and shall be filed in the office of the city clerk. The application shall include the day and hour the proposed moving is to commence and the route to be traveled. If it is to be necessary to cut, raise, or in any way interfere with any wires, poles, or other equipment, the application shall state the name of the owners of such wires, poles, or equipment, and the time and place when and where the removal of said poles or the cutting, raising or otherwise interfering with wires or other equipment will be necessary. The application shall be made not less than 48 hours before the moving is to commence. The application shall be accompanied by a permit fee in the amount of \$5. Appeals may be taken from the decisions of the city clerk to the board of zoning appeals. (Code 1984)
- 4-604.           APPLICATION; DETAILED DESCRIPTION. In making application to move a building, the applicant shall furnish a detailed description of the building and the improvements, repairs or alterations to be made to it (including type, size and extent of foundation, type of exterior siding and roofing, extent of plumbing and electrical work) which shall, upon approval, become a part of the building permit. All buildings which are moved shall be set upon foundations and finished within six months from the date of the permit. Buildings shall be inspected for structural stability before structural members (including floor joists, bearing walls and partitions, ceiling joists and roof trusses) are covered up. Members found to be unsafe shall be replaced and a reinspection called for. Plumbing and electrical systems shall meet all of the applicable requirements of the city codes. (Code 1984)



- 4-605. NOTICE TO OWNERS. (a) Upon issuance of a moving permit the applicant shall give not less than 15 days written notice to any person owning or operating any wires, cables or other aerial equipment along the proposed route of the intent to move the structure, giving the time and location that the applicants moving operation shall necessitate the cutting, moving, raising or interfering of any wires, cables or other aerial equipment.
- (b) The notice provision of subsection (a) shall not apply where the person owning or operating any wires, cables or other aerial equipment has waived their right to advance notice.
- (c) Should the moving operation be delayed, the applicant shall give the owner or his or her agent not less than 24 hours advance notice of the actual operation.  
(K.S.A. 17-1916; Code 1992)
- 4-606. DUTY OF OWNERS OF WIRES, POLES AND OTHER EQUIPMENT. It shall be the duty of the person, firm or corporation owning or operating any of said poles, wires or other equipment to furnish sufficient and competent linemen or workmen to remove such poles or raise or move such wires or other equipment as may 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, unless the wires be less than 18 feet above the street, in which case the owner of the wires shall stand the expense of moving them. (Code 1984)
- 4-607. NOTIFICATION; CHIEF OF POLICE. The chief of police shall be notified by the city clerk upon the filing of any application hereunder and shall examine the proposed route. If it shall appear that no other route may be used equally well and with less danger to persons and property then the chief may designate such other route as the one to be used. The police chief may also require such other safety measures to be taken as he shall deem advisable. The police chief shall inspect, from time to time, the progress of such moving to see that it is being done properly and in accordance with the provisions of this article and other applicable ordinances and laws. (Code 1984)
- 4-608. DUTIES OF MOVER. The holder of a moving permit granted hereunder shall observe all statutes, ordinances, rules and regulations relating to his or her operations and the relocating of the building in the city, including the cutting and trimming of trees. (Code 1984)
- 4-609. BOND; INSURANCE. All applications for a permit hereunder shall be accompanied by a bond, to be approved by the governing body executed by a bonding or surety company authorized to do business in the State of Kansas, in an amount of not less than \$25,000, conditioned upon saving harmless the City of Rossville from any and all claims for personal injury or property damage caused directly or indirectly by the applicant's operations under a permit granted hereunder, and conditioned further upon the payment by the applicant of any and all damage to persons or property caused by the negligence of the applicant, his or her agents or employees. A public liability insurance policy, issued by an insurance company authorized to do business in the State of Kansas, and conforming to this section may be permitted in lieu of a bond. (Code 1984)

- 4-610. STANDARDS FOR ISSUANCE OF PERMIT. The city clerk shall refuse to issue a permit hereunder if he or she finds that any application requirement has not been complied with or that for any reason persons or property in the city would be endangered by the moving of the building or other structure, or that the building code, or other ordinances would be violated by the building in its new location. (Code 1984)

## **ARTICLE 7. DEMOLITION AND DISMANTLING OF BUILDINGS**

- 4-701. PERMIT. It shall be unlawful for the owner or owners of any house, building or structure to wreck or tear down, or cause to be wrecked or torn down any house, building or structure in any manner whatsoever, or for any person, firm or corporation to assist in the wrecking, dismantling, or tearing down of any house, building or other structure without first obtaining a permit for such work from the governing body. (Code 1965, 5-1001)
- 4-702. PERMIT APPLICATIONS. Applications for permits to wreck, tear down, or dismantle any structure shall be filed with the city clerk and shall set out the description of the structure and its location and detailed plans of the proposed work. (Code 1965, 5-1002)
- 4-703. BOND. No permit to wreck, dismantle, or tear down any house, building or other structure shall be issued or granted until the owner or owners shall have filed with the city clerk a bond in an amount to be fixed by the governing body. The bond shall be signed by not less than two sureties to be approved by the governing body or until, in the alternative, the owner or owners shall have paid to the city clerk a cash deposit in an amount fixed by the governing body. The bond or cash deposit shall be for the protection of the city, the public, and adjacent lot owners and shall be to secure the payment of all damages of any kind or nature arising from the operations of wrecking, dismantling, or tearing down of the house, building, or other structure and to secure the strict compliance of the owner or owners and the person, firm, or corporations assisting in such operations with the provisions of this article regulating the wrecking, dismantling or tearing down of such house building or other structure. A public liability insurance policy, issued by an insurance company authorized to do business in the State of Kansas, and conforming to this section may be permitted in lieu of a bond. (Code 1965, 5-1003; Code 1984)
- 4-704. DEMOLITION; REQUIREMENTS. Every person or persons, who shall wreck, dismantle, or tear down any house, building, or other structure, shall within 90 days from the start of the work of wrecking, dismantling, or tearing down, unless a shorter time is specified by the permit, clear or cause to be cleared from the lot, lots, or tract left vacant by such moving, all trash, debris, junk, and discarded building materials not to be used immediately in rebuilding and shall remove all foundations or parts of foundations at least one foot below ground level unless another house, building, or other structure is to be erected immediately upon the foundations, as specified in the application for the permit; and shall fill in all open

wells and cisterns and all cellars, basements, or other excavations remaining on such lot, lots, or tract, unless the same are to be used immediately in connection with other structures to be erected. (Code 1965, 5-1004)

- 4-705. PUBLIC SAFETY. It shall be unlawful for the owner or any person, firm or corporation assisting in the work of wrecking, dismantling, or tearing down any house, building, or other structure, to leave any structure, portion of a structure, building materials, or any excavation in such a condition as to constitute a menace to the public health or safety or to constitute a fire hazard or which may be or may become a nuisance. (Code 1965, 5-1005)
- 4-706. FAILURE TO COMPLETE WORK. Upon the failure or neglect of the owner or owners of such house, building, or other structure or of any person, firm, or corporation assisting in the work of wrecking, dismantling, or tearing down such house, building, or other structure to fully comply with the provisions of section 4-704 of this article, the governing body may cause all work to be done necessary for compliance with the provisions of section 4-704, and the bond furnished under the provisions of this article shall secure the payment of the expense thereof or if a cash deposit has been made, such expense shall be deducted from such cash deposit. (Code 1965, 5-1006)
- 4-707. PENALTY. Any person, firm or corporation violating any of the provisions of this article or failing or refusing to perform any duty imposed by this article shall, upon conviction thereof, be fined in any amount not less than \$5 nor more than \$100. (Code 1965, 5-1007)

## ARTICLE 8. MOBILE HOME PARKS

- 4-801. DEFINITIONS. For the purpose of this article certain words and terms are herewith defined as follows:
- (a) Mobile Home is any structure intended for or so constructed that it will be suitable for living or sleeping quarters or for office purposes, mounted on wheels, or any other device upon which it may readily be transported, either by its own power or some externally applied power: provided, however, that this definition shall not apply to any vehicle lawfully operated upon fixed rails;
  - (b) Towing Unit is any vehicle furnishing traction effort for a mobile home;
  - (c) Area Unit is an area of ground space set aside for the accommodation of one mobile home and towing unit;
  - (d) Person refers to any individual firm, partnership, association or corporation;
  - (e) Mobile Home Park is any plot of ground where mobile homes are invited or allowed to be located regardless of whether or not any charge is made for the use of such plot;
  - (f) Parking Lot is any plot of ground used for temporary storage of automobiles;
  - (g) Street is any recognized thoroughfare in the city.
- (Code 1965, 5-701)

- 4-802.           PARKS: PERMIT. It shall be unlawful for any person to keep or maintain a mobile home park within the city unless the person shall first obtain a permit from the governing body so to do. Every applicant for a permit to maintain or operate a mobile home park shall file with the city clerk a written application stating the name and address of the applicant and the location of the mobile home park, naming the owner, proprietor or manager of the park and stating the toilet and sanitary facilities of the park. The person or persons filing the application shall be the person or persons in charge of the mobile home park and shall be responsible for its upkeep, maintenance and sanitary condition. Any change in management of a mobile home park shall be registered with the city clerk by the new manager. (Code 1965, 5-702)
- 4-803.           PERMIT APPLICATION. Each application shall be accompanied by a fee of \$1 and a diagram showing the location of streets, the location of electrical outlets, water outlets, sewer outlets and the location of garbage cans and trash cans. Garbage cans shall be of metal with a tight covering lid and each area unit shall be supplied with one can. (Code 1965, 5-703)
- 4-804.           AREA UNIT; SIZE; UTILITIES. Each area unit shall consist of a strip of land at least 40 feet in width and at least 70 feet in length and each unit shall be supplied with water and sewer facilities. This area size does not pertain to already existing and inhabited area units contained within established mobile home parks. There shall be a sewer connection to each mobile home consisting of an upright iron pipe four inches or more in diameter extending from the lateral three inches above the surface of the surrounding ground with a trap at the lower and a cover for the top when not in use, the riser to be placed at least 20 feet back from the property line. The water hydrants shall be so constructed as to prevent freezing in cold weather and each mobile home connected to the city water supply shall be separately metered for city water, except that, should the governing body deem it desirable for the city, connections may be made in accordance with city ordinance language. (Ord. 531, Sec. 2)
- 4-805.           AREA UNIT: REGULATION. No area unit shall be used as the location for more than one mobile home at one time. (Code 1965, 5-705)
- 4-806.           SANITATION. A mobile home park must be kept in a clean and sanitary condition at all times and it shall be unlawful for the holder of the permit for any mobile home park to permit or allow the accumulation of any trash, junk or garbage in the park. (Code 1965, 5-706)
- 4-807.           REGISTRATION. The holder of the permit for the mobile home park shall require all persons living in the mobile home park to register in a book kept for that purpose. The holder of the permit shall keep a record of the name, address and car license number of each occupant of the mobile home park, such record to be open for the inspection of law enforcement agents at all times. (Code 1965, 5-707)
- 4-808.           PERMIT: REVOCATION; SANITATION. If the governing body of the city shall determine upon proper inspection that the sanitary condition of the mobile

home park shall have become so unsanitary as to endanger the health of occupants or the surrounding communities or that the sanitary facilities have become inadequate to properly protect the occupants, the governing body shall require the owner or manager within 10 days, to place the park in proper sanitary condition. If upon notice from the city to the owner or manager, the owner or manager of the mobile home park shall fail or refuse to place in proper sanitary condition, the governing body of the city shall revoke the permit. (Code 1965, 5-708)

4-809. EXCEPTIONS. It shall be permissible for a bona fide guest of a householder to park a mobile home in the rear yard of any dwelling house for a period of time, not to exceed 14 days.

A mobile home may be parked or stored outside the fire limits, regardless of other provisions hereunder: provided, that it shall not be used for living or sleeping purposes during such time it is so stored or parked: provided further, that it shall not be a nuisance or a fire hazard: provided, that it shall be stored or parked on private property. (Code 1965, 5-709)

#### **ARTICLE 9. PRIVATE SWIMMING POOLS**

4-901. ENCLOSURE REQUIRED. Every private outdoor swimming pool shall be completely surrounded by a fence or wall not less than four feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four inches in any dimension except for doors and gates. A dwelling house or accessory building may be used as part of such enclosure. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. The governing body of the city may permit modifications of the foregoing requirements in individual cases, upon a showing of good cause with respect to the height, nature or location of the fence, wall, gates or latches, or the necessity therefor, provided the protection as sought hereunder is not reduced thereby. The governing body may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the wall, fence, gate and latch required in this section. (Code 1965, 5-801)

4-902. SWIMMING POOL; DEFINED. (a) Swimming Pool - above ground: Any structure which is designed to hold water to a depth of two feet or more, is placed directly on the ground, is constructed so that it may be readily assembled and disassembled and is designed to be used primarily for water oriented recreational activities. This does not include pools which are constructed with rigid sidewalls or sidewalls consisting of air chambers which are self-supporting, are designed to hold water to a depth of less than two feet and are generally known as wading pools. This also does not include metal or plastic "stock tanks" whose primary purpose is to provide water for livestock.

(b) Swimming Pool - in ground: Any structure which is designed to hold water to a depth of two feet or greater, with sidewalls constructed of concrete, fiberglass or other rigid impervious material, which is constructed below grade or at least one-half of the structure's average depth is below ground level. The

construction is considered permanent as it may not be readily removed or dismantled and reassembled at another location and is designed primarily for water oriented recreational activities.  
(Code 1984)

4-903. PERMIT REQUIRED. It shall be unlawful for any person, firm or corporation to construct or install, or cause to be constructed or installed, any private swimming pool covered by this article, without first having obtained a permit for a private pool from the city clerk. (Code 1965, 5-803)

4-904. PERMIT FEES. The fees for private swimming pools shall be as follows:  
(a) \$1 for work costing over \$100 and not over \$1,000;  
(b) For work costing more than \$1,000 the fee shall be \$1 for the first \$1,000 and 50¢ for each additional \$1,000 or fraction thereof.  
The fees prescribed for this section shall be paid, upon obtaining a private swimming pool permit, to the city clerk for the credit of the general fund of the city.  
(Code 1965, 5-804)

#### **ARTICLE 10. NUMBERING BUILDINGS**

4-1001. NUMBERING BUILDINGS; REQUIRED. It is hereby established that, due to the necessity for emergency vehicles to locate specific buildings in the city, it shall be mandatory for the owner of each building in the city to place a number on each building. This number shall be of a contrasting color to the area where it is posted. The number shall be clearly visible from the street, being large enough to be seen, and not to be hidden by shrubs, trees, or other items. The minimum size of numbers shall be four inches in height. (Ord. 524, Sec. 1)

4-1002. WARNING LETTER; PENALTY. A warning letter will be issued to any non-complier, giving 14 days for the owner of the building to come into compliance with this article. After 14 days, there will be a \$5 fine levied each day the building is not in compliance with this article, such fine to be paid to the city clerk. (Ord. 524, Sec. 2)