

**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; Code 2015)

**ARTICLE 2 BUILDING CODE**

4-201 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 of his or her authorized designee.

(Code 1994; Code 2003; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

4-209

**RESTRICTIONS ON EXTERIOR BUILDING AND FENCING MATERIALS-**

The use of any and all exterior 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 exterior galvanized materials are subject to prior approval of the building official and should be specifically identified on the application for a building permit.

(Code 2003; Code 2015)

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; Code 2015)

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 created to the general operating fund of the city.

(Code 1978, 5-109; Code 1994; Code 2003; Code 2015)

- 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; Code 2003; Code 2015)
- 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 \$500,000 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; Ord. 574, passed 2-28-2011; Code 2015)
- 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; Code 2015)
- 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; Code 2015)

- 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; Code 2015)
- 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 1-20-1998; 4-216; Code 2003; Code 2015)
- 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; Code 2015)

### **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.

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; Code 2015)

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; Code 2015)

- 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; Code 2015)
- 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; Code 2015)
- 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; Code 2015)

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 Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

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 re-inspection 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; Code 2015)

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; Code 2015)

**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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

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 re-inspection 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; Code 2015)

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; Code 2015)

## **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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

## **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; Code 2015)

- 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; Code 2015)
- 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; Code 2015)
- 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 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; Code 2015)
- 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; Code 2015)

- 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; Code 2015)
- 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; Code 2015)
- 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; Code 2015)
- 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; Code 2015)

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; Code 2015)

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; Code 2015)

#### **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; Code 2015)

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; Code 2015)

- 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; Code 2015)
- 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; Code 2015)
- 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; Code 2015)
- 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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

- 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; Code 2015)
- 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, or if there is no salvage, the city clerk shall, at the time of certifying other city taxes, certify the unpaid portion of the costs to the county clerk who shall extend the same on the tax roll of the county.  
(K.S.A. 12-1755; Ord. 442, Sec. 11; Code 1994, 4-611; Code 2003; Code 2015)
- 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; Code 2015)

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; Code 2015)

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; Code 2015)

## **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; Code 2015)

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; Code 2015)

**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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

#### **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; Code 2015)

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 rear yard 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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

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 home 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 spaces..... 100;
- (7) 76 to 150 mobile home spaces..... 200;
- (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; Code 2015)

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; Code 2015)

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; Code 2015)

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 gas lines;
- (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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

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 line 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; Code 2015)

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; Code 2015)

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; Code 2015)

#### **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; Code 2015)

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; Code 2015)

## **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.

(c)     Business Storage Unit shall mean a structure hereinafter further described in Section 4-1204, located on property in a commercially zoned area and owned or rented by the occupant and used by that occupant for the storage of inventory, equipment, machinery or goods used in the conduct of the business located on said property  
(Ord. 507 passed 4-3-2001; 4-1101; Code 2003; Ord. 577, passed 5-23-2011; Code 2015)

- 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; Code 2015)
- 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; Code 2015)
- 4-1204                    PLACEMENT OF BUSINESS STORAGE UNIT- The construction and placement of business storage units shall be subject to the provisions of this Chapter and only allowed in areas zoned commercial and, further, subject to the following requirements:  
                               (a) The securing of a building permit from the City.  
                               (b) Placement upon and secured to a permanent pad and/or foundation as approved by the City and, if necessary, skirted.  
                               (c) Of acceptable size and/or design, as determined by the City, so as to fit the aesthetics of the surrounding buildings and neighborhood.  
(Ord. 577 passed 5-23-2011; Code 2015)
- 4-1205                    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. 577, passed 5-23-2011; Code 2015)

**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; Code 2015)
- 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; Code 2015)

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; Code 2015)

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; Code 2015)

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; Code 2015)

#### 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.  
(Ord. 534, passed 3-21-2006; Code 2015)

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. (Ord. 534, passed 3-21-2006; Code 2015)

4-1404 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. (Ord. 534, passed 3-21-2006; Code 2015)

4-1405 VIOLATIONS- A violation of this ordinance is a class B misdemeanor. (Ord. 534, passed 3-21-2006; Code 2015)

## ARTICLE 15 FLOODPLAIN MANAGEMENT

### SECTION 1 STATUTORY AUTORIZATION, FINDINGS OF FACT, AND PURPOSES

4-1501(A) STATUTORY AUTHORIZATION

4-1501(A)(1) *Approval of Draft Ordinance by Kansas Chief Engineer Prior to Adoption-*  
The following floodplain management regulations, as written,

were approved in draft form by the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture on August 20, 2012.

(Ord. 585, passed 8-27-2012; Code 2015)

- 4-1501(A)(2) *Kansas Statutory Authorization-* The Legislature of the State of Kansas has in K.S.A. 12-741 *et seq*, and specifically in K.S.A. 12-766, delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare.  
(Ord. 585, passed 8-27-2012; Code 2015)

THEREFORE, THE GOVERNING BODY OF THE CITY OF ST. FRANCIS, KANSAS, ORDAINS AS FOLLOWS:

- 4-1501(B) FINDINGS OF A FACT

- 4-1501(B)(1) *Flood Losses Resulting from Periodic Inundation-* The special flood hazard areas of **St. Francis, Kansas** are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.  
(Ord. 585, passed 8-27-2012; Code 2015)

- 4-1501(B)(2) *General Causes of the Flood Losses-* These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.  
(Ord. 585, passed 8-27-2012; Code 2015)

- 4-1501(C) STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare; to minimize those losses described in Section 4-1501(B)(1); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to

meet the requirements of 44 CFR 60.3(b) and K.A.R. 5-44-4 by applying the provisions of this ordinance to:

1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
2. Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
3. Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

(Ord. 585, passed 8-27-2012; Code 2015)

## SECTION 2 GENERAL PROVISIONS

4-1502(A)

LAND TO WHICH ORDINANCE APPLIES- This ordinance shall apply to all lands within the jurisdiction of **The City of St. Francis, Kansas** identified as unnumbered A zones on the Index Map dated September 19, 1975 of the Flood Insurance Rate Map (FIRM) as amended and any future revisions thereto. In all areas covered by this ordinance, no development shall be permitted, except through the issuance of a floodplain development permit, granted by the Governing Body of **The City of St. Francis, Kansas** or its duly designated representative under such safeguards and restrictions as the (governing body) or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in Section 4.

(Ord. 585, passed 8-27-2012; Code 2015)

4-1502(B)

COMPLIANCE- No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

(Ord. 585, passed 8-27-2012; Code 2015)

4-1502(C)

ABROGATION AND GREATER RESTRICTIONS- It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances

inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1502(D)                    SECTION D. INTERPRETATION- In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by Kansas statutes.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1502(E)                    SECTION E. WARNING AND DISCLAIMER OF LIABILITY- The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions.  
This ordinance shall not create a liability on the part of the **City of St. Francis, Kansas**, any officer or employee thereof, for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1502(F)                    SEVERABILITY- If any section; clause; provision; or portion of this ordinance is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this ordinance shall not be affected thereby.  
(Ord. 585, passed 8-27-2012; Code 2015)

### **SECTION 3 ADMINISTRATION**

4-1503(A)                    FLOODPLAIN DEVELOPMENT PERMIT- A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in Section 4-1502(A). No person, firm, corporation, or unit of government shall initiate any development or substantial-improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1503(B)

DESIGNATION OF FLOODPLAIN ADMINISTRATOR- The **City Superintendent** is hereby appointed to administer and implement the provisions of this ordinance as the Floodplain Administrator.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1503(C)

DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR- Duties of the Floodplain Administrator shall include, but not be limited to:

1. Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this ordinance have been satisfied;

2. Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;

3. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;

4. Issue floodplain development permits for all approved applications;

5. Notify adjacent communities and the Division of Water Resources, Kansas Department of Agriculture, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);

6. Assure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse; and

7. Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;

8. Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been flood proofed; and

9. When flood-proofing techniques are utilized for a particular non-residential structure, the Floodplain

Administrator shall require certification from a registered professional engineer or architect.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1503(D)

APPLICATION FOR FLOODPLAIN DEVELOPMENT

PERMIT- To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

1. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed building or work;
2. Identify and describe the work to be covered by the floodplain development permit;
3. Indicate the use or occupancy for which the proposed work is intended;
4. Indicate the assessed value of the structure and the fair market value of the improvement;
5. Identify the existing base flood elevation and the elevation of the proposed development;
6. Give such other information as reasonably may be required by the Floodplain Administrator;
7. Be accompanied by plans and specifications for proposed construction; and
8. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

(Ord. 585, passed 8-27-2012; Code 2015)

**SECTION 4 PROVISIONS FOR FLOOD HAZARD REDUCTION**

4-1504(A)

GENERAL STANDARDS-

1. No permit for floodplain development shall be granted for new construction, substantial-improvements, and other improvements, including the placement of manufactured homes, within any unnumbered A zone unless the conditions of this section are satisfied.

(Ord. 585, passed 8-27-2012; Code 2015)

4-1504(A)(2)

2. All areas identified as unnumbered A zones on the Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map (FHBM) are subject to inundation of the 100-year flood; however,

the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this ordinance. If the Flood Insurance Study is not available; the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from State, Federal and other sources.

(Ord. 585, passed 8-27-2012; Code 2015)

4-1504(A)(3)

3. All new construction, subdivision proposals, substantial-improvements, prefabricated buildings, placement of manufactured homes, and other developments shall require:

(a) Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy;

(b) Construction with materials resistant to flood damage;

(c) Utilization of methods and practices that minimize flood damages;

(d) All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(e) New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding; and

(f) Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:

(1) All such proposals are consistent with the need to minimize flood damage;

(2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;

(3) Adequate drainage is provided so as to reduce exposure to flood hazards; and

(4) All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1504(A)(4) 4. *Agriculture Structures-* Structures used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet-flood proofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; there is no permanent retail, wholesale, or manufacturing use included in the structure; a variance has been granted from the floodplain management requirements of this ordinance; and a floodplain development permit has been issued.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1504(A)(5) 5. *Accessory Structures-* Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than 400 square feet, may be constructed at-grade and wet-flood proofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this ordinance; and a floodplain development permit has been issued.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1504(A)(6) 6. *Hazardous Materials-* All hazardous material storage and handling sites shall be located out of the special flood hazard area.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1504(A)(7) 7. *Storage, Material, and Equipment-* (a) The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.  
(b) Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1504(A)(8)

8. *Nonconforming Use*- A structure, or the use of a structure or premises that was lawful before the passage or amendment of the ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:

(a) If such structure, use, or utility service is discontinued for nine (9) consecutive months, any future use of the building shall conform to this ordinance.

(b) If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the pre- damaged market value of the structure. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, safety codes, regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination.

(Ord. 585, passed 8-27-2012; Code 2015)

4-1504(B)

SPECIFIC STANDARDS

4-1504(B)(1)

1. In all areas of special flood hazard, once base flood elevation data is obtained, as set forth in 4-1504(A)(2), the following provisions are required:

(a) *Residential Construction*- New construction or substantial-improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to a minimum of one (1) foot above base flood level. **The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer.**

(b) *Non-Residential Construction*- New construction or substantial-improvement of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be dry flood-proofed to a minimum of one (1) foot above the base flood elevation. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. **The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer.** Such certification shall

be provided to the floodplain administrator as set forth in Section 4-1503(C)(7)(8)(9).

(c) Require for all new construction and substantial-improvements, that fully enclosed areas below the lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; and

(2) The bottom of all opening shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(Ord. 585, passed 8-27-2012; Code 2015)

4-1504(B)(2)

2. In all areas of special flood hazard, once floodway data is obtained, as set forth in Section 4-1504(A)(2), the following provisions are required:

(a) The designated floodway shall be based on the standard that the area chosen for the floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation more than one (1) foot at any point; and

(b) The community shall prohibit any encroachments, including fill, new construction, substantial-improvements, and other development within the designated regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(Ord. 585, passed 8-27-2012; Code 2015)

4-1504(C)                    MANUFACTURED HOMES

4-1504(C)(1)                    1.        All manufactured homes to be placed within special flood hazard areas shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1504(C)(2)                    2.        Require manufactured homes that are placed or substantially improved within unnumbered A zones on the community's FIRM or FHBM on sites:  
subdivision;  
                  (a)        Outside of a manufactured home park or  
                  (b)        In a new manufactured home park or subdivision;  
                  (c)        In an expansion to an existing manufactured home park or subdivision; or  
                  (d)        In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial-damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to a minimum of one (1) foot above the base flood level and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. **The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer.**  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1504(C)(3)                    3.        Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within unnumbered A zones on the community's FIRM or FHBM, that are not subject to the provisions of Section 4-1504(C)(2) of this ordinance, be elevated so that either:  
                  (a)        The lowest floor of the manufactured home is a minimum of one (1) foot above the base flood level; or  
                  (b)        The manufactured home chassis is supported by reinforced piers or other foundation elements of at least

equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. The elevation of the lowest floor shall be certified by a licensed land surveyor or professional engineer. (Ord. 585, passed 8-27-2012; Code 2015)

4-1504(D)                    RECREATIONAL VEHICLES

Require that recreational vehicles placed on sites within unnumbered A zones on the community's FIRM or FHBM either:

- (1) Be on the site for fewer than 180 consecutive days, *or*
- (2) Be fully licensed and ready for highway use\*; *or*
- (3) Meet the permitting, elevating, and the anchoring requirements for manufactured homes of this ordinance.

\*A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

(Ord. 585, passed 8-27-2012; Code 2015)

**SECTION 5    FLOODPLAIN MANAGEMENT VARIANCE PROCEDURES**

4-1505(A)                    ESTABLISHMENT OF APPEAL BOARD

The **City Council, sitting as the Appeal Board**, as established by **The City of St. Francis, Kansas**, shall hear and decide appeals and requests for variances from the floodplain management requirements of this ordinance.

(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(B)                    RESPONSIBILITY OF APPEAL BOARD

Where an application for a floodplain development permit is denied by the Floodplain Administrator, the applicant may apply for such floodplain development permit directly to the Appeal Board, as defined in Section 4-1505(A).

The Appeal Board shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or

determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(C) FURTHER APPEALS

Any person aggrieved by the decision of the Appeal Board or any taxpayer may appeal such decision to the District Court of the County as provided in K.S.A. 12-759 and 12-760.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(D) FLOODPLAIN MANAGEMENT VARIANCE CRITERIA

In passing upon such applications for variances, the Appeal Board shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this ordinance, and the following criteria:

- (1) Danger to life and property due to flood damage;
- (2) Danger that materials may be swept onto other lands to the injury of others;
- (3) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) Importance of the services provided by the proposed facility to the community;
- (5) Necessity to the facility of a waterfront location, where applicable;
- (6) Availability of alternative locations, not subject to flood damage, for the proposed use;
- (7) Compatibility of the proposed use with existing and anticipated development;
- (8) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) Safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) Expected heights, velocity, duration, rate and rise and sediment transport of the flood waters, if applicable, expected at the site; and,
- (11) Costs of providing governmental services during and after flood conditions including maintenance and repair of

public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(E) CONDITIONS FOR APPROVING FLOODPLAIN MANAGEMENT VARIANCES

4-1505(E)(1) 1. Generally, variances may be issued for new construction and substantial- improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, providing items two (2) through six (6) below have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(E)(2) 2. Variances may be issued for the reconstruction, repair, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination, provided the proposed activity will not preclude the structure's continued historic designation and the variance is the minimum necessary to preserve the historic character and design of the structure.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(E)(3) 3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(E)(4) 4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(E)(5) 5. Variances shall only be issued upon: (a) showing of good and sufficient cause, (b) determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) determination that the granting of a variance will not result in increased flood heights, additional threats to

public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(E)(6)

6. A community shall notify the applicant in writing over the signature of a community official that: (a) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (b) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.

(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(F)

CONDITIONS FOR APPROVING VARIANCES FOR AGRICULTURAL STRUCTURES

Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Section 4-1505(D) and (E) of this ordinance.

In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed.

(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(F)(1)

1. All agricultural structures considered for a variance from the floodplain management regulations of this ordinance shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures, such as farmhouses, cannot be considered agricultural structures.

(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(F)(2)

2. Use of the varied structures must be limited to agricultural purposes in zone A only as identified on the

community's Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map (FHBM).  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(F)(3)                    3.     For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Section 4-1504(A)(3)(b) of this ordinance.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(F)(4)                    4.     The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with Section 4-1504(A)(3)(a) of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(F)(5)                    5.     Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or flood-proofed so that they are contained within a watertight, flood-proofed enclosure that is capable of resisting damage during flood conditions in accordance with Section 4-1505(A)(3)(d) of this ordinance.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(F)(6)                    6.     The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the one percent annual chance flood event, also referred to as the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Section 4-1504(B)(1)(c) of this ordinance.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(F)(7)                    7.     The agricultural structures must comply with the floodplain management floodway encroachment provisions of Section 4-1504(B)(2)(b) of this ordinance. No variances may be issued for agricultural structures within any designated

floodway, if any increase in flood levels would result during the one percent annual chance flood event, also referred to as the 100-year flood.

(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(F)(8)                    8.     Major equipment, machinery, or other contents must be protected from any flood damage.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(F)(9)                    9.     No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(F)(10)                    10.    A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(F)(11)                    11.    Wet-floodproofing construction techniques must be reviewed and approved by the community and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(G)                                      CONDITIONS FOR APPROVING VARIANCES FOR ACCESSORY STRUCTURES                  

Any variance granted for an accessory structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in Sections 4-1505(D) and (E) of this ordinance.

In order to minimize flood damages during the one percent annual chance flood event, also referred to as the 100-year flood and the threat to public health and safety, the following

conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed.

(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(G)(1)

1. Use of the accessory structures must be solely for parking and limited storage purposes in zone A only as identified on the community's Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map (PI-IBM).

(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(G)(2)

2. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Section 4-1504(A)(3)(b) of this ordinance.

(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(G)(3)

3. The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with Section 4-1504(A)(3)(a) of this ordinance. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(G)(4)

4. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or flood-proofed so that they are contained within a watertight, flood-proofed enclosure that is capable of resisting damage during flood conditions in accordance Section 4-1504(A)(3)(d) of this ordinance.

(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(G)(5)

5. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Section 4-1504(B)(1)(c) of this ordinance.

(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(G)(6)                    6.     The accessory structures must comply with the floodplain management floodway encroachment provisions of Section 4-1504(B)(2)(b) of this ordinance. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100 -year flood.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(G)(7)                    7.     Equipment, machinery, or other contents must be protected from any flood damage.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(G)(8)                    8.     No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(G)(9)                    9.     A community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.  
(Ord. 585, passed 8-27-2012; Code 2015)

4-1505(G)(10)                    10.    Wet-floodproofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.  
(Ord. 585, passed 8-27-2012; Code 2015)

**SECTION 6    PENALTIES FOR VIOLATION**

4-1506                              Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than **\$500**, and in addition, shall pay all costs and expenses

involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent **The City of St. Francis, Kansas**, or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 585, passed 8-27-2012; Code 2015)

## **SECTION 7 AMENDMENTS**

4-1507

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in The City of St. Francis, Kansas. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the FEMA Region VII office. The regulations of this ordinance are in compliance with the NFIP regulations.

(Ord. 585, passed 8-27-2012; Code 2015)

## **SECTION 8 DEFINITIONS**

4-1508

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning they have in common usage and to give this ordinance its most reasonable application.

**"100-year Flood"** see *"base flood"*

**"Accessory Structure"** means the same as *"appurtenant structure"*

**"Actuarial Rates"** see *"risk premium rates"*

**"Administrator"** means the Federal Insurance Administrator.

**"Agency"** means the Federal Emergency Management Agency (FEMA).

**"Agricultural Commodities"** means agricultural products and livestock.

**"Agricultural Structure"** means any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

**"Appeal"** means a request for review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

**"Appurtenant Structure"** means a structure that is on the same parcel of property as the principle structure to be insured and the use of which is incidental to the use of the principal structure.

**"Area of Special Flood Hazard"** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

**"Base Flood"** means the flood having a one percent chance of being equaled or exceeded in any given year.

**"Basement"** means any area of the building having its floor subgrade (below ground level) on all sides.

**"Building"** see "structure"

**"Chief Engineer"** means the chief engineer of the division of water resources, Kansas Department Of Agriculture.

**"Chief Executive Officer"** or **"Chief Elected Official"** means the official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

**"Community"** means any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

**"Development"** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling,

grading, paving, excavation or drilling operations, or storage of equipment or materials.

**"Elevated Building"** means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**"Eligible Community"** or **"Participating Community"** means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

**"Existing Construction"** means for the purposes of determining rates, structures for which the *"start of construction"* commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. *"existing construction"* may also be referred to as *"existing structures."*

**"Existing Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**"Expansion to an Existing Manufactured Home Park or Subdivision"** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**"Flood" or "Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; and (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level

in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined above in item (1).

**"Flood Hazard Boundary Map (FHBM)"** means an official map of a community, issued by the Administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

**"Flood Hazard Map"** means the document adopted by the governing body showing the limits of: (1) the floodplain; (2) the floodway; (3) streets; (4) stream channel; and (5) other geographic features.

**"Flood Insurance Rate Map (FIRM)"** means an official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

**"Flood Insurance Study (FIS)"** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**"Floodplain" or "Flood-prone Area"** means any land area susceptible to being inundated by water from any source (*see "flooding"*).

**"Floodplain Management"** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

**"Floodplain Management Regulations"** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

**"Floodproofing"** means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved property, water and sanitary facilities, or structures and their contents.

**"Floodway" or "Regulatory Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**"Freeboard"** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. *"Freeboard"* tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

**"Functionally Dependent Use"** means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

**"Highest Adjacent Grade"** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**"Historic Structure"** means any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually

listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

**"Lowest Floor"** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable flood-proofing design requirements of this ordinance.

**"Manufactured Home"** means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term *"manufactured home"* does not include a *"recreational vehicle."*

**"Manufactured Home Park or Subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**"Map"** means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

**"Market Value" or "Fair Market Value"** means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

**"Mean Sea Level"** means, for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

**"New Construction"** means, for the purposes of determining insurance rates, structures for which the *"start of construction"* commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For

floodplain management purposes, "*new construction*" means structures for which the "*start of construction*" commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

**"New Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

**"(NFIP)"** means the National Flood Insurance Program (NFIP).

**"Participating Community"** also known as an "*eligible community*," means a community in which the Administrator has authorized the sale of flood insurance.

**"Permit"** means a signed document from a designated community official authorizing development in a floodplain, including all necessary supporting documentation such as: (1) the site plan; (2) an elevation certificate; and (3) any other necessary or applicable approvals or authorizations from local, state or federal authorities.

**"Person"** includes any individual or group of individuals, corporation, partnership, association, or any other entity, including Federal, State, and local governments and agencies.

**"Principally Above Ground"** means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

**"Recreational Vehicle"** means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light-duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**"Remedy A Violation"** means to bring the structure or other development into compliance with Federal, State, or local

floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

**"Risk Premium Rates"** means those rates established by the Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. *"Risk premium rates"* include provisions for operating costs and allowances.

**"Special Flood Hazard Area"** see *"area of special flood hazard"*

**"Special Hazard Area"** means an area having special flood hazards and shown on a FIRM or FHBM as zones (unnumbered or numbered) A, AO, AE, or AH.

**"Start of Construction"** includes substantial-improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within 180 days of the permit date. The *actual start* means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the *actual start of construction* means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"State Coordinating Agency"** means the Division of Water Resources, Kansas Department of Agriculture, or other office designated by the governor of the state or by state statute at the request of the Administrator to assist in the implementation of the NFIP in the state of Kansas.

**"Structure"** means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. *"Structure"* for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation, or a travel trailer, without wheels on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

**"Substantial-Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**"Substantial-Improvement"** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before *"start of construction"* of the improvement. This term includes structures which have incurred *"substantial-damage,"* regardless of the actual repair work performed. The term does not, however, include either (1) any project or improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a *"historic structure,"* provided that the alteration will not preclude the structure's continued designation as a *"historic structure"*.

**"Variance"** means a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

**"Violation"** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other

development without the elevation certificate, other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

**"Water Surface Elevation"** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the floodplain.  
(Ord. 585, passed 8-27-2012, Code 2015)

## **ARTICLE 16 AIRPORT BUILDING REGULATIONS AND RESTRICTIONS**

4-1601 LOCATION, BOUNDARIES, ZONES AND HEIGHT RESTRICTIONS-  
Purpose: This section is intended to provide for the safe operation of aircraft into and out of the Cheyenne County Municipal Airport located in Section 27, Township 3 South, Range 40 West, in Cheyenne County, Kansas. The areas located within the Airport Hazard Area as described in this Section are hereby zoned as follows:

4-1601A Airport Hazard Area Description- The Airport Hazard Area shall consist of Operation Zones, Approach Zones, Turning Zones and Transition Zones as described in this section.

4-1601B Zone Descriptions- (A) The Operation Zones are longitudinally centered on each existing or proposed runway.

(1) Length- For existing and proposed paved runways, the operation zones begin and end 200 feet beyond the end of each runway. For existing and proposed turf runways, the operation zones begin and end at the runway ends.

(2) Width-For existing and proposed paved runways, the operation zones are 1,000 feet wide. For all other existing and proposed runways, the operation zones are 500 feet wide.

(3) Height- The height limit of the operation zones is the same as the height of the nearest point on an existing or proposed runway or the surface of the ground, whichever is higher.

(B) The Approach Zones extend from the end of each operation zone and are centered along the extended runway centerlines. The zones' dimensions are:

Paved Runways- (1) Length and Width- The approach zones extend 50,000 feet from the operation zone, measured along the extended

runway centerline. The approach zones are 1,000 feet wide at the end nearest the runway and expand uniformly to 16,000 feet wide at the farthest end.

(2) Height Limit- The height limit of the approach zones begins at the elevation of the operation zone and rises one (1) foot vertically for every 50 feet horizontally (50:1), except that the height limit shall not exceed 150 feet above the nearest existing or proposed runway end within three (3) miles of that runway end.

Unpaved Runways- (1) Length and Width- The approach zone extends three (3) miles from the operation zone, measured along the extended runway centerline. The approach zone is 500 feet wide at the end nearest the runway and expands uniformly to 3,700 feet wide at the far end.

(2) Height- The height limit of the approach zones begins at the elevation of the operation zone and rises one (1) foot vertically for every 40 feet horizontally (40:1) up to a maximum of 150 feet above the nearest existing or proposed runway end.

(C) The Transition Zones extend outward at right angles to the runway centerline and upward at a rate of one (1) foot vertically for every seven (7) feet horizontally (7:1). The height limit of these zones begins at the height limit of the adjacent Operation Zones or Approach Zones. The Transition Zones end at a height of 150 feet above the nearest existing or proposed runway end.

(D) The Turning Zones extends three (3) miles from the existing or planned airport property line, excluding the Operation Zones, Approach Zones, or Transition Zones. The height limit of the Turning Zones is 150 feet above the nearest existing or proposed runway end.

4-1601C Height Restrictions-No building, transmission line, pole, tower, chimney, wires, or other structure or appurtenance of any kind or character shall hereafter be erected, constructed, repaired or established, nor shall any tree or other object of natural growth be allowed to grow, above the heights described in above in 4-1601B.

4-1602 **LOCATION SKETCH AND ZONING MAP-** The boundaries, operation zones, approach zones, transition zones, and turning zones of the airport are indicated on the Zoning Map that accompanies and is hereby made a part of these regulations. A copy of the zoning shall at all times be on file in the office of the County Clerk, Cheyenne County, St. Francis, Kansas.

- 4-1603(1)            **PERMIT REQUIRED AND EXCEPTIONS-** Permit Required- It shall hereafter be unlawful to erect, construct, reconstruct, repair, or establish any building, transmission line, pole, tower, chimney, wires, or any other structure or appurtenance within the Hazard Area without first obtaining a permit from Cheyenne County. It shall also be unlawful to plant or replant any tree or other object of natural growth without the necessary permit.
- 4-1603(2)            Exceptions-Within the Turning Zones, no permit shall be required for any construction or planting that is not higher than seventy-five (75) feet above the nearest existing or proposed runway end.
- 4-1604                **NON-CONFORMING STRUCTURES-** Within the hazard area, no non-conforming building, transmission line, pole, tower, chimney, wires, or other structure or appurtenance of any kind or character or object of natural growth shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted or allowed to grow to a height above the heights permitted by these regulations, if such structures or objects of natural growth have been tom down, destroyed, have deteriorated or decayed to an extent of 80 percent or more of their original condition, or abandoned for a period of twelve months or more. Transmission lines and communication lines shall be interpreted as all poles, wires, guys and all other equipment necessary for the operation and maintenance of same within the regulated zone.
- 4-1605                **MARKING OF NON-CONFORMING STRUCTURES-**Whenever Cheyenne County determines that a specific structure or object exceeds the height restrictions and existed prior to the enactment of these regulations, the owner(s) and the lessor(s) of the premises on which the structure or object is located shall be notified in writing by the County. The owner(s) and lessor(s) shall, within a reasonable time, permit the marking and lighting of the structure or object. The cost of marking or lighting shall not be assessed against the owner or lessor of said premise.