

CHAPTER IV. BUILDINGS AND CONSTRUCTION

ARTICLE 1A. BUILDING CODE..... 3
4-1a01. International Building Code Incorporated...3
4-1a02. Amendments.....3
4-1a03. Severability.....4
4-1a04. Deletions.....4
4-1a05. Conflicts.....5
4-1a06. Notices to Appear.....5

ARTICLE 1B. RESIDENTIAL CODE 6
4-1b01. International Residential Code Incorporated.6
4-1b02. Amendments.....6
4-1b03. Deletions.....7
4-1b04. Conflicts.....7
4-1b05. Severability.....7
4-1b06. Notices to Appear.....7

ARTICLE 2. ELECTRICAL CODE 8
4-201. NFPA 70, National Electrical Code
Incorporated.....8
4-202. Amendments.....8
4-203. Interference with Inspection.....10
4-204. Deletions.....10
4-205. Severability.....10
4-206. Notices to Appear.....10

ARTICLE 3. PLUMBING CODE..... 11
4-301. International Plumbing Code Incorporated. 11
4-302. Amendments.....11
4-303. Unauthorized Use.....12
4-304. Penalties.....12
4-305. Severability.....12
4-306. Notices to Appear.....12

ARTICLE 3A. FUEL GAS CODE..... 13
4-3a01. Adoption of International Fuel Gas Code.13
4-3a02. Amendments.....13
4-3a03. Severability.....14
4-3a04. Notices to Appear.....15

ARTICLE 4. MECHANICAL CODE 16
4-401. Adoption of International Mechanical Code
by Reference.....16
4-402. Amendments to the International Mechanical
Code 2009 Edition.....16
4-403. Severability.....17
4-404. Deletions.....18
4-405. Notices to Appear.....18

**ARTICLE 5. PROPERTY MAINTENANCE
CODE 19**
4-501. International Property Maintenance Code,
2009 Edition.....19
4-502. Amendments.....19
4-503. Liability.....21
4-504. Severability.....21
4-505. Deletions.....22
4-506. Conflicts.....22
4-507. Notices to Appear.....22

ARTICLE 6. FENCES 23
4-601. Definition.....23
4-602. Type of Fence.....23
4-603. Permits.....23
4-604. Erected on Property Line.....24
4-605. Sight Hazard.....24
4-606. Sight Distance Triangle.....24
4-607. Barbed Wire.....24
4-608. Open Fences.....24
4-609. Same; Athletic Courts.....25
4-610. Same; Non-Athletic Uses.....25
4-611. Solid and Visually Solid Fences.....25
4-612. Nonconforming Fences.....25
4-613. Maintenance.....26
4-614. Right-Of-Way.....26
4-615. Protective Fences and Walls During
Construction Work.....26
4-616. Measurement of Height of Fences.....26
4-617. Standards.....26
4-618. Appeals.....26
4-619. Violations.....26
4-620. Variance As to Height.....26
4-621. Notices to Appear.....27

ARTICLE 7. DEMOLITION OF BUILDINGS 28
4-701. Definition.....28
4-702. Permit.....28
4-703. Permit; Application; Bond; Insurance.....28
4-704. Building Official Issue Permit.....28
4-705. Bond, Insurance Waived.....28
4-706. Inspection.....29
4-707. Notices to Appear.....29
4-708. Penalty.....29

ARTICLE 8. MOVING BUILDINGS 30
4-801. Permit Required.....30
4-802. Applications for Permits.....30
4-803. Same; Bond.....30
4-804. Same; Fee.....30
4-805. Notice to Owners.....30
4-806. Duty of Owners.....31
4-807. Interfering with Poles; Wires.....31
4-808. Inspection.....31
4-809. Display of Lanterns.....31
4-810. Penalty.....31

ARTICLE 9. SATELLITE DISH ANTENNAS 32
4-901. Purpose.....32
4-902. Definition.....32

4-903. Specifications.....	32
4-904. Same; Roof Mounting.....	32
4-905. Variances.....	33
4-906. Penalty.	33
ARTICLE 10. BLASTING	34
4-1001. Blasting; Permit Required.	34
4-1002. Approval of Permit Prior to Issuance.	34
4-1003. Bond Required.	34
4-1004. Insurance in Lieu of Bond.....	34
4-1005. Term of Permit.	34
4-1006. Warranty of Applicant to Defend City in Event of Suit.....	34
4-1007. Permit to Be Kept with Permittee or in Structure at Site of Blasting Operations.	35
4-1008. Penalty.....	35

ARTICLE 1A. BUILDING CODE**4-1a01. International Building Code Incorporated.**

There is hereby adopted and incorporated by reference the International Building Code, 2015 Edition, for the purpose of establishing the minimum regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; known as the Building Code.

That one (1) copy of which is on file in the office of the City Clerk of the City of Bonner Springs, being marked and designated as the International Building Code, 2015 Edition and shall not include the Appendix Chapters, unless specifically noted herein, as published by the International Code Council, Inc., be and is hereby adopted as the Building Code of Bonner Springs, in the State of Kansas; for the control of building and structures as herein provided; and each made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in the code sections below.

4-1a02. Amendments.

The following Sections of the International Building Code, 2015 Edition, are hereby revised:

Section 101.1 TITLE. These regulations shall be known as the Building Code of Bonner Springs, hereinafter referred to as "this code."

Section 101.4.1. ELECTRICAL. The provision of the NFPA 70, National Electrical Code, 2014 Edition, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

Section 105.3.2 TIME LIMITATION OF APPLICATION AND COMPLETION RENEWAL. Upon application a building permit will be issued for a period of one year for Residential construction and two (2) years for commercial construction. A one-time 90 day extension can be issued, at no charge upon application. If construction is not complete enough to issue a certificate of occupancy at the end of the extension period, the Building Official will assess a permit renewal fee equal to the original permit fee plus fifty (50%) percent. This permit is valid for 90 days. If construction is still complete, the Building Official can continue to issue extensions valid for a 90 day period, the cost for each extension is the cost of the previous extension plus fifty (50%) percent.

Section 108.2 SCHEDULE OF PERMIT FEES. The building permit fees schedule shall be as set out on page 14, Table 3-A of the Uniform Administrative Code, 1997 Edition. (Less other inspection fees)

Other Inspection Fees, as approved by the City Council:

Inspections outside normal business hours

Re-inspection

Additional plan review required by changes to approved plans

Outside Consultant - Actual Cost

Section 112. APPEALS BOARD. The suitability of alternate materials, methods of construction and reasonable interpretations of this code shall be determined by the Board of Zoning Appeals created pursuant to K.S.A. 12-714 as amended. The Board shall adopt reasonable rules and regulations and shall render all decisions and finding in writing to the building official with a duplicated copy to the appellant. Wherever in this international code reference is made to the Board of Appeals and such reference shall mean the Board of Zoning Appeals referred to above. The Board shall have no authority to modify the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

Section 113.4 VIOLATION PENALTIES. Any person, firm or corporation (persons herein) who shall violate any of the provision of the this code, violate or fail to comply with any order made thereunder, or submitted and approved thereunder, or a certificate or permit issued thereunder, and from which no other appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the building official or other proper City authority or by court of competent jurisdiction, within the time fixed herein, or who shall construct, enlarge, alter repair, move improve, remove, convert or demolish, equip, use occupy or maintain any building or structure in violation of the provision of this code, shall severally for each and every such violation and noncompliance, respectively be guilty of a Class C violation as prescribed by the Public Offense Code of this City. The imposition of the one penalty of any violation shall not excuse the violation or permit it to continue, and such persons shall be required to correct or remedy such violation or defect within a reasonable time; and when not otherwise specified, each 20 days that prohibited conditions are maintained shall constitute a separated offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 1612.3 ESTABLISHMENT OF FLOOD HAZARD AREAS. The flood hazard shall include at a minimum areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled: "The Flood Insurance Study for Bonner Springs, Kansas dated March 9, 2015", as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto.

Section 3301.2.1 Storage of explosives and blasting agents is prohibited in the City except in I-2 Industrial zoning districts with a special use permit for quarry operations or active construction projects with a blasting permit.

4-1a03. Severability.

If any Section of the International Building Code 2015 Edition or of this Article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then the 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.

4-1a04. Deletions.

The following Sections of the International Building Code, 2015 Edition are hereby deleted. Section 105.2. Work exempt from permit. Building 2. Fences not over 6 (1829 mm) feet high

4-1a05. Conflicts.

In the event any Section of the building code is in conflict or apparent conflict with the planning, zoning or subdivision regulations or ordinances, the provisions of the planning, zoning or subdivision ordinances shall prevail and those provisions of the building code now or hereafter in conflict with the regulations or ordinances shall be deemed invalid or inapplicable only as to the conflict.

(Ord. 2050, Sept. 2004, Ord. 2064 Oct. 2004, 2266; Ord. 2405)

4-1a06. Notices to Appear.

Pursuant to the authority of Charter Ordinance No. 29, the Building Official or other City Employee as designated in writing by the City Manager shall have the authority to issue notices to appear for violations of this ordinance and code.

(Ord. 2353; Ord. 2405)

ARTICLE 1B. RESIDENTIAL CODE**4-1b01. International Residential Code Incorporated.**

There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the construction, alteration, remodel, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, the International Residential Code, 2015 Edition, as recommended by the International Code Council, such code being made as a part of the ordinances and City Code subject to amendments, changes, omissions and additions hereafter set forth 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 one (1) copy of the International Residential Code for One and Two Family Dwellings, shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Bonner Springs" with all Sections or portions thereof intended to be omitted clearly marked to show any omission or showing the Sections, Articles, Chapters, parts or portions that are incorporated as the case may be to which shall be attached a copy of the Section. The copies shall be filed with the City Clerk to be open to inspections and available to the public at all reasonable business hours. The Police Department, Municipal Judge and all administrative departments of the City charged with the enforcement of the code shall be supplied a copy of the code without cost, all the copies marked as indicated above. "

4-1b02. Amendments.

The following Sections of the International Residential Code, 2015 Edition are hereby amended to read as follows:

Section 105.3.2. TIME LIMITATION OF APPLICATION AND COMPLETION RENEWAL.

Upon application a building permit will be issued for a period of one (1) year for residential construction and two (2) years for commercial construction. A one-time 90 day extension can be issued, at no charge upon application. If construction is not complete enough to issue a certificate of occupancy at the end of the extension period, the Building Official will assess a permit renewal fee equal to the original permit fee plus fifty (50%) percent. This permit is valid for 90 days. If still not complete, the Building Official can continue to issue extensions valid for a 90 day period, the cost for each extension is the cost of the previous extension plus (50%) percent.

Section R108.2. SCHEDULE OF PERMIT FEES. The building permit fee schedule shall be as set in Table 3-A of the Uniform Administrative Code, 1997 Edition. (Less other inspection fees)

Other Inspection Fees, as approved by the City Council:

Inspections outside normal business hours

Re-inspection

Additional plan review required by changes to approved plans

Outside consultant - Actual cost

Section R112. APPEALS BOARD. The suitability of alternate materials, methods of construction and reasonable interpretations of this code shall be determined by the Board of Zoning Appeals created pursuant to K.S.A. 12-714 as amended. The Board shall adopt reasonable rules and regulations and shall render all decisions and findings in writing to the building

official with a duplicated copy to the appellant. Wherever in this international code reference is made to the Board of Appeals and such reference shall mean the Board of Zoning Appeals referred to above. The Board shall have no authority to modify administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

Section R113. VIOLATIONS. Any person, firm or corporation (persons herein) who shall violate any of the provision of this code violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate of permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the building official or other proper City authority or by a court of competent jurisdiction, within the time fixed herein, or who shall construct, enlarge, alter, repair, move, improve, remover, convert or demolish, equip, use, occupy or maintain any building or structure in violation of the provision of this code, shall severally for each and every such violation and noncompliance, respectively be guilty of a Class C violation as prescribed by the Public Offense Code of this City. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violation or defects within a reasonable time; and when not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section R313.1 An automatic residential fire sprinkler system may be installed in townhouses. A two hour separation wall is required separating the units when an automatic sprinkler fire system is not installed.

Section R313.2 An automatic residential fire sprinkler system may be installed in one and two family dwellings.

4-1b03. Reserved.

4-1b04. Conflicts.

In the event any Section of the building code is in conflict or apparent conflict with the planning, zoning or subdivision regulations or ordinances, the provision of the planning, zoning, or subdivision ordinances shall prevail and those provisions of the building code now or hereafter in conflict with the regulations or ordinances shall be deemed invalid or inapplicable only as to the conflict.

4-1b05. Severability.

If any Section of the International Residential Code for One and Two-family Dwellings or of this Article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then the 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.

(Ord. 2056; Ord. 2272; Ord. 2406)

4-1b06. Notices to Appear.

Pursuant to the authority of Charter Ordinance No. 29, the Building Official or other City Employee as designated in writing by the City Manager shall have the authority to issue notices to appear for violations of this ordinance and code.

(Ord. 2353; Ord 2406)

ARTICLE 2. ELECTRICAL CODE

4-201. NFPA 70, National Electrical Code Incorporated.

There is hereby adopted and incorporated by reference for the purpose an ordinance establishing rules and regulations for the installation of electrical wiring and apparatus the NFPA 70, National Electrical Code, 2014 Edition as recommended by the National Fire Protection Association, such code being made as a part of the ordinances and City Code, subject to the amendments, changes, omissions and additions, hereinafter set forth, 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.

That one (1) copy of which are on file in the office of the City Clerk of the City of Bonner Springs, being marked and designated as the NFPA 70, National Electrical Code, and shall not include the Appendix Chapters, unless specifically noted herein, as published by the National Fire Protection Association, be and is hereby adopted as the Electrical Code of Bonner Springs, in the State of Kansas; for the control of electrical installation as herein provided; and each made a part hereof, as if fully set out in this City Code, with the additions, insertions, deletions and changes, if any, prescribed in the code sections below.

4-202. Amendments.

Certain Sections of the NFPA 70, National Electrical Code, 2014 Edition, are amended as follows:

ARTICLE 80.19 (E) PERMIT FEES.

Standard fee of \$35.00 for all electrical permit applications excluding work covered under a building permit.

ARTICLE 80.19 (F) (3) INSPECTION AND APPROVALS.

When any portion of the electrical installation within the jurisdiction of an Electrical Inspector is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the equipment shall notify the Electrical Inspector, and such equipment shall not be concealed until it has been approved by the Electrical Inspector.

ARTICLE 80.19 (G) (7) REVOCATION OF PERMITS.

The National Electrical Code, as adopted, shall have the following paragraph added to read every permit issued by the Building Code Official under the provisions of this Code shall expire by limitation and become null and void if:

- (1) The building or work authorized by such permit is not commenced within 180 days from the date of such permit, or
- (2) The building or work authorized by such permit has not progressed to the point of the next required inspection within 180 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one (1) year. In order

to renew action on a permit that has expired for a period exceeding one (1) year, the permittee shall pay a new full permit fee. The Building Code Official is authorized to grant, in writing, one or more extension of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

ARTICLE 80.29 LIABILITY FOR DAMAGES.

Article 80 shall not be construed to affect the responsibility or liability of any party owning, designing, operating, controlling, or installing any electric equipment for damages to persons or property caused by a defect therein, nor shall the City of Bonner Springs or any of its employees be held as assuming any such liability by reason of the inspections, re-inspection, or other examination authorized.

ARTICLE 100. DEFINITIONS.

The following words and phrases shall have the following meanings: The term "AUTHORITY HAVING JURISDICTION" shall in all instances mean the Building Code Official of the City of Bonner Springs, Kansas.

ARTICLE 80.15 (G). APPEALS.

(1) (A) The suitability of alternate materials, methods of construction and reasonable interpretation of this code shall be determined by Board of Zoning Appeals created pursuant to K.S.A. 12-714 and as amended. The Board of Appeals shall have no authority to modify the administrative provisions of this code nor shall the Board be empowered to waive requirements of this code. The Board shall adopt reasonable rules and regulations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant. Wherever in this code reference is made to the Board of Appeals, such reference shall mean the Board of Zoning Appeals referred to above.

ARTICLE 80.23. (B). NOTICE OF VIOLATION, PENALTIES.

Any person, firm or corporation (persons herein) who shall violate any of the provision of the this code, violate or fail to comply with any order made thereunder, or submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no other appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the building official or other proper City authority or by court of competent jurisdiction, within the time fixed herein, or who shall construct, enlarge, alter repair, move improve, remove, convert or demolish, equip, use occupy or maintain any building or structure in violation of the provision of this code, shall severally for each and every such violation and noncompliance, respectively be guilty of a Class C violation and prescribed by the Public Offense Code of this City. The imposition of the one penalty of any violation shall not excuse the violation or permit it to continue, and such persons shall be required to correct or remedy such violation or defect within a reasonable time; and when not otherwise specified, each 20 days that prohibited conditions are maintained shall constitute a separated offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

ARTICLE 250.50. GROUNDING ELECTRODE SYSTEM.

Grounding Electrode System of the National Electrical Code, as adopted, shall have the following paragraph added to read: When none of the electrodes specified in Section 250.52 are available, two or more of the electrodes specified in 250.52(5) shall be used. These shall be connected in the manner specified in Section 250.53 to a minimum of two separate grounding electrode conductors.

ARTICLE 547.5 (E) PHYSICAL PROTECTION.

All electrical wiring and equipment subject to physical damage shall be protected to a minimum height of 8 feet.

4-203. Interference with Inspection.

It shall be unlawful for any person to interfere with the electrical inspector in the proper discharge of his or her duty under this Article.

4-204. Deletions.

The following Articles of the National Electrical Code 2014 Edition, shall be deleted:

(a) ARTICLE 80.15. ELECTRICAL BOARD, (b) ARTICLE 80.19 (D). ANNUAL PERMITS, (c) ARTICLE 80.19 (F) (4). INSPECTION AND APPROVALS, (d) ARTICLE 80.23 (B). PENALTIES, (e) ARTICLE 80.25 (C). NOTIFICATION, (g) ARTICLE 80.27. INSPECTOR'S QUALIFICATIONS, (h) ARTICLE 80.33. REPEAL OF CONFLICTING ACTS, (j) ARTICLE 80.35 EFFECTIVE DATE.

4-205. Severability.

If any Section of the National Electrical Code, 2014 Edition or of this Article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then the 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.

(Ord. 2057; Ord. 2273; Ord. 2407)

4-206. Notices to Appear.

Pursuant to the authority of Charter Ordinance No. 29, the Building Official or other City Employee as designated in writing by the City Manager shall have the authority to issue notices to appear for violations of this ordinance and code.

(Ord. 2353; Ord. 2407)

ARTICLE 3. PLUMBING CODE**4-301. International Plumbing Code Incorporated.**

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, or the control of buildings and structures within the City; the issuing, suspension, and revocations of permits; the collections of fees; the making of inspections; the execution of plan reviews; the enforcement of Article 3 of the Bonner Springs Municipal Code and the fixing of penalties for violations thereof, the 2015 International Plumbing Code as published by International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Bonner Springs City Code Chapter IV, Article 3 and including such new and additional provisions added to said code by the Bonner Springs City Code Chapter IV, Article 3. Not less than one (1) copy of said 2015 International Plumbing Code shall be marked Official Copy and to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied such number of official copies as may be deemed expedient.

Provisions in the appendices shall not apply unless specifically referenced in the adopting ordinance. Appendices E and F are hereby adopted.

4-302. Amendments.

Certain Sections of the International Plumbing Code are hereby amended to read as follows:

Section 101.1 TITLE.

The regulations shall be known as the International Plumbing Code of Bonner Springs herein after referred to as "this code".

Section 106.6.2 FEES SCHEDULE.

Standard fee of \$35.00 for all plumbing applications, excluding work covered under a building permit.

Section 109, APPEALS BOARD.

The suitability of alternate materials, methods of construction and reasonable interpretations of this code shall be determined by the Board of Zoning Appeals created pursuant to K.S.A. 12-714 as amended. The Board shall have no authority to modify the administrative provisions of this code nor shall the Board be empowered to waive requirements of this code. The Board shall adopt reasonable rules and regulations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant. Wherever in this international code reference is made to the Board of Appeals, such reference shall mean the Board of Zoning Appeals referred to above.

Section 305.6.1. SEWER DEPTH.

Building sewers that connect to private sewage disposal systems shall comply with the regulations of the Wyandotte County Health Department. Sewer pipe below grade connections to the public sewer shall comply with the requirements of Bonner Springs Wastewater regulations for sewers".

Section 701.2 SEWER REQUIRED.

Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer, where available, or an approved private sewage disposal system in accordance with the Wyandotte County Health Department regulations and provisions of the Master Plan of the City of Bonner Springs."

4-303. Unauthorized Use.

"No person who has obtained a license required to engage in business as a plumber within the City shall allow his or her name to be used by another person either for the purpose of obtaining work permits or for doing business or work under his or her license."

4-304. Penalties.

(a) Any person who shall violate any of the provisions of the International Plumbing code, violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the building official or other proper City authority or by a court of competent jurisdiction, within the time fixed herein, or who shall construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure in violation and noncompliance, code, shall severally for each and every such violation and noncompliance, respectively, be guilty of a Class C violation as prescribed by the Public Offense Code of this City. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time; and when not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense."

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. 2064; Ord. 2270; Ord. 2408)

4-305. Severability.

If any Section of the International Plumbing Code or of this Article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then the Section shall be considered separate and apart from the remaining provisions of the International 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.

(Ord. 2054; Ord. 2270; Ord. 2408)

4-306. Notices to Appear.

Pursuant to the authority of Charter Ordinance No. 29, the Building Official or other City Employee as designated in writing by the City Manager shall have the authority to issue notices to appear for violations of this ordinance and code.

(Ord. 2353; Ord. 2408)

ARTICLE 3A. FUEL GAS CODE**4-3a01. Adoption of International Fuel Gas Code.**

An ordinance establishing the minimum regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; known as the Fuel Gas Code, such code being made a part of the ordinances and City Code, subject to the amendments, changes, omissions and additions, hereinafter set forth 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 one (1) copy of the International Fuel Gas as published by the Building Code Officials and Code Administrators International, the International Conference of Building Code Officials, and the Southern Building Code Congress International shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Bonner Springs," with all Sections or portions thereof intended to be omitted clearly marked to show any such omission, or showing the Sections, Articles, Chapters, parts or portions that are incorporated as the case may be and to which shall be attached a copy of this Section. Such copies shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. The Police Department, Municipal Judge and all administrative departments of the City charged with the enforcement of the code shall be supplied a copy of such code without cost, and all such copies marked as indicated above.

4-3a02. Amendments.

The following Sections of the International Fuel Gas Code, 2015 Edition shall be amended to read as follows:

- (a) The term "ordinance" shall mean and include the word "resolution".
- (b) The term "City" shall mean and include the words "Bonner Springs, Kansas"
- (c) The term "misdemeanor", unless otherwise specifically defined or provided for herein, shall mean 'Class C' violation as prescribed by the Public Offense Code of this City.

Section 101.1. GENERAL.

These regulations shall be known as the Fuel Gas Code of Bonner Springs, hereinafter referred to as "this code."

Section 106.5.2. FEE SCHEDULE:

Standard fee of \$35.00 for all fuel gas applications, excluding work covered under a building permit.

Section 108.4. VIOLATION PENALTIES:

- (a) It shall be unlawful for any person, firm or corporation to violate a provision of the Code or who shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair fuel gas work in violation of the approved construction documents or directive of the Building Code Official, or of a permit or certificate issued under the provisions of this Code.

(b) Any person who shall violate any of the provision of the International Gas Fuel Code 2015 Edition or fail to comply with any order made thereunder, or who shall build in violation of any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the building official or other property City authority or by a court of competent jurisdiction, within the time fixed herein or who shall construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure in violation of the provisions of this code shall severally for each and every such violation and noncompliance, respectively, be guilty of a Class C violation as prescribed by the Public Offense Code of this City, The imposition of one penalty for any required to correct or remedy such violations within a reasonable time; and when not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense.

(c) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 108.5. STOP WORK ORDERS:

Upon notice from the Building Code Official, work on any plumbing system that is being done contrary to the provisions of this Code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Building Code Official shall not be required to give a written notice prior to stopping the work.

Any person who shall continue any work in or about the structure after having been served with a stop work order, verbal or written, except such work as the person is directed to perform to remove a violation or unsafe conditions, shall be guilty upon conviction of a public offense.

Section 109. APPEALS:

The suitability of alternate materials, methods of construction and reasonable interpretation of this code shall be determined by Board of Zoning Appeals created pursuant to K.S.A. 12-714, and as amended. The Board of Zoning Appeals shall have no authority to modify the administrative provisions of this code nor shall the Board be empowered to waive requirements of this code. The board shall adopt reasonable rules and regulations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant. Wherever in this uniform code reference is made to the Board of Zoning Appeals, such reference shall mean the board of zoning appeals referred to above.

4-3a03. Severability.

If any Section of the International Fuel Gas Code 2015 Edition or of this Article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then the Section shall be considered separate and apart from the Article, the Sections is to be completely severable for the remaining provisions which shall continue in force and effect.

(Ord. 2052, Ord. 2268; Ord. 2409)

4-3a04. Notices to Appear.

Pursuant to the authority of Charter Ordinance No. 29, the Building Official or other City Employee as designated in writing by the City Manager shall have the authority to issue notices to appear for violations of this ordinance and code.

(Ord. 2353; Ord. 2409)

ARTICLE 4. MECHANICAL CODE

4-401. Adoption of International Mechanical Code by Reference.

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 that certain building code known as the International Mechanical Code, 2015 Edition, recommended by the International Code Council, International Conference of Building Officials, such code being made as a part of the ordinances and City Code, subject to amendments, changes, omissions and additions hereinafter set forth, 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 one (1) copy of the International Mechanical Code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Bonner Springs," with all Sections or portions thereof intended to be omitted clearly marked to show any such omissions, or showing the Sections, Articles, Chapters, parts or portions that are incorporated as the case may be and to which shall be attached a copy of this Ordinance. Such copies shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. The Police Department, Municipal Judge and all administrative departments of the City charged with the enforcement of the code shall be supplied a copy of such code without cost, and all such copies marked as indicated above.

4-402. Amendments to the International Mechanical Code 2015 Edition.

The following Sections of the International Mechanical Code 2015 Edition incorporated by Section 4-401 are amended as follows:

Section 105.2 ALTERNATE MATERIALS, METHODS, EQUIPMENT & APPLIANCES

The suitability of alternate materials, methods of construction and reasonable interpretations of this code shall be determined by the Board of Zoning Appeals created pursuant to K.S.A. 12-714, as amended. The board shall have no authority to modify the administrative provisions of this code nor shall the board be empowered to waive requirements of this code. The Board shall adopt reasonable rules and regulations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant. Wherever in this International Code reference is made to the Board of Appeals, reference shall mean the Board of Zoning Appeals referred to above.

Section 106.5.2 FEE SCHEDULE.

Standard fee of \$35.00 for all mechanical permit applications, excluding work covered under a building permit

In addition to the definitions in Section 202 of the International Mechanical Code 2015 Edition, the following definitions are added and shall have the following meanings:

- (a) The term "ordinance" shall mean and include the word "resolution".
- (b) The term "city" shall mean and include the word "county".
- (c) The term "misdemeanor", unless otherwise specifically defined or provided for herein, shall mean "Class C" violation as prescribed by the Public Offense Code of this City."

Section 108.5 STOP WORK ORDERS.

Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable for a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1000).

Section 108.4 VIOLATION AND PENALTIES.

(a) Any person who shall violate any of the provisions of the International Mechanical Code 2003 Edition or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Building Official or other proper City authority or by a court of competent jurisdiction, within the time fixed herein or who shall construct, enlarge, alter, repair, move, improve, remove, convert, demolished, equip, use, occupy or maintain any building or structure in violation of the provision of this code, shall severally for each and every such violation and noncompliance, respectively, be guilty of a Class C violation as prescribed by the Public Offense Code of this City. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations within a reasonable time. When not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 204.1 APPEALS.

The suitability of alternate materials, methods of construction and reasonable interpretation of this code shall be determined by Board of Zoning Appeals created pursuant to K.S.A. 12-714, and as amended. The Board of Appeals shall have no authority to modify the administrative provisions of this code nor shall the Board be empowered to waive requirements of this code. The Board shall adopt reasonable rules and regulations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant. Wherever in this uniform code reference is made to the Board of Appeals, such reference shall mean the Board of Zoning Appeals referred to above.

4-403. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Governing Body hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

4-404. Deletions.

The following Sections of the International Mechanical Code 2009 Edition are hereby deleted:

(a) Section 106.5.3, Fee Refunds, Subparagraph 3, that reads: “Not more than % percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plans review effort has been expended.

(b) Section 109, Means of Appeal.

(Ord. 2053; Ord. 2269; Ord. 2410)

4-405. Notices to Appear.

Pursuant to the authority of Charter Ordinance No. 29, the Building Official or other City Employee as designated in writing by the City Manager shall have the authority to issue notices to appear for violations of this ordinance and code.

(Ord. 2353; Ord. 2410)

ARTICLE 5. PROPERTY MAINTENANCE CODE

NOTE: See also Chapter XI. "Property Maintenance – Exterior."

4-501. International Property Maintenance Code, 2015 Edition.

There is hereby adopted and incorporated by reference for the purpose of an ordinance establishing the minimum regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; known as the Property Maintenance Code. That one (1) copy of which is on file in the office of the City Clerk of the City of Bonner Springs, being marked and designated as the International Property Maintenance Code as published by the International Code Council, Inc., be and is hereby adopted as the property Maintenance Code of the City of Bonner Springs, in the State of Kansas; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any prescribed in Section 4-502.

4-502. Amendments.

Certain Sections of the International Property Maintenance Code, 2015 Edition are amended as follows:

Section 101.1 TITLE.

These regulations shall be known as the Property Maintenance Code of Bonner Springs, herein after referred to as "this code".

Section 102.3 APPLICATION OF OTHER CODES.

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code 2015 Edition, International Plumbing Code 2015 Edition, International Mechanical Code 2015 Edition, International Fuel Gas Code 2015 Edition and the 2014 Edition NFPA 70 National Electrical Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Bonner Springs Master Plan.

Section 106.4 VIOLATION PENALTIES.

(a) Any person who shall violate any of the provisions of this code, violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specification or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the building official or other property City authority or by a court of competent jurisdiction, within the time fixed herein, or who shall construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure in violation of the provisions of this code, shall severally for each and every such violation and noncompliance, respectively, be guilty of a Class C violation as prescribed by the Public Offense Code of this City. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time; and when not

otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 111. MEANS OF APPEAL.

The suitability of alternate materials, methods of constructions and reasonable interpretation of this code shall be determined by the Board of Zoning Appeals created pursuant to K.S.A. 12-714 and as amended. The Board of Zoning Appeals shall have no authority to modify administrative provisions of this code nor shall the Board be empowered to waive requirements of this code. The Board shall adopt reasonable rules and regulations and shall render all decisions and findings in writing to the building official with a duplicated copy to the appellant. Wherever in this international code reference is made to the Board of Appeals, such reference shall mean the Board of Zoning Appeals referred to above.

Section 201.3 TERMS DEFINED IN OTHER CODES.

Shall be revised as follows: Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, International Zoning Code, International Plumbing Code, International Mechanical Code, or the NFPA 70, National Electrical Code 2014, such terms shall have the meaning ascribed to them as in these codes.

Section 303.2. PROTECTIVE TREATMENT.

All exterior surfaces, including but not limited to: doors, door and window frames, concise, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Peeling, flaking and chipped paint areas in excess of twenty percent (20%) of any individual surface area shall be eliminated and such surfaces repainted. The area of peeling, flaking or chipped paint shall be calculated by drawing one rectangle around all occurrences of the peeling, flaking and chipped paint on any individual surface and calculating the area of that rectangle. All siding and masonry joints (as well as those between the building envelope and the perimeter of windows, doors and skylights) shall be maintained weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Section 303.3.1 PREMISES IDENTIFICATIONS.

Secondary entry numbers. Multi-tenant shopping centers in which tenant spaces have secondary entry doors from an exterior façade of the building and have paved vehicle access adjacent to such doors shall have approved numbers or addresses placed on or adjacent to each door. Secondary address numbers shall be a minimum of 4 inches in height.

Exception: If more than one entry door is installed on a façade, only one door needs to be marked (entry doors defined as overhead cargo doors and normal passage doors).

Section 303.14 INSECT SCREENS.

During the period from May 15 to October 15, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Section 602.3. HEAT SUPPLY.

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom or on terms, either expressed or implied, to furnish heat to the occupants there of shall supply heat during the period from October 15 through May 15, to maintain a temperature not less than 65 degrees F. (18 degree C) in all habitable rooms, bathrooms and toilet rooms.

Section 602.4 OCCUPIABLE WORK SPACES.

Indoor occupiable work spaces shall be supplied with heat during the period from October 15 to May 15 to maintain a temperature of not less than 65 degrees F (18 degree C) during the period of spaces are occupied.

Exception: (1) Processing, storage and operation areas that require cooling or special temperature conditions. (2) Areas in which persons are primarily engaged in vigorous physical activities.

Section 604.2 SERVICE.

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70, National Electrical Code 2008 Edition. Dwelling units shall be served by three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

4-503. Liability.

That nothing in this ordinance or in the Property Maintenance Code 2015 Edition hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4-502; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

4-504. Severability.

If any Section of the International Property Maintenance Code, 2015 Edition, or of this Article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then the Section shall be considered separate and apart from the remaining provisions of the International Property Maintenance Code,

2015 Edition or of this Article, the Section is to be completely severable from the remaining provisions which shall continue in full force and effect.

4-505. Deletions.

The following Sections of the International Property Maintenance Code are hereby deleted:

Section 103.5 Fees; 301.3 Vacant Structures and Land, Sections 302.1 to 302.5 and 302.7 to 302.9
Exterior Property Areas

(Ord. 2055; Ord. 2187; Ord. 2271; Code 2014; Ord. 2411)

4-506. Conflicts.

In the event any Section of this code is in conflict or apparent conflict with the planning, zoning or subdivision regulations or ordinances, the provisions of the planning, zoning or subdivision ordinances shall prevail and those provisions of this code now or hereafter in conflict with such regulations or ordinance shall be deemed invalid or inapplicable only as to such conflict.

(Ord. 2064; Ord. 2411)

4-507. Notices to Appear.

Pursuant to the authority of Charter Ordinance No. 29, the Building Official or other City Employee as designated in writing by the City Manager shall have the authority to issue notices to appear for violations of this code.

(Ord. 2353; Code 2014; Ord. 2411)

ARTICLE 6. FENCES

4-601. Definition.

For the purpose of this Article the word fence shall mean a vertical free standing structure barrier or enclosure, constructed of metal, masonry, composition, wood, and any combination thereof other material resting on or partially buried in the ground rising vertically above ground level, and used for confinement, screening, partition purposes or landscaping.

(Ord. 1310, Sec. 1)

4-602. Type of Fence.

For the purpose of this Article there are four (4) types of fences which have the meaning respectively ascribed to them as follows:

(a) Open Fence - A fence with openings representing not less than forty percent (40%) of the total surface of the fence materials and visible when viewed perpendicular to the face of the fence.

(b) Solid Fence - A fence that is impervious to light and air and constructed so that there are no openings in the fence from the top to the bottom of the fence material.

(c) Visually Solid Fence - A fence that is so constructed which is not a solid fence in that it is not totally impervious to light and air but when the fence is viewed from a position perpendicular to the face of the fence the openings are not visible.

(d) Decorative Fences - Installed as part of landscape improvements without gates. Not designed as a barrier or to enclose, or to keep in or out, as is the common intent and purpose of a fence.

(Ord. 1310, Sec. 2; Ord. 1689, Sec. 1; Ord. 1709, Sec. 1)

4-603. Permits.

(a) The applicant for a fence permit shall be furnished with a copy of the fence regulations and applicant shall classify the fence proposed to be constructed by the types listed above. Such fence permit is subject to the applicable regulations and restrictions for the type of fence specified.

(b) It shall be unlawful for any person to construct or substantially replace any fence within the City, unless a permit to do so is first obtained from the building inspector. The owner of the property, or his or her duly authorized agent or contractor shall present a written application for such permit, on forms furnished by the City, to the building inspector, in which application there shall be set out the legal description of the property a plot plan showing the location of the fence in relation to property lines, the name of the owner, the name of the agent or contractor, if any, and the plans and specifications of the fence proposed to be constructed. Such fence shall be constructed only on property described in the application presented to the building inspector.

(c) The fee for such permit shall be as approved by the City Council

(Ord. 1310, Sec. 3; Ord. 1827, Sec. 2)

4-604. Erected on Property Line.

Fences can be erected on property lines, but no part of such fence shall be constructed on the adjoining property.

(Ord. 1310, Sec. 4)

4-605. Sight Hazard.

No fence shall be constructed which will constitute a sight hazard or a traffic hazard or be of such design as to be hazardous or dangerous to persons or animals.

(Ord. 1310, Sec. 5)

4-606. Sight Distance Triangle.

No fence shall be permitted within the sight distance triangle as defined and illustrated in Article XXII, Section 9 of the Zoning Ordinance.

(Ord. 1689, Sec. 2)

4-607. Barbed Wire.

Barbed wire fences, sharp pointed fences, electrically charged fences, or fences constructed of any materials which are liable to snag, tear, cut or otherwise injure anyone coming into contact therewith shall not be permitted, except that barbed wire or electrically charged fences for agricultural purposes are permitted in agricultural areas.

(a) Barbed wire shall not be permitted in any residential area of the City (except when permitted for agricultural purposes in agricultural areas) or within the C-1 and C-2 zoning districts.

(b) Fencing in the front, side and rear yards in industrial districts may be topped with barbed wire on slanted arms at a 45 degree angle upward and shall be slanted to the interior. The slanted arms shall be a maximum of 18 inches to accommodate no more than three (3) strands of barbed wire.

(c) Fencing in the front, side and rear yards in C-S Commercial Highway Service District, is permitted at a height of six (6) feet and may be topped with barbed wire on slanted arms installed at a 45 degree angle upward and shall be slanted to the interior after obtaining a special use permit. The slanted arms shall be a maximum of 18 inches to accommodate no more than three (3) strands of barbed wire.

(Ord. 1689, Sec. 3; Ord. 1787)

4-608. Open Fences.

Open fences and decorative fences may be erected as follows:

(a) Residential Property -- May be erected in the front yard as defined in Article XXVIII, Rules and Regulations of the zoning ordinance, but shall not exceed four (4) feet in height. May be erected in side and rear yards, but shall not exceed six (6) feet in height. six (6) foot open and decorative fences may be installed in other than the front yard, as defined, on corner lots, double corner lots and double front lots. In no case, shall a six (6) foot open or decorative fence be permitted in a side yard with street frontage of a reverse corner lot.

(b) Commercial Properties -- May be erected in the front yard, but shall not exceed four (4) feet in height. Erected in the side and rear yards, but shall not exceed eight (8) feet in height.

(Ord. 1689, Sec. 4; Ord. 1748, Sec. 1)

4-609. Same; Athletic Courts.

Open fences enclosing tennis courts, basketball courts, badminton courts, volleyball courts, handball courts, and other outdoor athletic courts, may be erected to a height not exceeding 10 feet, provided, such fences shall separate the court from the rest of the property and shall enclose an area no larger than the court itself and surrounding improved playing surface.

(Ord. 1310, Sec. 9)

4-610. Same; Non-Athletic Uses.

Open fences enclosing elementary schools, high schools, golf courses, churches, country clubs, community centers, hospitals and similar uses or land used by any department of the City, County, State or federal government, may be erected to a height exceeding six (6) feet, when necessary for the safety or restraint of the occupants thereof, or when necessary for the security of the premises within.

(Ord. 1310, Sec. 10)

4-611. Solid and Visually Solid Fences.

Solid and visually solid fences shall be permitted as follows:

(a) Residential Property — Shall not be permitted in the front yard as defined in Article XXVIII, Rules and Regulations of the zoning ordinance, but shall be permitted in side and rear yards, but shall not exceed six (6) feet in height. six (6) foot solid and visually solid fences may be installed in other than the front yard, as defined, on corner lots, double corner lots and double front lots. In no case, shall a six (6) foot solid or visually solid fence be permitted in a side yard with street frontage of a reverse corner lot.

(b) Commercial and Industrial Property -- Shall not be permitted in the front yard, but shall be permitted in the side and rear yards and shall not exceed eight (8) feet in height.

(Ord. 1689, Sec. 5; Ord. 1748, Sec. 2)

4-612. Nonconforming Fences.

Nonconforming fences which may be continued:

(a) The following lawful nonconforming fences may be continued:

(1) A fence which existed prior to the effective date of Ordinance No. 1310.

(2) A fence existing at the time of an annexation.

(3) A fence existing at the time an amendment is made to the zoning ordinance which changes such land to the more restricted district.

(b) The lawful use of a fence located upon any land, except as provided in Section 4-612(c) may be continued although such fence does not conform with the provisions of this Article. Such fence may be continued if no structural alterations are made except those required by law or ordinances. The foregoing provisions shall also apply to any fences which may be made nonconforming by any subsequent amendment or change of this Article.

(c) A nonconforming fence, in the opinion of the building inspector, has been damaged to the extent of more than fifty percent (50%) of its structural value by fire, explosion, act of God, or the public enemy shall not be restored, except in accordance with the provisions of this ordinance.

(Ord. 1310, Sec. 12)

4-613. Maintenance.

Fences in all districts of the City shall be maintained in good repair and shall be kept vertical, uniform and structurally sound, and all repairs shall blend in with the fence and be compatible therewith in color and material. Fences constructed of wood or metal shall be uniformly painted or stained or otherwise treated or sealed to prevent weathering or deterioration.

(Ord. 1310, Sec. 13)

4-614. Right-Of-Way.

No fence shall be erected with any easement or right-of-way, except by prior written approval of those agencies having interest in such easement.

(Ord. 1310, Sec. 14)

4-615. Protective Fences and Walls During Construction Work.

Nothing in this Chapter shall be constructed to prevent any contractor or owner engaged in construction work for which a building permit has been issued, or a public contract let, from constructing and maintaining such temporary fences and walls as are authorized under the building code of the City.

(Ord. 1310, Sec. 15)

4-616. Measurement of Height of Fences.

The height of all fences shall be measured from the natural grade of the underlying property.

(Ord. 1310, Sec. 16)

4-617. Standards.

All fences shall be constructed in conformance with the standards of the City building codes and the requirements, restrictions and limitations of the City district zoning and subdivision regulations.

(Ord. 1310, Sec. 17)

4-618. Appeals.

Appeals from the decisions of the building inspector shall be taken to the board of zoning appeals.

(Ord. 1310, Sec. 19)

4-619. Violations.

It shall be unlawful to construct, repair or maintain a fence in violation of the provisions of this Article.

(Ord. 1310, Sec. 20)

4-620. Variance As to Height.

A variance as to height may be granted, upon application to and a finding by the board of zoning appeals that all of the following conditions have been met. The board shall make a determination on each condition and the finding shall be entered in the record.

(a) Condition Unique to Property — The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district and is not created by an action or actions of the property owner.

(b) No Adverse Effect — The granting of the variance will not adversely effect the rights of adjacent property owners represented in the application.

(c) Unnecessary Hardship — The strict application of the provisions of the fence regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

(d) Public Health, Safety and Welfare — The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

(e) Ordinance Intent — The granting of the variance desired will not be opposed to the general spirit and intent of the fence regulations.

Variances granted will be the minimum necessary to overcome the hardship and the applicant must provide sufficient supporting materials to substantiate a hardship exists.

(Ord. 1709, Sec. 2)

4-621. Notices to Appear.

Pursuant to the authority of Charter Ordinance No. 29, the Building Official or other City Employee as designated in writing by the City Manager shall have the authority to issue notices to appear for violations of this ordinance and code.

(Ord. 2353)

ARTICLE 7. DEMOLITION OF BUILDINGS**4-701. 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 1989)

4-702. 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. The fee for such permit shall be as approved by the City Council.

(Ord. 1827, Sec. 1)

4-703. 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 City Council, conditioned that the 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 of any such building or structure, in the amount of one hundred thousand dollars (\$100,000), and that a copy of such policy be filed with the City Clerk of the City.

(Code 1989)

4-704. Building Official Issue Permit.

When such bond and insurance policy have been filed with the building official, the building official upon receipt of a fee set by the Governing Body, shall issue a permit to such person to demolish, destroy, dismantle, wreck or raze the building or structure, all work, to be completed in a period of time not to exceed six (6) months from the issuance of the permit, nor exceed the time set forth in a particular permit.

(Code 1989)

4-705. 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 1989)

4-706. 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 the 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 1989)

4-707. Notices to Appear.

Pursuant to the authority of Charter Ordinance No. 29, the Building Official or other City Employee as designated in writing by the City Manager shall have the authority to issue notices to appear for violations of this ordinance and code.

(Ord. 2353)

4-708. Penalty.

Violations of the provisions of this Article shall be considered a municipal offense and upon an adjudication of guilty, the violator shall be fined in accordance with Section 1-116 of the Code of the City of Bonner Springs.

(Code 1989)

ARTICLE 8. MOVING BUILDINGS

4-801. 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 15 feet or more or which cannot be moved at a speed of four (4) miles per hour or faster, upon, across or over any street, alley or sidewalk in this City without first obtaining a permit therefore as hereinafter provided.

(K.S.A. 17-1914; Code 1970, 29-63; Code 1989)

4-802. Applications for Permits.

(a) 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 operations shall necessitate the cutting, moving, raising or otherwise interfering with such aerial facilities.

(b) Exception. A local permit shall not be required when a structure is moved through the City on a State or interstate highway in compliance with K.S.A. 8-1911. In this case, a copy of the route and approved State license shall be submitted to the City Clerk.

(K.S.A. 17-1914; Code 1970, 29-64; Code 1989; Ord. 1828, Sec. 1)

4-803. Same; Bond.

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 City Manager, indemnifying the City against any loss or damage resulting from the failure of any such person to comply with the provisions of this Article or for any damage or injury caused in moving any such house or structure provided the bond herein shall be in the sum of five thousand dollars (\$5,000), or cash may be deposited in lieu of such surety bond. A public liability insurance policy issued by an insurance company authorized to do business in the State of Kansas, in the amount of one hundred thousand dollars (\$100,000) per person, three hundred thousand dollars (\$300,000) per accident as to personal injury, and fifty thousand dollars (\$50,000) property damage may be permitted in lieu of a bond.

(Code 1970, 29-70; Code 1989)

4-804. Same; Fee.

Before any permit to move any house or structure is given under the provisions of this Article, the applicant shall pay a sum, as approved by the City Council, to the City Clerk, the sum to be deposited to the credit of the general operating fund of the City. A permit fee will not be collected from movers who have obtained a State license.

(Code 1970, 29-71; Code 1989; Ord. 1828, Sec. 2)

4-805. Notice to Owners.

(a) Upon issuance of a moving permit the applicant shall give not less than 15 days written notice to any person owning or operating any wires, cables or other aerial equipment along the proposed route of the

intent to move the structure, giving the time and location that the applicants moving operation shall necessitate the cutting, moving, raising or interfering of any wires, cables or other aerial equipment.

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

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

(K.S.A. 17-1916; Code 1989)

4-806. 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 4-805, shall be liable to the permit holder for damages in an amount not to exceed one hundred dollars (\$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 1989)

4-807. 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. 17-1918; Code 1989)

4-808. Inspection.

It shall be the duty of the Chief of Police or his or her designee to inspect the progress of moving any building, derrick, house or other structure and to see that the house, building, derrick, or other structure is being moved in accordance with the provisions of this Article.

(Code 1970, 29-22, 68; Code 1989)

4-809. 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 thirty (30) minutes after sunset to thirty (30) minutes before sunrise.

(Code 1970, 29-69; Code 1989)

4-810. Penalty.

Violations of the provisions of this Article shall be considered a municipal offense and upon an adjudication of guilty, the violator shall be fined in accordance with Section 1-116 of the Code of the City of Bonner Springs.

ARTICLE 9. SATELLITE DISH ANTENNAS

4-901. Purpose.

The purpose of this Article is to regulate the construction, erection, alteration and location of satellite dish antennas within the City, except where the Federal Communications Commission (FCC) has preempted the regulation of small antennas, which are defined as Direct Broadcast Satellite (DBS) antennas one meter (39.37 inches) or less in diameter and earth satellite dishes two meters (78.74 inches) or less in diameter in commercial and industrial districts, so as to protect the health, safety and welfare of the citizens of the City.

(Ord. 1797, Sec. 1; Code 1998)

4-902. Definition.

Satellite dish antenna means any regular dish-shaped or circular- shaped receiving antenna constructed for the purposes of communicating or receiving signals from a satellite.

(Ord. 1386, Sec. 2)

4-903. Specifications.

The construction of satellite dish antennas will conform to the Uniform Building Code and the National Electric Code as adopted by the Governing Body of the City. The building permit fee for all satellite dish installations shall be as approved by the City Council. All satellite dish antennas located outside of a building and which are greater than one meter (39.37 inches) in diameter in residential districts and greater than two meters (78.74 inches) in commercial and industrial districts, shall meet the following requirements:

- (a) Maximum number per residential lot - 1.
- (b) Maximum height - 13 feet.
- (c) Maximum diameter - 10 feet.
- (d) No satellite dish antenna shall be located in a front yard or side yard.
- (e) All satellite dish antennas shall be ground mounted and securely attached to a concrete pad.
- (f) All lines, wires or cables serving a satellite dish antenna shall be buried underground.

(g) No satellite dish antenna shall be located nearer to the side yard lot lines than the side yard setback required for the main building.

(Ord. 1797, Sec. 2)

4-904. Same; Roof Mounting.

When an applicant can clearly demonstrate a hardship, other than a special privilege or convenience, an application may be made to the Governing Body of the City, requesting a permit for the installation of a satellite dish antenna greater than two meters (78.74 inches) in diameter upon the roof of a structure, provided, however, the following conditions are met:

- (a) The structure is a commercial, office or industrial use located within an appropriately zoned area.
- (b) The application is made by the owner of the structure.

- (c) The application is filed with the codes administrator two weeks prior to the City Council meeting date.
- (d) The satellite dish does not exceed 10 feet in diameter nor 13 feet in height.
- (e) The satellite dish is painted or coated in a color (black, brown or dark green) to make it suitably indistinguishable from its surroundings.
- (f) The satellite dish, if over two meters (78.74 inches) in diameter, is wind permeable.
- (g) That construction of and building permit fees for satellite dish antennas will conform to the uniform building code as adopted by the Governing Body of the City.

(Ord. 1797, Sec. 3)

4-905. Variances.

A variance may be requested to the board of zoning appeals for satellite dishes greater than one meter (39.37 inches) in diameter in residential districts and greater than two meters (78.74 inches) in diameter in commercial and industrial districts by any person aggrieved, or by any officer of the City, provided, however that:

- (a) Variances are limited to yard regulations and may not be more than one-half the required yard and shall not encroach upon the required setback for adjacent buildings. In no case, shall a satellite dish antenna be permitted in the front yard.
- (b) If the variance is requested for reasons of reception, that certification is provided from an authorized satellite dish antenna dealer or sales representative that the antenna cannot function properly within the limits of this Article.
- (c) The applicant must show by reason of exceptional topographic conditions or other extraordinary or exceptional circumstances, that the strict application of this Article will prohibit the uses of his or her property for the use described herein.

(Ord. 1386, Sec. 5; Ord. 1797, Sec. 4)

4-906. Penalty.

Violations of the provisions of this Article shall be considered a municipal offense and upon an adjudication of guilty, the violator shall be fined in accordance with Section 1-116 of the Code of the City of Bonner Springs.

ARTICLE 10. BLASTING

4-1001. Blasting; Permit Required.

It shall be unlawful for any person to do, or cause to be done, any blasting within the City limits without first obtaining from the Building Official a permit therefore and pay the permit fee as established by the City Council.

(Ord. 1738, Sec. 11; Code 2014)

4-1002. Approval of Permit Prior to Issuance.

Blasting permits shall be approved by the Building Official prior to issuance. The Building Official shall, prior to approval, be satisfied that the applicant is, in every particular, a safe, careful and suitable person to use, and skilled in the use of the explosive desired to be used.

(Ord. 1738, Sec. 11)

4-1003. Bond Required.

No permit for blasting shall be approved or issued to anyone until the applicant therefore has entered into a good and sufficient bond with at least one surety authorized to do business in Kansas in the sum of not less than \$50,000. Such bond shall be approved by the Building Official conditioned that such person will carefully and prudently use such explosive. The bond shall run to the City for the benefit of the City and anyone damaged in person or property by the use of such explosives. Such bond shall be filed with the City Clerk.

(Ord. 1738, Sec. 11)

4-1004. Insurance in Lieu of Bond.

In lieu of the bond required by Section 4-1003 above, the applicant may furnish evidence that the applicant has in full force and effect liability insurance in an insurance company authorized to do business in Kansas, protecting the City and all persons who may be damaged in person or property against damage by blasting; such insurance shall provide for at least \$500,000 coverage for each person and \$1,000,000 coverage for each occurrence and \$500,000 property damage. A copy of the evidence so furnished and/or a copy of the insurance policy shall be filed with and approved by the City Clerk.

(Ord. 1738, Sec. 11; Code 2014)

4-1005. Term of Permit.

Blasting permits issued hereunder shall be for a time certain not to exceed one (1) year.

(Ord. 1738, Sec. 11)

4-1006. Warranty of Applicant to Defend City in Event of Suit.

By the application for and the acceptance of a blasting permit hereunder, the applicant warrants to the City for and on behalf of his, her, or its heirs, successors and assigns, that the applicant will defend the City in any suit or action commenced for damages to person or property arising out of or in connection with any blasting conducted within the City limits as authorized by the permit and the issuance or approval of such permit and further warrants that in the event any suit is brought or judgment might be rendered against the City as a result of blasting or for any matter in connection with the issuance or approval of such permit that the applicant will pay all such judgments, compromised claims or judgments costs and expenses in connection with the suit or judgment and the defense thereof. Upon receipt of notification of suit the City

Clerk shall, as soon thereafter as conveniently possible, forward a copy of such notification to the applicant by registered or certified mail, return receipt requested, at his or her address shown on the permit. Failure on the part of the applicant to receive such notification shall in no way affect the applicant's warranties hereunder. The conditions of these warranties shall be shown on all blasting permits hereunder.

(Ord. 1738, Sec. 11)

4-1007. Permit to Be Kept with Permittee or in Structure at Site of Blasting Operations.

Permits issued hereunder shall be kept with some person or in or on some structure at the site of the blasting operations.

(Ord. 1738, Sec. 11)

4-1008. Penalty.

Violations of this Section shall constitute Class A violations.

(Ord. 1738, Sec. 11)