

ORDINANCE NO. 2007-12

AN ORDINANCE ESTABLISHING REGULATIONS AND COSTS ASSOCIATED WITH THE ISSUANCE OF BUILDING PERMITS AND THE APPOINTMENT, DUTIES AND POWERS OF BUILDING INSPECTOR, INCORPORATING BY REFERENCE THE “INTERNATIONAL BUILDING CODE, 2006 EDITION”; AND PENALTIES FOR VIOLATIONS; AND REPEALING ORDINANCE(S) NUMBER 2005-03 WITHIN THE CITY OF FRONTENAC, KANSAS

WHEREAS the governing body of the City of Frontenac, Kansas, is desirous of establishing regulations and criteria for the issuance of building permits within the City; and

WHEREAS the governing body of the City of Frontenac, Kansas, has elected to designate and appoint the Frontenac City Administrator and or his/her designee to enforce and adhere to the provisions of this ordinance in order to assist the City of Frontenac, Kansas, control and monitor the growth and construction within the city limits.

THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FRONTENAC, CRAWFORD COUNTY, KANSAS:

Section 1. 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 Frontenac, 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 Frontenac, Kansas;
- (c) Whenever the term building official is used in the building code, it shall be held to mean the Frontenac City Administrator or his or her authorized designee.

Section 2. INTERNATIONAL BUILDING CODE(S) INCORPORATED. There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, the International Building Code, 2006 Edition, as recommended by the International Conference of Building Officials; International Residential Code; International Mechanical Code, 2006 Edition, International Fuel Gas Code; International Plumbing Code, 2006 Edition and National Electrical Code, 2005 Edition, such code(s) being made as a part of the ordinances and codes of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. No fewer than three copies of the International Building

Code, 2006 Edition, International Residential Code, 2006 Edition, International Mechanical Code, 2006 Edition, International Fuel Gas Code, 2006 Edition, International Plumbing Code, 2006 Edition, and National Electric Code, 2005 edition(s) shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Frontenac, Kansas," and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business.

Section 3. ADDITIONAL PROVISIONS. The following sections are in addition to the provisions of the standard code(s) incorporated by reference in Section 2.

Section 4. BUILDING OFFICIAL; POWERS; DUTIES.

(a) This and other articles of the city relating generally to building and structures shall be administered and enforced by the Frontenac City Inspector. The Frontenac City Inspector shall act as chief building official and may assume the responsibilities of or with the consent and approval of the governing body appoint a building inspector and such other assistants as may be advisable for the issuance of building permits and the inspection of building work.

(b) The Frontenac City Inspector shall prepare such application, permit, inspection and record forms as may be required for the purposes of the article. The Frontenac City Inspector may make and promulgate the necessary rules and regulations to obtain conformity with this article pertaining to the making of applications for building permits, issuing of building permits and inspecting of buildings and building works.

Section 5. BUILDING INSPECTOR; APPOINTMENT. The Frontenac City Administrator may assume the responsibilities of or appoint some qualified officer or employee of the city to be and perform the duties of building inspector as may be required.

Section 6. SAME; DUTIES. The building inspector shall have the following duties:

(a) To enforce all regulations relating to construction, alteration, repair, removal and demolition of building and structures;

(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 keep comprehensive records of applications, of permits or certificates issued, 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 without his or her written consent.

Section 7. SAME; POWERS. The building 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;
- (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 to be discontinued until he or she shall have satisfactory evidence that the work will be done in accordance with the building regulations of the city, subject to the right of any builder or owner to appeal to the governing body.

Section 8. 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.

Section 9. 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 inspector 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 inspector and a signed copy shall be furnished to the applicant.

Section 10. BUILDING PERMIT REQUIRED; APPLICATION; APPROVAL, PENALTIES FOR VIOLATION. 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. Any construction and or remodeling effected without having obtained the written permit from the City Clerk shall be a violation of this ordinance and shall be punishable by a fine not to exceed Five Hundred (\$500.00) Dollars per day. In addition, the City shall be permitted to issue a

stop order for construction and or remodeling from proceeding which is deemed in violation of this ordinance by the City Administrator or his or her designee.

Section 11. 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 estimated cost of the work;
- (6) The date work will commence;
- (7) Name and address of contractor or contractors doing the work;
- (8) 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 or his or her duly authorized agent, or a building contractor licensed by 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.

(d) Any permit issued shall be valid and subsisting for a period of not more than six months from the date of issuance unless the permittee shall have commenced, within the period so limited, the building work authorized by such permit. Building work commenced shall mean the beginning of building work other than the preparation of plans or the staking out of the building location or the letting of a building contract.

Section 12. 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. 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.

Section 13. SAME; FEES. The fee for a building permit within the City of Frontenac, Kansas, shall be \$2.50 per one thousand dollars of estimated cost of construction, with a minimum fee of Ten (10.00) Dollars for issuance of a building permit. The fee herein shall be paid to the city clerk upon obtaining a building permit and the same shall be credited to the general operating fund of the city.

Section 14. 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.

Section 15. INSPECTIONS OF BUILDING; LAYOUT OF BUILDING; FOUNDATIONS AND FOOTINGS; NOTICE TO INSPECTOR.

(a) The contractor or builder having a permit for new construction, or additions to existing buildings, shall notify the chief building official or building inspector immediately upon the marking or laying out of the site and foundation for such work. The official or inspector shall inspect the layout for conformity and with respect to lot lines, setbacks and location of the proposed buildings to determine conformity with the city zoning regulations. In case of doubt respecting the required location, the chief building official may require an official survey of the lot lines to determine conformity, at the expense of the permit holder.

Section 16. LIABILITY. This 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.

Section 17. SEVERABILITY. If any section of the International Building Code 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 sections, the section to be completely severable from the remaining provisions which shall continue in full force and effect.

Section 18. REPEAL. Ordinance(s) number 2005-03 is repealed.

Section 19. EFFECTIVE DATE. This ordinance shall be in full force and effect after its passage by the governing body of the City of Frontenac, Kansas.

Passed by the Frontenac City Council on this the 2nd day of November, 2007.

James Kennedy, Mayor

Attested to:

(SEAL)

Douglas Sellars, City Clerk