

CHAPTER IV. BUILDINGS AND CONSTRUCTION

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ARTICLE 1. FIRE LIMITS

- 4-101. FIRE LIMITS ESTABLISHED. The following shall be and are hereby declared to be the fire limits of the city:
Blocks numbered 23, 24, 27, and 28. (Ord. 471; Code 2010)
- 4-102. NEW CONSTRUCTION; ALTERATION OF EXISTING BUILDINGS. Every building hereafter erected, constructed or enlarged within the fire limits or moved from without to within the fire limits or moved from one place to another within the fire limits shall be enclosed on all sides with walls constructed wholly of stone, vitrified masonry units, terra cotta, concrete, or other equivalent incombustible material, or if such walls are of wood frame construction they shall be veneered outside with asbestos-cement siding of 5/32" minimum thickness or other equivalent incombustible material, or with a four inch minimum thickness of stone, brick, or other masonry units.
(Ord. 471; Code 2014)
- 4-103. BUILDING STANDARDS. (a) Roof construction on any building within the fire limits, if of wood framing, shall be covered with shingles of class A minimum rating, or built up roofing of class B minimum rating, or other equivalent fire resisting materials.
(b) The ends of all floor, ceiling or roof beams entering a party or fire wall from opposite sides, shall be separated by at least seven inches of solid masonry. Such separation may be obtained by corbeling the wall or staggering the beams, or the beams may be supported by steel hangers, but no walls shall be corbeled more than two inches for this purpose. The needs of all wooden beams shall be cut to a bevel to make them self-releasing.
(c) Walls of business building and storage buildings, other than fire walls or party walls, if not more than 10 feet high may be eight inches thick; provided they are reinforced at intervals, not exceeding 20 feet, by cross walls, piers or buttresses.
(Ord. 471; Code 2014)

4-104.

PARAPETS. Parapets shall be provided on all fire walls, party walls, and exterior walls of masonry or reinforced concrete, where such walls connect with roofs other than roofs of fireproof or semi-fireproof construction. A parapet shall not be required for a wall facing on a street having a width of 50 feet or more, nor on the adjoining wall of a building the roof of which is three feet lower than the roof or any opening in the side wall of the building adjoining or adjacent to the wall, nor on the walls of a detached dwelling or of a building not exceeding 1,000 square feet in area, nor on the walls of a building which is 50 feet or more distant in all directions from other buildings, nor on the walls of a building where the roof has an angle of more than 20 degrees with the horizontal. In dwellings and in buildings in which eight inch walls are permitted, parapets shall be not less than eight inches thick and carried at least two feet above the roof. In all other buildings the parapets shall be not less than 12 inches thick and carried not less than two feet above the roof.

(Ord 471; Code 2014)

ARTICLE 2. BUILDING CODE

- 4-201. DEFINITIONS. As used in this article, the words and phrases herein defined shall have the following meanings unless the context otherwise requires:
- (a) Whenever the word municipality is used in the building code, it shall be held to mean the City of Lincoln Center, 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 Lincoln Center;
 - (c) Whenever the term building official is used in the building code, it shall be held to mean the person appointed by the governing body to enforce the provisions of this article.
- (Code 2014)
- 4-202. INTERNATIONAL BUILDING CODE INCORPORATED. There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, the International Building Code, 2003 Edition, as recommended by the International Conference of Building Officials, such code being made as a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. No fewer than three copies of the International Building Code, 2003 Edition, shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Lincoln Center," and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business.
- Any person violating any provision of such code shall be punished as provided in section 1-116 of this code. (Ord. 656; Code 2014)
- 4-203. INSURANCE. A builder or building contractor must procure and maintain a liability insurance policy in the amount of \$100,000 for the death or injury of any one person and \$300,000 for the death or injury of any number of persons in any one accident and \$50,000 for property damage in any one accident. Such policies of insurance shall be issued by some insurance company authorized to do business in the State of Kansas. A builder or building contractor may qualify as to the insurance requirements by filing a certificate with the city clerk executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days notice in writing to the city; and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year. (Code 2014)

ARTICLE 3. ELECTRICAL CODE

4-301.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code 2014)

4-302. ADOPTION OF ELECTRICAL CODE BY REFERENCE. The standard code known as the National Electrical Code of 2005, a publication of the National Fire Protection Association, the same being a standard code for the installation of electrical wiring and apparatus and available in book and pamphlet form is hereby incorporated by reference herein and made a part of this article as authorized and in the manner prescribed by K.S.A. 12-3009:3012. Three copies shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Lincoln Center," and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business.

Any person violating any provision of such code shall be punished as provided in section 1-116 of this code. (Code 2014)

4-303. INSURANCE. An electrician or electrical contractor must procure and maintain a liability insurance policy in the amount of \$100,000 for the death or injury of any one person and \$300,000 for the death or injury of any number of persons in any one accident and \$50,000 for property damage in any one accident. Such policies of insurance shall be issued by some insurance company authorized to do business in the State of Kansas. An electrician or electrical contractor may qualify as to the insurance requirements by filing a certificate with the city clerk executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days notice in writing to the city; and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year. (Code 2014)

ARTICLE 4. PLUMBING AND GAS-FITTING CODE

- 4-401. DEFINITION OF PLUMBING. The term plumbing as used in this article shall be construed to mean the installation of gas or water pipes, fixtures, apparatus and the necessary connections either for supplying gas or water to premises or for the removing of liquid and water-borne wastes from premises in the city, or both such purposes, and shall also denote installed fixtures, drainage and vent systems and gas or water distribution systems as the case may be. (Code 2014)
- 4-402. INTERNATIONAL PLUMBING CODE INCORPORATED. There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the practice of plumbing and gas-fitting, including the installation, maintenance, extension and alteration of all pipes, fixtures, appliances and appurtenances in connection with sanitary sewers and public and private water and fuel gas systems, the International Plumbing Code, 2003 Edition, as recommended by the International Association of Plumbing and Mechanical Officials, such code being made as a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. No fewer than three copies of the uniform code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Lincoln Center," and shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours of business.
Any person violating any provisions of such code shall be punished as provided in section 1-116 of this code. (Code 2014)
- 4-403. INSURANCE. A plumber or plumbing contractor must procure and maintain a liability insurance policy in the amount of \$100,000 for the death or injury of any one person and \$300,000 for the death or injury of any number of persons in any one accident and \$50,000 for property damage in any one accident. Such policies of insurance shall be issued by some insurance company authorized to do business in the State of Kansas. A plumber or plumbing contractor may qualify as to the insurance requirements by filing a certificate with the city clerk executed by the resident agent of such company stating that the required policy of insurance has been issued by such company for the purpose required by this article and that such insurer will not cancel the policy except upon giving 30 days notice in writing to the city; and that the certificate shall be filed for an annual period beginning January 1 and ending December 31 of such year. (Code 2014)

ARTICLE 5. MOVING BUILDINGS

- 4-501. BUILDING OFFICIAL; AUTHORITY. The person designated by the governing body or his or her authorized designee shall be responsible for the administration and enforcement of this article. (Code 2014)
- 4-502. PERMIT REQUIRED. No person, firm or corporation shall move, haul, or transport any house, building, derrick, or other structure of the height when loaded for movement of 16 feet or more from the surface of the highway, road, street or alley, or a width of eight feet or more or which cannot be moved at a speed of four miles per hour or faster, upon, across or over any street, alley or sidewalk in this city without first obtaining a permit therefor. (K.S.A. 17-1914; Code 2014)
- 4-503. SAME: APPLICATION FOR PERMIT. All applications for permits required under the provisions of this article shall be made in writing to the city clerk specifying the day and hour said moving is to commence and the route through the city's streets over which the house, building, derrick or other structure shall be moved and stating whether it will be necessary to cut and move, raise, or in any way interfere with any wires, cables or other aerial equipment of any public or municipally-owned utility, and if so, the application shall also state the name of the public or municipally-owned utility, and the time and location that the applicant's moving operations shall necessitate the cutting, moving, raising or otherwise interfering with such aerial facilities. (K.S.A. 17-1915; Code 2014)
- 4-504. SAME; BOND, INSURANCE REQUIRED. (a) It shall be the duty of any person at the time of making application for a permit as provided in this article to give a good and sufficient surety bond to the city, to be approved by the governing body, indemnifying the city against any loss or damage resulting from the failure of any such person to comply with the provisions of this article or for any damage or injury caused in moving any such house or structure. The bond herein shall be in the sum of \$5,000, or cash may be deposited in lieu of such surety bond.
(b) A public liability insurance policy issued by an insurance company authorized to do business in the State of Kansas, in the amount of \$100,000 per person, \$300,000 per accident as to personal injury, and \$50,000 property damage may be permitted in lieu of a bond. (Code 2014)
- 4-505. SAME; FEE. Before any permit to move any house or structure is given under the provisions of this article, the applicant shall pay a fee of not less than \$5.00 to the city clerk; plus the additional cost for the time for any city crews involved in such moving. (Code 2014)
- 4-506. ROUTE; DUTIES OF BUILDING OFFICIAL. The city clerk shall, upon filing of the above application, refer the same to the chief building official or his or her authorized designee to check the proposed route and determine if it is practical to move such house or other structure over the route proposed. If it shall appear that such route is not practical and another route may be used equally well with less danger to street and travel, then he or she may designate such other route as the one to be used and shall notify the applicant of the same. The building official may also require the planking of any street, bridge or culvert or any part thereof to prevent damage thereto. It shall also be the duty of the chief building official or his or her authorized designee to inspect the progress of moving any house or other structure to see that the same is being moved in accordance with the provisions of this article. (Code 2014)

- 4-507. 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 2014)
- 4-508. 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 4-508, shall be liable to the permit holder for damages in an amount not to exceed \$100.00 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 2014)
- 4-509. 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 2014)
- 4-510. DISPLAY OF LANTERNS. It shall be the duty of any person moving any of the structures mentioned in this article upon or across any street, alley or sidewalk or other public place, in this city, to display red lanterns thereon in such a manner as to show the extreme height and width thereof from sunset to sunrise.
(Code 2014)

ARTICLE 6. DANGEROUS AND UNFIT STRUCTURES

- 4-601. PURPOSE. The governing body has found that there exist within the corporate limits of the city structures which are unfit for human use or habitation because of dilapidation, defects increasing the hazards of fire or accidents, structural defects or other conditions which render such structures unsafe, unsanitary or otherwise inimical to the general welfare of the city, or conditions which provide a general blight upon the neighborhood or surrounding properties. It is hereby deemed necessary by the governing body to require or cause the repair, closing or demolition or removal of such structures as provided in this article. (K.S.A. 12-1751; Code 2014)
- 4-602. DEFINITIONS. For the purpose of this article, the following words and terms shall have the following meanings:
- (a) Enforcing officer - means the person authorized by the governing body to enforce this article or his or her authorized representative.
 - (b) Structure - shall include any building, wall, superstructure or other structure which requires location on the ground, or is attached to something having a location on the ground.
(K.S.A. 12-1750; Code 2014)
- 4-603. ENFORCING OFFICER; DUTIES. The enforcing officer is hereby authorized to exercise such powers as may be necessary to carry out the purposes of this article, including the following:
- (a) Inspect any structure which appears to be unsafe, dangerous or unfit for human habitation;
 - (b) Have authority to enter upon premises at reasonable hours for the purpose of making such inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the structure. If entry is denied, the enforcing officer may seek an order for this purpose from a court of competent jurisdiction;
 - (c) Report all structures which he or she believes to be dangerous, unsafe or unfit for human habitation to the governing body;
 - (d) Receive petitions as provided in this article.
(Code 2014)
- 4-604. PROCEDURE; PETITION. Whenever a petition is filed with the enforcing officer by at least five residents charging that any structure is dangerous, unsafe or unfit for human habitation, or whenever it appears to the enforcing officer on his or her own motion that any structure is dangerous, unsafe or unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for such charges, report such findings to the governing body. (Code 2014)
- 4-605. SAME; NOTICE. The governing body upon receiving a report as provided in section 4-604 shall by resolution fix a time and place at which the owner, the owner's agent, any lienholder of records and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished. (K.S.A. 12-1752; Code 2014)
- 4-606. SAME; PUBLICATION. (a) The resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing.

(b) A copy of the resolution shall be mailed by certified mail within three days after its first publication to each owner, agent, lienholder and occupant at the last known place of residence and shall be marked "deliver to addressee only."
(K.S.A. 12-1752; Code 2014)

4-607. SAME; HEARING, ORDER. If, after notice and hearing, the governing body determines that the structure under consideration is dangerous, unsafe or unfit for human use or habitation, it shall state in writing its findings of fact in support of such determination and shall cause the resolution to be published once in the official city newspaper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the governing body will cause the structure to be razed and removed. (Code 2014)

4-608. DUTY OF OWNER. Whenever any structure within the city shall be found to be dangerous, unsafe or unfit for human use or habitation, it shall be the duty and obligation of the owner of the property to render the same secure and safe or to remove the same. (Code 2014)

4-609. SAME; FAILURE TO COMPLY. (a) If, within the time specified in the order, the owner fails to comply with the order to repair, alter, improve or vacate the structure, the enforcing officer may cause the structure to be repaired, altered, improved, or to be vacated and closed.

(b) If, within the time specified in the order, the owner fails to comply with the order to remove or demolish the structure, the enforcing officer may cause the structure to be removed and demolished.
(Code 2014)

4-610. SAME; MAKE SITE SAFE. Upon removal of any structure, the owner shall fill any basement or other excavation located upon the premises and take any other action necessary to leave the premises in a safe condition. If the owner fails to take such action, the enforcing officer may proceed to make the site safe. (Code 2014)

4-611. ASSESSMENT OF COSTS. (a) The cost to the city of any repairs, alterations, improvements, vacating, removal or demolition by the enforcing officer, including making the site safe, shall be reported to the city clerk.

(b) The city shall give notice to the owner of the structure by restricted mail of the cost of removing the structure and making the premises safe and secure. The notice shall also state that payment of the cost is due and payable within 30 days following receipt of the notice.

(c) If the costs remain unpaid after 30 days following receipt of notice, the city clerk may sell any salvage from the structure and apply the proceeds or any necessary portion thereof to pay the cost of removing the structure and making the site safe. Any proceeds in excess of that required to recover the costs shall be paid to the owner of the premises upon which the structure was located.

(d) If the proceeds of the sale of salvage or from the proceeds of any insurance policy in which the city has created a lien pursuant to K.S.A. 40-3901, *et seq.*, and amendments thereto, are insufficient to recover the above stated costs, or if there is no salvage, the balance shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments

against the lot or parcel of land on which the structure was located and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs to the county clerk and who shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full.

(e) If there is no salvage material, or if the moneys received from the sale of salvage or from the proceeds of any insurance policy in which the city has created a lien pursuant to K.S.A. 40-3901, *et seq.*, and amendments thereto, are insufficient to pay the costs of the work and the costs of providing notice, such costs or any portion thereof in excess of that received from the sale of salvage or any insurance proceeds may be financed, until the costs are paid, out of the general fund or by the issuance of no-fund warrants.

(K.S.A. 12-1755; Code 2014)

4-612. IMMEDIATE HAZARD. When in the opinion of the governing body any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, the governing body may direct the enforcing officer to erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay. Such action may be taken without prior notice to or hearing of the owners, agents, lienholders and occupants. The cost of any action under this section shall be assessed against the property as provided in section 4-611. (K.S.A. 12-1756; Code 2014)

4-613. APPEALS FROM ORDER. Any person affected by an order issued by the governing body under this article may, within 30 days following service of the order, petition the district court of the county in which the structure is located for an injunction restraining the enforcing officer from carrying out the provisions of the order pending final disposition of the case. (Code 2014)

4-614. SCOPE OF ARTICLE. Nothing in this article shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this article shall be in addition to and supplemental to the powers conferred by the constitution, any other law or ordinance. Nothing in this article shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise or to exercise those powers granted specifically by K.S.A. 12-1750:1756. (Code 2014)

ARTICLE 7. NUMBERING BUILDINGS

- 4-701. NUMBERING BUILDINGS. All owners of buildings or their agents in the city are hereby required to number or cause to be numbered their building respectively owned or occupied by them and if at any time hereafter any new building shall be erected on the streets of the city, the owner or his or her agent shall, within 30 days from the completion of the building, number the same as hereinafter provided.
(Code 2014)
- 4-702. SYSTEM OF NUMBERING BUILDINGS. All buildings fronting on the public streets of the city shall be numbered in conformity with the following provisions:
- (a) Odd numbers shall be given to all buildings on the south and east sides of the streets and avenues, and even numbers to those on the north and west sides of the same.
 - (b) On streets running north and south, the numbering shall commence with number 100 for the first lots north and south of Lincoln Avenue on the west side of the street and with number 101 for the first lots north and south of Lincoln Avenue on the east side of the street. Each block north or south of Lincoln Avenue shall add 100 for each block north or south of the street as the case may be.
 - (c) On streets running east and west, the numbering shall commence with 100 for the first lots east and west of Fourth street on the north side of the street and with the number 101 for the first lots east and west of Fourth Street on the south side of the street. Each block east or west of Fourth Street shall add 100 for each block east or west of the street as the case may be.
 - (d) A number shall be given for each 25 foot lot in a residential zone.
(Ord. 300; Code 2014)
- 4-703. PLACING OF NUMBERS. The figures of each number put on any building shall be not less than two inch numerals and shall be conspicuously placed on, or above, or by the side of the front door of such building.
(Code 2014)
- 4-704. EXCEPTION TO SYSTEM. The city clerk is hereby authorized to establish such expectations to the numbering system described in this article as may be made necessary by the irregular routing of any street or avenue of the city.
(Code 2014)

ARTICLE 8. HEATING AND COOLING STANDARDS.

- 4-801. DEFINITIONS. For the purposes of this article, the following rules of construction and definitions shall apply.
- (a) ASHRAE refers to the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. of New York, New York.
 - (b) BTUs means British Thermal Units
 - (c) EER means Energy Efficiency Ratio, the ratio of net cooling capacity in BTUs per hour to total electric input in watts.
 - (d) Heated Space shall mean that space within a building which is provided with a positive heat supply having a connected output capacity in excess of 10 BTUs per hour per square foot.
 - (e) New Commercial Building shall mean any building used to provide, at wholesale or retail, storage, services, supplies, goods or products to the public, other than a building used for the purpose of manufacturing raw material into a finished product, but shall not be construed to apply to any such building whose foundation has been completed by February 12, 1979.
 - (f) New Residential Dwelling shall mean all new hotels, motels, apartments houses, lodging, houses, private homes and other residential dwellings, construction of which commences on or after the effective date of this article, but shall not be construed to apply to mobile homes, or any such new residential dwelling where the foundation has been completed by February 12, 1979. This definition shall apply to buildings of mixed occupancy.
 - (g) Owner shall mean a person, as defined herein, holding legal title to the residential dwelling or commercial building.
 - (h) Person shall mean any individual, individuals, corporations, partnership, unincorporated association or other business organization, committee, board, trustee, receiver or agent.
 - (i) City Utility shall mean the electric system operated by the city.
- (Ord. 563; Code 2014)
- 4-802. CERTIFICATE OF COMPLIANCE. No connections or attachments of service to new residential dwellings or new commercial buildings shall be made by a city utility until such utility has received a certificate of compliance from the owner that the residential dwelling or commercial building meets the standards set forth in section 4-803 of this article. Such certificate of compliance shall include supporting statements from the architect and/or contractor, if either or both such persons were employed in the design and construction of the new residential dwelling or new commercial building. Receipt by the city utility of such certificate of compliance shall be required for permanent utility service. (Ord. 563; Code 2014)
- 4-803. STANDARDS. Certificates of compliance required by section 4-602 of this article shall certify that the following heating and cooling standards have been met where applicable:
- (a) New residential dwelling shall be constructed so that the total heat loss, based on the ASHRAE Handbook of Fundamentals does not exceed 35 BTUs per square foot per hour of heated floor area of finished living space, at a design temperature differential of 80 degrees Fahrenheit with a maximum of 1 ½ air changes per hour.
 - (b) New commercial buildings shall be constructed so heat transmission loss of heated areas, based on the ASHRAE Handbook of Fundamentals, does not exceed 35 BTUs per square foot per hour of floor area based on a design temperature differential of 80 degrees Fahrenheit.

(c) The EER of all air conditioners in new residential dwellings and new commercial buildings on and after February 12, 1979 shall be not less than 7.0; the EER of heat pumps in such structures shall not be less than 6.7.

(d) The EER of all air conditioners in new residential dwellings and new commercial buildings on and after November 1, 1979, shall be not less than 8.0; the EER of heat pumps in such structures shall be not less than 7.5.

(e) In the case of a new residential dwelling or new commercial building which is heated and/or cooled in only a portion of the structure, the requirements of this section shall apply only to the heated and/or cooled portion of the structure.
(Ord. 563; Code 2014)

ARTICLE 9. FLOODWAY CONSTRUCTION

- 4-901. REVIEW OF APPLICATION. (a) The city clerk shall review all building permit application to determine if the proposed construction is consistent with the need to minimize flood damage.
- (b) The city clerk shall review all building permit applications to determine if the sire of the proposed construction is reasonably safe from flooding and to make recommendations for construction in all locations which have flood hazards.
- (c) The city clerk shall require that any such proposed construction:
- (1) Be designed and anchored to prevent the floatation, collapse or lateral movement of the structure or portions of the structure due to flooding.
 - (2) Use construction materials and utility equipment that are resistant to flood damage.
 - (3) Use construction methods and practices that will minimize flood damage.
 - (4) Provide adequate drainage in order to reduce exposure to flood hazards.
 - (5) Locate public utilities and facilities on the site in such a manner as to be elevated and constructed to minimize or eliminate flood damage, such utilities and facilities including sewer, gas, electrical and water systems.
- (Ord. 543; Code 2014)
- 4-902. SUBDIVISION APPLICATIONS; GOVERNING BODY REVIEW. The governing body, in reviewing all subdivision applications, shall make findings of fact and determine if:
- (a) All such proposed developments are consistent with the need to minimize flood damage.
 - (b) Adequate drainage is provided so as to reduce exposure to flood hazards.
 - (c) Adequate drainage is provided so as not to increase the exposure to flood hazards of adjacent lands.
 - (d) All public utilities and facilities are located, and constructed so as to minimize or eliminate flood damage, these utilities and facilities to include sewer, gas, electrical and water systems.
- (Ord. 543; Code 2014)
- 4-903. NEW WATER, SEWER SYSTEMS. New and replacement water and sewer systems shall be constructed to eliminate or minimize infiltration by, or discharge into flood waters. Moreover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.
- (Ord. 543; Code 2014)
- 4-904. ENFORCEMENT. The city clerk hereby has these added responsibilities and is authorized and directed to enforce all the provisions of this article and all other laws of the city now in force or hereinafter adopted, relating to zoning, subdivision regulations or building codes. During the absence of the city clerk the city council shall designate an acting enforcement officer.
- (Ord. 543; Code 2014)
- 4-905. PERMITS REQUIRED. No person, firm or corporation shall erect, construct, enlarge, or improve any building or structure in the city or cause the same to be done, without first obtaining a separate building permit for each such building or structure from the city clerk.
- (Ord. 543; Code 2014)

4-906. FEES. A fee in the amount of \$10.00 for each building permit shall be paid to the city clerk at the time the application for building permit is submitted to the city clerk.
(Ord. 543; Code 2014)

ARTICLE 10. MOBILE HOMES

4-1001. DEFINITION. Mobile Home is defined as a factory-built structure or structures equipped with the necessary service connections and made so as to be transportable as a unit or units on its own running gear and designed to be used as a dwelling unit or place of business with or without a permanent foundation. The transportation system is designed so that the home may be moved from time to time at the convenience of the owner. The term shall include two or more separately towed units which are designed to be bolted or otherwise fastened together to form a complete living unit. Such homes are built on a chassis consisting of drop bar and coupling mechanism, frame (e.g. steel eye-beams), running gear and lights. Removal of any or all of these component parts does not change the definition. All such homes shall be either skirted according to the manufacturer's design and construction standards or placed on a permanent-type, enclosed perimeter foundation and, according to standards of the State of Kansas under K.S.A. 75-1226 *et. seq.* as amended, shall be anchored to the ground or secured to a permanent-type foundation. Under no circumstances shall two or more single-wide mobile homes be permitted to connect together in any manner. The term "mobile home" sometimes referred to as "house trailer" or "trailer" shall include any movable structure, whether resting on wheels or foundation, occupied by an individual or individuals as permanent or temporary living quarters or place of business.
(Ord. 661; Code 2014)

4-1002. APPLICATION. From and after the effective date of Ord. 661, no person, corporation or other entity shall locate a mobile home on any land within the city limits of the City of Lincoln Center unless said mobile home is sited on land within said city limits which has been designated by the governing body as a "mobile home park." Any person, corporation, or other entity seeking to have certain land located within the city limits of Lincoln Center designated as such "mobile home park" shall submit such proposal in writing to the City Clerk in detail as to how such person or entity intends to develop the land, bring utilities to the land and regulate its use. The City Clerk shall place such proposal on the agenda for the governing body to consider at its next regularly scheduled meeting, subject to the notice and time requirements of the following section.
(Ord. 661; Code 2014)

4-1003. PERMIT REQUIRED. Upon receiving an application as set forth in Section 4-1003, and at least 10 days prior to the regularly scheduled meeting of the governing body, the City Clerk shall cause a notice to be served upon all owners of lots or land located within 150 feet of the proposed mobile home park either personally by the city law enforcement department or by other city personnel with return made back to the City Clerk or by first class mail in which case the City Clerk shall make an affidavit showing to whom the notice was mailed. After all interested parties are notified, the governing body at its next regularly scheduled meeting shall take the matter under consideration. The governing body shall consider the following factors when determining whether or not to issue said permit:

- (a) The comments provided, if any, or neighboring landowners.
- (b) The extent to which the issuance of the permit will affect nearby property.
- (c) The relative gains, if any, to the public in establishing the mobile home park.
- (d) The suitability of the subject property for mobile home park.
- (e) The negative effects, if any, that establishment of the mobile home park will have on the neighborhood or the public in general.

(f) The recommendations of permanent or professional staff of the city.
(Ord. 661; Code 2014)

4-1004. SAME; PERMIT FEE. The fee for a mobile home park permit of \$500 shall be paid with the application. In the event a permit is not granted by the governing body the said permit fee shall be refunded to the applicant. The permit, when issued, shall be subject to compliance by the applicant with all other terms and conditions of this article. (Ord. 661; Code 2014)

4-1005. CONNECTION TO CITY SEWER SYSTEM. It shall be unlawful for the owner of any real property, or the owner of any mobile home to be parked within the city limits without having the mobile home connected to the city sewer system for the purpose of disposing of all waste substances from such mobile home.
(Ord. 661; Code 2014)

4-1006. LOCATION. An area of not less than 1,000 square feet shall be allotted for the location space of each mobile home in a mobile home park and it shall be unlawful to park a mobile home or permit a mobile home to be parked in a smaller area.
(Ord. 661; Code 2014)

4-1007. SPACE RESTRICTIONS. It shall be unlawful to:

- (a) permit a mobile home to be parked or to park a mobile home closer than 15 feet to any other mobile home or building,
- (b) permit a mobile home to be parked or to park a mobile home closer than 6 feet from the rear of adjoining property line and
- (c) permit a mobile home to be parked or park a mobile home closer than 15 feet from the property line which adjoins any street or avenue or in line with adjoining buildings.

(Ord. 661; Code 2014)

4-1008. FACILITIES REQUIRED. It shall be unlawful to park or permit to be parked, in a mobile home park, any mobile home which does not contain adequate toilet and shower facilities, without maintaining in said mobile home park a suitable building wherein adequate toilet and shower facilities are available to the occupants of such mobile home, said building to be located within a distance of 200 feet from any such mobile homes.
(Ord. 661; Code 2014)

4-1009. GARBAGE DISPOSAL. Tightly covered metal garbage cans shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located not farther than 100 feet from any mobile home space. The garbage cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that garbage is not open or disbursed. (Ord. 661; Code 2014)

4-1010. PERMIT REVOCATION. Any permit issued for a mobile home park pursuant to this article shall be revoked if any of the following occur:

- (a) Violation of any of the provisions of this article.
- (b) Failure to properly secure the mobile homes.
- (c) Failure to promptly pay all utility charges owed to the city.
- (d) Failure to skirt the mobile homes.

(Ord. 661; Code 2014)

- 4-1011. PENALTIES. Any person or entity who violates the provision of this article shall, upon conviction thereof, be punished by a fine not to exceed \$100 or by imprisonment for not more than 30 days, or by both such fine and imprisonment, provided that each day violation of this article or any provision thereof occurs shall constitute a separate offense. (Ord. 661; Code 2014)
- 4-1012. OTHER ENFORCEMENT REMEDIES. In the event any mobile home is moved in, altered or otherwise is in violation of this article, the appropriate authorities of the City of Lincoln Center, in addition to the other remedies provided for in this article, may institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful actions or violations of this article. The governing body of the city shall have the authority to commence suits or actions in any court of competent jurisdiction to enforce this article, to abate nuisances, to bring ejection or injunction proceedings against the violator. (Ord. 661; Code 2014)
- 4-1013. SEVERABILITY. All sections of this article are deemed to be severable and the failure to enforce or a ruling that a particular section is unenforceable shall not affect the enforceability of other sections. (Ord. 661; Code 2014)