

CHAPTER IV. BUILDINGS AND CONSTRUCTION

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ARTICLE 1. MOVING BUILDINGS

- 4-101 BUILDING OFFICIAL; AUTHORITY. The enforcement officer his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of an inspector in accordance with sections 4-204 through 4-209 of this chapter, which apply in a like manner to this article. (Code 2004)
- 4-102 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 (8) 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 therefor. (K.S.A. 17-1914; Code 2004)
- 4-103 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 2004)
- 4-104 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 bond. (Code 2004)

4-105 SAME; FEE. Before any permit to move any house or structure is given under the provisions of this article, the applicant shall pay a fee of not less than \$5 to the city clerk; plus monies shall be deposited with the City in an amount equal to the anticipated cost to the City of facilitating such move, including, but not limited to, the cost the time for any city personnel and equipment involved in such moving. (Code 2004)

4-106 CONTRACTOR; LICENSE REQUIRED; FEE. The provisions of sections 4-219 through 4-225 of this chapter shall apply in a like manner to this article. (Code 2004)

4-107 ROUTE; DUTIES OF BUILDING OFFICIAL. The city clerk shall, upon filing of the above application, refer the same to the enforcement officer, 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 (1) to be used and shall notify the applicant of the same. The enforcement officer 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 enforcement officer 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 2004)

4-108 NOTICE TO OWNERS. (a) Upon issuance of a moving permit the holder of such permit shall give not less than 15 days written notice to any person owning or operating any wires, cables or other aerial equipment (Owner) along the proposed route of the intent to move the structure, giving the time and location that the applicant's 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 Owner 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 2004)

4-109 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 in 4-108, 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 in accordance with the policies of

such Owner. The public or municipally owned utility may require the applicant to furnish the public or municipally owned utility with appropriate bond or other surety agreement insuring the payment of all expenses incurred as a result of applicant's moving operations. Failure of such Owner to provide such service may result in action in accordance with K.S.A. 17-1917. (K.S.A. 17-1917; Code 2004)

4-110 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 2004)

4-111 DISPLAY OF LANTERNS. It shall be the duty of any person moving any part of the structures mentioned in this article upon or across any street, alley or sidewalk or other public place, in this city, to display lighting equipment in conformance with the Standard Traffic Ordinance as mandated for vehicles over 80 inches in overall width. (Code 2004)

ARTICLE 2. DANGEROUS AND UNFIT STRUCTURES

4-201 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 2004)

4-201a 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 2004)

4-202 DEFINITIONS. For the purpose of this article, the following words and terms shall have the following meanings:

(a) Enforcement Officer means the enforcement officer 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 2004)

4-203 ENFORCEMENT OFFICER; DUTIES. The enforcement 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 enforcement 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 2004)

4-204

PROCEDURE; PETITION. Whenever a petition is filed with the enforcement officer by at least five (5) residents charging that any structure is dangerous, unsafe or unfit for human habitation, or whenever it appears to the Public Works Director 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:

(a) report such findings to the governing body, and

(b) cause notice to be served by certified mail, return receipt requested, or by personal service or, in the event the property or premises is unoccupied and the owner thereof does not reside within the corporate limits of the city by mailing such notice by certified mail, return receipt requested, to the owner's last known address and publication within the official newspaper of the City.. (Code 2004)

4-204a.

SAME; CONTENTS OF NOTICE. The notice shall describe in writing the conditions constituting a violation of this article. The notice shall also inform the person or entity receiving such notice that: (a) Such person or entity shall have such time, to be specified in the notice and not to exceed ten (10) days from the date specified in the notice, to remove and abate the violation from the property or premises;

(b) Such person or entity may, within the time specified in the notice and not to exceed the date specified therein within which said removal and abatement is required, request a hearing before the governing body as provided by section 4-204b of this article.

(c) Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the enforcing officer before the governing body; and

(d) Failure to remove and abate the violation or to request a hearing as provided herein, within the time allowed may result in prosecution as provided by this Article and/or removal and/or abatement of the violation by the city as provided by this article.

4-204b.

HEARING. If a hearing is requested in a writing received by the governing body within the time period prescribed by section 4-204a of this article, the governing body shall conduct a hearing as soon as may be practicable and the person or entity receiving notice shall be advised by the city clerk of the time and place of the hearing at least five (5) days in advance thereof. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the enforcing officer before the governing body.

(a) On the date fixed for hearing or any adjournment or continuation thereof, the governing body shall hear all evidence submitted by the person to whom

notice of the violation was issued, and all evidence submitted by the city. Upon hearing such evidence, the governing body shall make findings by resolution. The hearing provided for in this section need not be conducted according to formal rules of evidence.

(b) If, after notice and hearing as provided for in this article, and upon hearing the evidence provided for in subsection a of this section, the governing body determines that a violation exists, it shall set forth in writing in the form of a resolution its findings of facts supporting such determination. The resolution shall also fix a reasonable period of time, to be determined by the governing body, within which the abatement of the violation shall be concluded, and a statement that if the person upon whom notice of the violation was served fails to conclude said removal and abatement within the time period established by the resolution, or fails to diligently prosecute and pursue the same until the work is completed, the governing body shall cause the violation to be abated. The resolution provided for in this section shall be published once in the official city newspaper and the city clerk shall mail a copy of the resolution to the person or entity, and owner, in the same manner as provided for in 4-204.

4-205 SAME; NOTICE. When the Notice provided for in 4-204(b) is returned unclaimed and the parties notified have taken no action to comply with the requirements of the Notice, the governing body upon receiving a report as provided in section 4-204 may 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 2004)

4-206 SAME; PUBLICATION. (a) The resolution shall be published once each week for two (2) 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 (3) 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 2004)

4-207 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 diligently prosecute the same until the work is completed, the governing body will cause the structure to be razed and removed. (Code 2004)

4-208 RESERVED.

- 4-209 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 enforcement 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 Public Works Director may cause the structure to be removed and demolished. (Code 2004)
- 4-210 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 Public Works Director may proceed to make the site safe. (Code 2004)
- 4-211 ASSESSMENT OF COSTS. (a) The cost to the city of any repairs, alterations, improvements, vacating, removal or demolition by the Public Works Director including all legal costs associated with enforcing the provisions of this Article and the costs of making the site safe, shall be reported to the city clerk.
 (b) The city shall give notice to the owner of the structure by certified mail of the cost of removing the structure, legal costs to the City, and making the premises safe and secure, and the duty of the owner to pay all such costs. The notice shall also state that payment of the costs is due and payable within 30 days following receipt of the notice.
 (c) If the costs remain unpaid after 30 days following receipt of notice, the city clerk may sell any salvage from the structure and apply the proceeds or any necessary portion thereof to pay the cost of removing the structure and making the site safe. Any proceeds in excess of that required to recover the costs shall be paid to the owner of the premises upon which the structure was located.
 (d) If the proceeds of the sale of salvage is insufficient to recover the costs, or if there is no salvage, the balance shall be collected in the manner provided by K.S.A. 12-1, 115, and amendments thereto, or shall be assessed as special assessments against the lot or parcel of land on which the structure was located and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the county clerk shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1, 115, and amendments thereto, but only until the full cost and applicable interest has been paid in full. (K.S.A. 12-1755; Code 2004)
- 4-212 IMMEDIATE HAZARD. When in the opinion of the Mayor any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, the Mayor may direct the Public Works Director 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 4-211. (K.S.A. 12-1756; Code 2004)

4-213 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 Public Works Director from carrying out the provisions of the order pending final disposition of the case. (Code 2004)

4-214 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 through 12-1756. (Code 2004)

ARTICLE 3. THE COMMERCIAL BUILDING CODE

4-301 COMMERCIAL BUILDING STANDARDS. No person, firm or corporation shall hereafter design, construct, erect, remodel, alter, demolish, locate, relocate or remove any building or structure, or place or install service equipment therein in the city except in accordance with this Article relating to such buildings or structures and without a permit authorizing the same.

4-302 INSPECTION AND ENFORCEMENT. Sedgwick County, through the Metropolitan Area Building and Construction Department (MABCD) shall provide code inspection and enforcement services to the City, based upon the current Wichita-Sedgwick County unified building, electrical, plumbing, and mechanical codes, as adopted by the City and agreed to by separate interlocal agreement,

4-303 ADOPTION OF THE INTERNATIONAL BUILDING CODE, 2008 EDITION, AS THE COMMERCIAL BUILDING CODE, WITH CERTAIN ADDITIONS AND DELETIONS. There is hereby adopted by reference by the City of Colwich, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the International Building Code, 2008 Edition, as the Commercial Building Code, as published by the International Code Council, 5203 Leesburg Pike, Suite 708 Falls Church, Virginia, 22041, and such amendments as set forth in Resolution 263-07 of the Sedgwick County Board of Commissioners adopted on December 5, 2007.

4-304 AMENDMENTS. The International Building Code is hereby amended by

adopting those changes, deletions, and additions contained in Resolution No. 263-07 of the Board of County Commissioners of Sedgwick County, Kansas, adopted by that body on December 5, 2007, including all fee schedules, and such document is incorporated by reference herein, as was previously published in the official newspaper of the City of Colwich.

4-305 AVAILABILITY OF COPIES. One (1) copy of the Code designated with 4-303, along with the amendments described in 4-304, have been and are now filed in the office of the City Clerk and the said code is hereby adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq.

4-306 VIOLATIONS AND PENALTIES. Any person who shall violate the provision of this code or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be prosecuted as set forth in Section 113.4 et seq. of the International Building Code as amended. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.

4-307 PENALTY CLAUSE NOT EXCLUSIVE. The imposition of the penalties herein prescribed shall not preclude the City from instituting an appropriate action to restrain, correct, or abate a violation of this ordinance, and specific authority for such is hereby granted to take any action or imposing any penalty allowed by State law, the Code of this City, or this Article.

4-308 ENFORCEMENT. Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the City, which may be through Sedgwick County Court through separate interlocal agreement, and such citations shall rely on the citation numbers set forth within the Wichita-Sedgwick County Code. If Sedgwick County and the City of Colwich choose not to be bound by such interlocal agreement, prosecution of any violations of this code shall be in the Colwich Municipal Court.

4-309 LIABILITY. Requirements of this code and ordinance shall not be construed as imposing on the City, its officers, agents, or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.

4-310 SEVERABILITY. If any part or parts of this ordinance shall be held to be invalid such invalidity shall not affect the validity of the remaining part of this ordinance.

ARTICLE 4. THE INTERNATIONAL MECHANICAL CODE

4-401 MECHANICAL STANDARDS. No person, firm or corporation shall hereafter design, construct, erect, remodel, alter, demolish, locate, relocate or remove any building or structure, or place or install service equipment therein if

the same is not done in accordance with the mechanical regulations of this Article as hereafter set forth, and shall not perform work relating to mechanical installation and/or repair without a permit authorizing the same.

4-402 INSPECTION AND ENFORCEMENT. Sedgwick County, through the MABCD shall provide code inspection and enforcement services to the City, based upon the current Wichita-Sedgwick County unified building, electrical, plumbing, and mechanical codes, as adopted by the City and agreed to by separate interlocal agreement,

4-403 ADOPTION OF THE INTERNATIONAL MECHANICAL CODE, 2012 EDITION. There is hereby adopted by reference by the City of Colwich, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the International Mechanical Code, 2006 Edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 708 Falls Church, Virginia, 22041, as such Mechanical Code was adopted and amended by Resolution 158-2014 of the Sedgwick County Board of Commissioners on November 19, 2014 taking effect 1-1-15. This standard code shall include all amendments and codified supplements to the International Mechanical Code, 2012 Edition; The International Residential Code, 2012 Edition.

4-404 AVAILABILITY OF COPIES. One (1) copy of said code along with the amendments set forth in Sedgwick County Resolution 261-07, have been and are now filed in the office of the City Clerk and the said codes are hereby adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq. While the Standard Codes are stand alone books they shall be known as part of Chapter 4, Article 4 of the Colwich Municipal Code. All Amendments as set forth within Resolution 261-07 of the Sedgwick County Board of Commissioners shall henceforth be.

4-405 AMENDMENTS. The International Mechanical Code, 2006 Edition; The International Residential Code, 2006 Edition, Chapters 12-24 Inclusive; and the International Fuel Gas Code, 2006 Edition, are hereby amended by adopting those changes, deletions, and additions contained in Resolution No. 261-07 of the Board of County Commissioners of Sedgwick County, Kansas, adopted December 5, 2007, including all fee schedules, and such document is incorporated by reference herein, as was previously published in the official newspaper of the City of Colwich.

4-406 VIOLATIONS AND PENALTIES. Any person who shall violate the provision of this code or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be prosecuted as set forth in Section 108 et seq. of the International Mechanical Code as amended. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.

4-407 PENALTY CLAUSE NOT EXCLUSIVE. The imposition of the penalties herein prescribed shall not preclude the City from instituting an appropriate action to restrain, correct, or abate a violation of this ordinance, and specific authority

for such is hereby granted to take any action or imposing any penalty allowed by State law, this code, or this ordinance.

4-408 **ENFORCEMENT.** Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the City, which may be through Sedgwick County Court through separate interlocal agreement, and such citations shall rely on the citation numbers set forth within the Sedgwick County Code. If Sedgwick County and the City of Colwich choose not to be bound by such interlocal agreement, prosecution of any violations of this code shall be in the Colwich Municipal Court.

4-409 **LIABILITY.** Requirements of this code and ordinance shall not be construed as imposing on the City, its officers, agents, or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.

4-410 **SEVERABILITY.** If any part or parts of this ordinance shall be held to be invalid such invalidity shall not affect the validity of the remaining part of this ordinance.

ARTICLE 5. THE INTERNATIONAL RESIDENTIAL CODE

4-501 **RESIDENTIAL BUILDING STANDARDS.** No person, firm or corporation shall hereafter design, construct, erect, remodel, alter, demolish, locate, relocate or remove any residential building or structure, or place or install service equipment therein if the same is not done in accordance with the residential code regulations of this Article as hereafter set forth, and shall not design, construct, erect, remodel, alter, demolish, locate, relocate or remove any residential building or structure, or place or install service equipment therein without a permit authorizing the same.

4-502 **INSPECTION AND ENFORCEMENT.** Sedgwick County, through the MABCD shall provide code inspection and enforcement services to the City, based upon the current Wichita-Sedgwick County unified building, electrical, plumbing, and mechanical codes, as adopted by the City and agreed to by separate interlocal agreement,

4-503 **ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE, 2012 EDITION,** as published by International Codes Council, Inc., 2012 Edition, is hereby adopted to such amendments as set forth hereinafter.

4-504 **AVAILABILITY OF COPIES.** One (1) copy of said code along with the amendments set forth in Sedgwick County Resolution 106-2015, have been and are now filed in the office of the City Clerk and the said code is hereby adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq.

4-505 **AMENDMENTS.** The International Residential Code, is hereby amended by adopting those changes, deletions, and additions contained in Resolution No.

106-2015 of the Board of County Commissioners of Sedgwick County, Kansas, adopted May 20, 2015 including all fee schedules, and incorporated by reference herein, as previously published in the official newspaper of the City.

Section 2.4.010 Permit required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Section 2.4.135 - Three (3) and Four (4)-family Dwellings. Dwelling units in three (3) - and four (4)-family dwelling shall be separated from each other by a wall having not less than a two-hour fire resistance rating. Fire-resistance-rated floor/ceiling and wall assemblies shall extend to and be tight against an exterior wall, and wall assemblies shall extend from the foundation to the underside of the roof sheathing.

The roof shall be a minimum of class C roof covering, and the roof decking or sheathing is of non-combustible materials or approved fire-retardant-treated wood for a minimum distance of two (2) feet from the center of the wall. There shall be no penetrations through this area of the roof deck or sheathing.

Exception: Where buildings, or portions thereof, are arranged above or below adjacent units, an automatic sprinkler system shall be provided throughout all units.

Section 2.4.138 Opening Protection. Openings from a private garage directing into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches (35 mm) in thickness, solid or honeycomb-core steel doors not less than 1 3/8 inches (35 mm) thick, or 20-minute fire-rated doors.

Section 2.4.160 Stairway Illumination. All interior and exterior stairways shall be provided with means to illuminate the stairway.

Section 2.4.170 Hazardous Locations. Reserved.

Section 2.4.225 Drainage. Window wells shall be designed for proper drainage by connecting to the existing foundation drainage system required by Section R405.1 or by an approved alternative method. If no existing foundation drainage system has been installed, the entire window well area shall have a minimum depth of 12" of washed gravel or crushed rock below the floor level.

Exception: A drainage system for window wells is not required when the foundation is on well-drained soil or sand-gravel mixture soils according to the U.S. Soil Classification System, Group I Soils, as detail in Table 405.1.

Section 2.4.230 Landings at doors. Floor elevations at the required egress doors. The floor or landing at the exterior door shall not be more than 1.5

inches (38 mm) lower than the top of the threshold. The landing shall be permitted to have a slope not to exceed 0.25 unit vertical in 12 units horizontal (2- percent).

Exceptions: The exterior landing at an exterior doorway shall not be more than 8 (203 mm) inches below the top of the threshold, provided that the door, other than an exterior storm or screen door, does not swing over the landing.

Section 2.4.235 Floor elevations other exterior doors. Doors other than the required egress door shall be provided with landings or floors not more than 8-inches below the top of the threshold.

Exception: A landing is not required where a stairway of four (4) or fewer risers is located on the door, provided the door does not swing over the stairway.

Section 2.4.240 Riser height. The maximum riser height shall be 8 (203 mm) inches. The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inches (9.5 mm).

Section 2.4.250 Tread depth. The minimum tread depth shall be 9 inches (228.6 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

Winder and circular treads. Winder and circular treads shall have a minimum tread depth of 9 inches (228.6 mm) measured as above at a point 12 inches (305 mm) from the side where the treads are narrower. Winder and circular treads shall have a minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the largest winder or circular tread depth at the 12-inch (305 mm) walk line shall not exceed the smallest by more than 3/8 inch (9.5 mm).

Section 2.4.270 Landings for stairways. Reserved.

Section 2.4.280 Handrails. Handrail height, measured vertically from the sloped plane adjoining the tread nosing, or finished surface of ramp slope, shall be not less than 32 inches (864mm) and not more than 38 inches (965 mm).

Exceptions:

1. The use of a volute, turnout or starting easing shall be allowed over the lowest tread.
2. When handrail fittings or bendings are used to provide continuous transition between flights, transitions at winder treads, the transition from handrail to guardrail, or used at the start of a flight, the handrail height at the fittings or bendings shall be permitted to exceed the maximum height.

Section 2.4.290 Handrails continuity. Handrails for stairways shall be continuous for the full length of the flight, from the point directly above the top

riser of the flight to a point directly above the lowest riser of the flight. Handrail ends shall be returned to the wall or shall terminate in newel posts or safety terminals at the top of each flight of stairs. Handrails adjacent to a wall shall have a space of not less than 1.25 (32.5 mm) inches between the wall and the handrails.

Graspable portions of the handrail may not end up completely continuous from the top riser to the bottom riser. The rail shall return to the wall.

Exception:

1. Handrails shall be permitted to be interrupted by a newel post at the turn.
2. The use of a volute, turnout or starting easing, or starting newel shall be allowed over the lowest tread.

Section 2.4.300 Handrail grip size. All required handrails shall be of one (1) of the following types or provided equivalent graspability.

1. Type I. Handrails with a circular cross section shall have an outside diameter of at least 1 ¼ inches (32 mm) and not greater than 2 inches (51 mm). If the handrail is not circular it shall have a perimeter dimension of at least 4 inches (102 mm) and not greater than 6 ¼ inches (160 mm) with a maximum cross section of dimension of 2 ¼ inches (57 mm).
2. Type II. Handrails with a perimeter greater than 6 ¼ inches (160 mm) shall provide a graspable finger recess area on the outboard side of the profile. The finger recess shall begin within a distance of ¾ inches (19 mm) measured vertically from the tallest portion of the profile and achieve a depth of at least 5/16 inch (8 mm) within 7/8 inch (22 mm) below the widest portion of the profile. This required depth shall continue for at least 3/8 inch (9.5 mm) to a level that is not less than 1 ¾ inches (45 mm) below the tallest portion of the profile. The minimum width of the handrail above the recess shall be 1 ¼ inches (32 mm) to a maximum of 2 ¾ inches (70 mm). Edges shall have a minimum radius of 0.01 inch (0.25 mm).

Section 2.4.310 Guard opening limitations. Required guards on open sides of stairways, raised floor areas, balconies and porches shall have intermediate rails or ornamental closures which do not allow passage of a sphere 4 ½ inches (114.3 mm) or more in diameter. Required guards shall not be constructed with horizontal rails or other ornamental pattern that results in a ladder effect.

Exceptions:

1. The triangular openings formed by the riser, tread and bottom rail of a guard at the open side of a stairway are permitted to be of such a size that a sphere 6 inches (152 mm) cannot pass through.

2. Openings for required guards on the sides of stair treads shall not allow sphere 4 ½ inches (114.3 mm) to pass through.

Section 2.4.315 Sec. Section R312.2 Window fall protection of the International Residential Code is hereby deleted in its entirety.

Section 2.4.318 Section R313 Automatic fire sprinkler systems of the International Residential Code is hereby deleted in its entirety.

Section 2.4.320 **Single-and multiple-station smoke alarms.** Single and multiple-station smoke alarms shall be installed in the following locations:

1. Outside of each separate sleeping area in the immediate vicinity of the bedrooms.
2. On each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one (1) full story below the upper level.

Section 2.4.325 Interconnection. Where more than one (1) smoke alarm is required to be installed within an individual dwelling unit in accordance with Section R314.3, the alarm devices shall be interconnected in such a manner that the actuation of one (1) alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where wireless alarms are installed & all alarms sound on activation of one (1) alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Section 2.4.332 – Carbon monoxide alarms. For new construction, an approved carbon monoxide alarm shall be installed in dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages in the following locations:

1. Outside each sleeping room in the immediate vicinity of the bedrooms.
2. On each additional story of the dwelling, including basements in the immediate vicinity of the bedrooms or mechanical room.

Section 2.4.335 – Section R315.3 deleted. Carbon monoxide detectors are not required in existing homes.

Section 2.4.350 Protection against decay. Protection from decay shall be provided in the following locations by the use of naturally durable wood or wood that is preservative treated in accordance with AWPA U1 for the species, product, preservative and end use. Preservatives shall be listed in Section 4 of AWPA U1.

1. Wood joists or the bottom of a wood structural floor when closer than 18 inches (457 mm) or wood girders when closer than 12 inches (305 mm) to the exposed ground in crawl spaces or unexcavated area located within the periphery of the building foundation.
2. All wood framing members that rest on concrete or masonry exterior foundation walls and are less than 6 inches (152 mm) from the exposed ground.
3. Sills and sleepers on a concrete or masonry slab that is in direct contact with the ground unless separated from such slab by an impervious moisture barrier.
4. The ends of wood girders entering exterior masonry or concrete walls having clearances of less than 0.5 inch (12.7 mm) on tops, sides and ends.
5. Wood siding, sheathing and wall framing on the exterior of a building having a clearance of less than 6 inches (152 mm) from the ground.
6. Wood structural members supporting moisture-permeable floors or roofs that are exposed to the weather, such as concrete or masonry slabs, unless separated from such floors or roofs by an impervious moisture barrier.

Section R319.1.1. deleted. Section R318.1.1 of the International Residential Code is hereby deleted.

Section R320.1.2 deleted (former title). Section R318.1.2 of the International Residential Code is hereby deleted.

Section R324 deleted (former title). Section R322 of the International Residential Code is hereby deleted.

Section R405.1 deleted. Section R405.1 of the International Residential Code is hereby deleted.

Section R502.2.2 created (former title) *Section 2.4.480 Decks*. R507 Decks. The "City of Wichita Standard for Residential Wood Framed Decks" may be used to design and construct decks to comply with the requirements of this section. Decks which fall outside of the scope of the standard will require design by a Kansas licensed architect or engineer. Where supported by attachment to an exterior wall, decks shall be positively anchored to the primary structure and designed for both vertical and lateral loads as applicable. Such attachment shall not be accomplished by the use of toenails or nails subject to withdrawal. Where positive connection to the primary building structure cannot be verified during inspection, decks shall be self-supporting. For decks with cantilevered framing members, connections to exterior walls or other framing members, shall be designed and constructed to resist uplift resulting from the full live load specified in Table R301.5 acting on the cantilevered portion of the deck.

Section 506.2.3 deleted (former title) Section 506.2.2 of the International Residential Code is hereby deleted.

Section 2.4.510 – Cement, fiber-cement and glass mat gypsum backers. R702.4.2 Cement, fiber-cement or glass mat gypsum backers in compliance with ASTM C 1288, C 1325 or C 1178 and installed in accordance with manufacturers' recommendations shall be used as backers for wall tile in shower areas and wall panels in shower areas.

Section 2.4.035 Exclusion of "hoop houses" from building code requirements. A "hoop house" is defined as the following: A poly-tunnel (also known as a poly-house, hoop greenhouse or hoop house, or high tunnel) made of polyethylene usually semi-circular, square or elongated in shape. The interior heats up due to solar radiation from the sun, thus warming plants, soil, and other things inside the building faster than heat can escape the structure. Air warmed by the heat from hot interior surfaces is retained in the building by the roof and wall. Hoop houses, within this definition, are for residential use only.

Structures that meet the definition of "hoop houses" are exempted from building permit requirements or engineering specifications within this jurisdiction.

4-506 VIOLATIONS AND PENALTIES. Any person who shall violate the provision of this code or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be prosecuted as set forth in Section 113 et seq. of the International Residential Code as amended. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.

4-507 PENALTY CLAUSE NOT EXCLUSIVE. The imposition of the penalties herein prescribed shall not preclude the City from instituting an appropriate action to restrain, correct, or abate a violation of this ordinance, and specific authority for such is hereby granted to take any action or imposing any penalty allowed by State law, this code, or this ordinance.

4-508 ENFORCEMENT. Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the City, which may be through Sedgwick County Court through separate interlocal agreement, and such citations shall rely on the citation numbers set forth within the Sedgwick County Code. If Sedgwick County and the City of Colwich choose not to be bound by such interlocal agreement, prosecution of any violations of this code shall be in the Colwich Municipal Court.

4-509 LIABILITY. Requirements of this code and ordinance shall not be construed as imposing on the City, its officers, agents, or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.

4-510 SEVERABILITY. If any part or parts of this ordinance shall be held to be invalid such invalidity shall not affect the validity of the remaining part of this ordinance.

ARTICLE 6. THE NATIONAL ELECTRICAL CODE

4-601 ELECTRICAL STANDARDS. No person, firm or corporation shall hereafter design, construct, erect, remodel, alter, demolish, locate, relocate or remove any building or structure, or place or install service equipment therein if the same is not done in accordance with the electrical code regulations of this Article as hereafter set forth, and shall not perform any work governed by this electrical code without a permit authorizing the same.

4-602 INSPECTION AND ENFORCEMENT. Sedgwick County, through the MABCD shall provide code inspection and enforcement services to the City, based upon the current Wichita-Sedgwick County unified building, electrical, plumbing, and mechanical codes, as adopted by the City and agreed to by separate interlocal agreement,

4-603 ADOPTION OF THE NFPA 70, NATIONAL ELECTRICAL CODE, 2014 EDITION, AS THE ELECTRICAL CODE, WITH CERTAIN ADDITIONS AND DELETIONS. There is hereby adopted by reference by the City of Colwich, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the NFPA 70, National Electrical Code, 2014 Edition, as the Electrical Code of the City, including Annexes C (Conduit and Tubing Fill Tables) and G (Administration and Enforcement), as published by the National Fire Protection Association, One (1) Batterymarch Park, Quincy, Massachusetts, 02169, with certain provisions declared to be omitted, changed, or added to as set forth in Sedgwick County Resolution 159-2014; which is referred to within the Sedgwick County Resolution and herein as the Standard Code; all of which does provide for penalties and prosecutions for violations thereof; and regulation and control of the installation, construction, enlargement, alteration, repair, removal, maintenance, and use of electrical systems, conductors and equipment within or on private or public buildings or other structures and other premises, that connect to the supply of electricity; provides for the issuance of permits and fees therefor; establishes the Board of Electrical Examiners and Appeals; establishes the Electrical Contractors License requirements and penalties for violations thereof, and establishes for Master and Journeyman Electrician and Residential Wireman Certificates, the requirements and exceptions thereto, and for the process of suspension or revocation thereof; creates the office of electrical inspector; and establishes truth in advertising requirements.

4-604 AVAILABILITY OF COPIES. One (1) copy of said code along with the amendments set forth in Sedgwick County Resolution 175-2012 have been and are now filed in the office of the City Clerk and the said code is hereby adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq. This Code and all amendments shall hereafter be known as Chapter 4, Article 6 of the Colwich Municipal Code.

- 4-605 AMENDMENTS. The NFPA 70, National Electrical Code, 2011 Edition, as the Electrical Code of the City, including Annexes C (Conduit and Tubing Fill Tables) and G (Administration and Enforcement), is hereby amended by adopting those changes, deletions, and additions contained in Resolution No. 175-2012 of the Board of County Commissioners of Sedgwick County, Kansas, adopted November 21, 2012 including all fee schedules, and incorporated by reference herein, as previously published in the official newspaper of the City.
- 4-606 VIOLATIONS AND PENALTIES. Any person who shall violate the provision of this code or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be prosecuted as set forth in Section 80.23 et seq. of the NFPA 70, National Electrical Code, 2011 Edition, as the Electrical Code of the City, including Annexes C (Conduit and Tubing Fill Tables) and G (Administration and Enforcement) as amended. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.
- 4-607 PENALTY CLAUSE NOT EXCLUSIVE. The imposition of the penalties herein prescribed shall not preclude the City from instituting an appropriate action to restrain, correct, or abate a violation of this ordinance, and specific authority for such is hereby granted to take any action or imposing any penalty allowed by State law, this code, or this ordinance.
- 4-608 ENFORCEMENT. Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the City, and prosecution of violations may be through Sedgwick County Court through separate interlocal agreement, and such citations shall rely on the citation numbers set forth within the Sedgwick County Code. If Sedgwick County and the City of Colwich choose not to be bound by such interlocal agreement, prosecution of any violations of this code shall be in the Colwich Municipal Court. The City hereby authorizes the building official to enforce such rules and regulations as are necessary to carry out the purpose(s) of this Code, after such are approved by the Board of County Commissioners of Sedgwick County, Kansas.
- 4-609 LIABILITY. Requirements of this code and ordinance shall not be construed as imposing on the City, its officers, agents, or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.
- 4-610 SEVERABILITY. If any part or parts of this ordinance shall be held to be invalid such invalidity shall not affect the validity of the remaining part of this ordinance.

ARTICLE 7. THE INTERNATIONAL PLUMBING CODE

- 4-701 PLUMBING STANDARDS. No person, firm or corporation shall hereafter design, construct, erect, remodel, alter, demolish, locate, relocate or remove any

building or structure, or place or install service equipment therein if the same is not done in accordance with the plumbing code regulations of this Article as hereafter set forth, and shall not place or install equipment therein governed by this Article without a permit authorizing the same.

4-702 INSPECTION AND ENFORCEMENT. Sedgwick County, through the MABCD shall provide code inspection and enforcement services to the City, based upon the current Wichita-Sedgwick County unified building, electrical, plumbing, and mechanical codes, as adopted by the City and agreed to by separate interlocal agreement,

4-703 ADOPTION OF THE UNIFORM PLUMBING CODE, 2012 EDITION, AS THE PLUMBING CODE, WITH CERTAIN ADDITIONS AND DELETIONS. The Uniform Plumbing Code, 2012 Edition, as published by the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, California 91789, excluding all appendices, is hereby adopted and incorporated herein by reference, subject to such amendments thereto as are set forth herein, and shall be referred to herein as the "Plumbing Code" or the "standard code." The standard code shall include all appendices and codified supplements to the Uniform Plumbing Code, 2012 Edition, including but not limited to, the IAPMO Installation Standards, except that the following are hereby declared to be omitted from the standard code as herein adopted: Chapter 13, Appendices C, E, G, J, K, and L.

4-704 AVAILABILITY OF COPIES. One (1) copy of said code along with the amendments set forth in Sedgwick County Resolution 175-2012 have been and are now filed in the office of the City Clerk and the said code is hereby adopted and incorporated as if fully set out herein at length as authorized in the manner provided by K.S.A. 12-3009, et seq. This Code and all amendments shall hereafter be known as Chapter 4, Article 7 of the Colwich Municipal Code.

4-705 AMENDMENTS. The Uniform Plumbing Code, 2006 Edition is hereby amended by adopting those changes, deletions, and additions contained in Resolution No. 2006 of the Board of County Commissioners of Sedgwick County, Kansas, adopted November 21, 2012 including all fee schedules, and incorporated by reference herein, as set forth hereafter.

4-706 VIOLATIONS AND PENALTIES. Any person who shall violate the provision of this code or shall fail to comply with any of the requirements thereof, or who shall act in violation of the approved plan or directive of an official or of a permit or certificate issued under the provisions of this code shall be prosecuted as set forth above. Each day of violation shall be a separate violation. Furthermore, such person may be required to repair or correct any violation and pay all costs associated therewith.

4-707 PENALTY CLAUSE NOT EXCLUSIVE. The imposition of the penalties herein prescribed shall not preclude the City from instituting an appropriate action to restrain, correct, or abate a violation of this ordinance, and specific authority for such is hereby granted to take any action or imposing any penalty allowed by State law, this code, or this ordinance.

4-708 **ENFORCEMENT.** Enforcement of this code within the boundaries of the City shall be by the Code Enforcement Official(s) designated by the City, and prosecution of violations may be through Sedgwick County Court through separate interlocal agreement, and such citations shall rely on the citation numbers set forth within the Sedgwick County Code. If Sedgwick County and the City of Colwich choose not to be bound by such interlocal agreement, prosecution of any violations of this code shall be in the Colwich Municipal Court. The City hereby authorizes the building official to enforce such rules and regulations as are necessary to carry out the purpose(s) of this Code, after such are approved by the Board of County Commissioners of Sedgwick County, Kansas.

4-709 **LIABILITY.** Requirements of this code and ordinance shall not be construed as imposing on the City, its officers, agents, or employees, any liability or responsibility for any damages to any property or any injury to any person due to defective installation or any other reason.

4-710 **SEVERABILITY.** If any part or parts of this ordinance shall be held to be invalid such invalidity shall not affect the validity of the remaining part of this ordinance.

ARTICLE 8. INSURANCE PROCEEDS

4-801. **CITY'S AUTHORIZATION.** The city is hereby authorized to utilize the procedures established by K.S.A. 40-3901 et seq., and amendments thereto, whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or other structure located within the city, arising out of any fire, explosion or windstorm, where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of seventy-five percent of the face value of the policy covering such building or other insured structure, unless there is compliance with the procedures set out in this article.

4-802. **CREATING A LIEN; CITY'S FAVOR.** The governing body of the city hereby creates a lien in favor of the city on the proceeds of any policy based upon a covered claim payment made for damage or loss to a building or other structure located within the city, caused by or arising out of any fire, explosion or windstorm, where the amount recoverable for all the loss or damage to the building or structure under all policies is in excess of seventy-five percent of the face value of the policy(s) covering such building or other insured structure. The lien arises upon any unpaid tax, special ad valorem levy or any other charge imposed upon real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that is remained undischarged for at least one (1) year prior to the filing of a proof of loss.

4-803. **TRANSFER OF PROCEEDS.** (a) Prior to final settlement on any claim covered by section 4-302, the insurer or insurers shall contact the county treasurer, Sedgwick County, Kansas, to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer or insurers shall execute and transmit in an amount equal to that owing

under the encumbrances a draft payable to the county treasurer, Sedgwick County, Kansas.

(b) Such transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the building or other structure.

- 4-804. FINAL SETTLEMENT. (a) When final settlement on any claim has been agreed to or arrived at between the named insured or insureds and the company or companies, and the final settlement exceeds seventy-five percent of the face value of the policy covering any building or other structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company or companies shall execute a draft payable to the city in an amount equal to the sum of fifteen percent (15%) of the covered claim payment, unless the enforcement officer or his/her designee has issued a certificate to the insurance company or companies that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt or otherwise made the premises safe and secure.
- (b) Such transfer of funds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the city shall be disbursed in accordance with the policy terms.
- (c) Upon the transfer of funds as required by subsection (a) of this section, the insurance company shall provide the city with the name and address of the named insured or insureds, the total insurance coverage applicable to said building or structure, and the amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured or insureds, whereupon the city clerk shall contact the named insured or insureds, by required mail, notify them that said insurance proceeds have been received by the city and apprise them of the procedures to be followed under this article.

- 4-805. FIRE INSURANCE PROCEEDS FUND. The city clerk is authorized and shall create a fund to be known as the "fire insurance proceeds fund." All moneys received by the city clerk as provided by this article shall be placed in said fund and deposited in an interest-bearing account.

- 4-806. RECEIPT OF MONEY. (a) Upon receipt of moneys as provided by this article, the city clerk shall immediately notify the enforcement officer or his/her designee of said receipt, and transmit all documentation received from the insurance company or companies to him or her.
- (b) Within twenty (20) days of the receipt of said moneys, the enforcement officer or his/her designee shall determine, after prior investigation, whether the city shall instigate proceedings under the provisions of K.S.A. 12-1750 et. seq., and amendments thereto.
- (c) Prior to the expiration of the twenty (20) days established by subsection (b) of this section, the enforcement officer or his/her designee shall notify the city clerk whether he or she intends to initiate proceedings under K.S.A. 12-1750 et. seq., and amendments thereto.
- (d) If the enforcement officer or his/her designee has determined that proceeds under K.S.A. 12-750 et seq. and amendments thereto, shall be initiated, he or she will do so immediately but not later than thirty (30) days after the receipt of the moneys by the city clerk.

(e) Upon notification of the city clerk by the enforcement officer or his/her designee that no proceedings shall be initiated under K.S.A. 12-1750 et. seq., and amendments thereto, the city clerk shall return all such moneys received, plus accrued interest, to the insured or insureds as identified in the communications from the insurance company or companies. Such return shall be accompanied within thirty (30) days of the receipt of the moneys from the insurance company or companies.

4-807. MONEY IN EXCESS. If the enforcement officer or his/her designee has proceeded under the provisions of K.S.A. 12-1750 et seq., and amendments thereto, all moneys in excess of that which is ultimately necessary to comply with the provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured.

4-808. NECESSARY TO ACT UNDER THE PROVISIONS OF THIS ARTICLE. If the enforcement officer or his/her designee, with regard to a building or other structure damaged by fire, explosion or windstorm, determines that it is necessary to act under K.S.A. 12-1756 and amendments thereto, any proceeds received by the city clerk under the authority of section 4-804(a) relating to that building or other structure shall be used to reimburse the city for any expenses incurred by the city in proceeding under K.S.A. 12-1756, and amendments thereto. The Public Works Director or his/her designee shall be responsible for notifying the city clerk of the amount of these expenses incurred by the city. Upon reimbursement from the insurance proceeds, the city clerk shall immediately affect the release of the lien resulting therefrom. Should the expenses incurred by the city exceed the insurance proceeds paid over to the city clerk under section 4-804(a), he or she shall publish a new lien as authorized by K.S.A. 12-1756, and amendments thereto, in an amount equal to such excess expenses incurred.

4-809. EXCEPTIONS. This article shall not make the city a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under his or her insurance policy.

4-810. INSURERS IMMUNE FROM CRIMINAL AND CIVIL LIABILITY. Insurers complying with this article or attempting in good faith to comply with this article shall be immune from civil and criminal liability and such action shall not be deemed in violation of K.S.A. 40-2404 and any amendments thereto, including withholding payment of any insurance proceeds pursuant to this article, or releasing or disclosing any information pursuant to this article.