

CHAPTER IV. BUILDINGS AND CONSTRUCTION

- Article 1. Fire Limits
- Article 2. Building Code
- Article 3. Electrical Code
- Article 4. Plumbing and Gas-Fitting Code
- Article 5. Moving Buildings
- Article 6. Dangerous and Unfit Structures
- Article 7. Mobile Homes

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:

All of Block 1 and all of Block 6, except Lots 19, 20 and 21, Original Town of Cunningham; and Lots 1 through 8 in Block 4, Central Addition; and all of Block 3, Central Addition; and Lots 1 and 2 in Block 2, Central Addition. (Code 1969, 6-101)

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 Cunningham, 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 Cunningham;

(c) Whenever the term building official is used in the building code, it shall be held to mean the building inspector or his or her authorized designee. (Code 1993)

4-202. UNIFORM BUILDING CODE INCORPORATED. There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, the Uniform Building Code, 1991 Edition as recommended by the International Conference of Building Officials, such code being made as a part of the ordinances and code of the city as if the same had been set out in full herein, all as authorized and in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. No fewer than three copies of the Uniform Building

*Revised
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Code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Cunningham," 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 1993)

4-203. ADDITIONAL PROVISIONS. The following sections of this article are in addition to the provisions of the standard code incorporated by reference in section 4-202. (Code 1993)

4-204. WORK BY PROPERTY OWNERS. Nothing herein contained shall prohibit any property owner from personally performing any building or construction work within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the building inspector as to his or her ability to perform such work, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive a certificate of approval. Personal building or construction performed by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a builder or building contractor licensed by the city. (Code 1993)

4-205. LIABILITY. This article shall not be construed to relieve from any liability or lessen the liability of any person performing any activity connected herewith, nor shall the city be held as assuming any liability by reason of any inspection authorized herein, by reason of any certificate of inspection issued by it or by reason of any permit or license granted herein. (Code 1993)

4-206. SEVERABILITY. If any section of the Uniform Building Code or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining sections, the section to be completely severable from the remaining provisions which shall continue in full force and effect. (Code 1993)

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 1993)

4-302. **ADOPTION OF ELECTRICAL CODE BY REFERENCE.** The standard code known as the National Electrical Code of 1993, a publication of the National Fire Protection Association, the same being a standard code for the installation of electrical wiring and apparatus and available in book and pamphlet form is hereby incorporated by reference herein and made a part of this article as authorized and in the manner prescribed by K.S.A. 12-3009:3012. Three copies shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Cunningham," 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 1993)

- 4-303. **ADDITIONAL PROVISIONS.** The following sections of this article are in addition to the provisions of the standard code incorporated by reference in section 4-302. (Code 1993)
- 4-304. **WORK BY PROPERTY OWNERS.** Nothing herein contained shall prohibit any property owner from personally performing any electrical construction or installing electrical wiring or equipment within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the electrical inspector as to his or her ability to perform such work or install such electrical wiring, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive a certificate of approval. Personal electrical construction or installation performed by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except an electrician or electrical contractor licensed by the city. (Code 1993)
- 4-305. **APPROVED MATERIALS.** No electric materials for wiring of appliances or equipment shall be installed in the city unless they are in conformity with the provisions of this article and with the approved standards of construction for safety to life and property. Conformity of materials for wiring appliances and equipment to the standards of the Underwriters Laboratories, Inc. shall be prima facie evidence that the materials, devices, appliances and equipment comply with the requirements of this article. (Code 1993)
- 4-306. **LIABILITY.** This article shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any electrical equipment for damages to persons or property caused by any defect therein, nor shall the city be held as assuming any such liability, by reason of the inspection or reinspection authorized herein, or the certificate of approval of any work or equipment authorized herein or by reason of any permit or license granted herein. (Code 1993)
- 4-307. **SEVERABILITY.** If any section of the National Electrical Code or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining provisions of the National Electrical Code or of this article, the section is to be completely severable from the remaining provisions which shall continue in full force and effect. (Code 1993)

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 1993)
- 4-402. UNIFORM PLUMBING CODE INCORPORATED. There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the practice of plumbing and gas-fitting, including the installation, maintenance, extension and alteration of all pipes, fixtures, appliances and appurtenances in connection with sanitary sewers and public and private water and fuel gas systems, the Uniform Plumbing Code, 1991 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 Cunningham," 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 1993)
- 4-403. ADDITIONAL PROVISIONS. The following sections of this article are in addition to the provisions of the standard code incorporated by reference in section 4-402. (Code 1993)
- 4-404. WORK BY PROPERTY OWNERS. Nothing herein contained shall prohibit any property owner from personally installing plumbing piping or equipment within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the plumbing inspector as to his or her ability to install such piping or equipment, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive approval. Personal installation by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a plumber or plumbing contractor licensed by the city. (Code 1993)
- 4-405. APPROVED MATERIALS. No plumbing materials, appliances or equipment shall be installed in the city unless they are in conformity with the provisions of

this article and with the approved standards of construction for safety to life and property. Conformity of materials for plumbing materials, appliances and equipment to the standards of the Underwriters Laboratories, Inc. shall be prima facie evidence that the materials, devices, appliances and equipment comply with the requirements of this article. (Code 1993)

4-406. LIABILITY. This article shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or performing any plumbing construction for damages to persons or property caused by any defect therein, nor shall the city be held as assuming any such liability, by reason of the inspection or reinspection authorized herein, or the certificate of approval of any work or equipment authorized herein or by reason of any permit or license granted herein. (Code 1993)

4-407. SEVERABILITY. If any section of the Uniform Plumbing Code or of this article shall be held unconstitutional or otherwise invalid by any court of competent jurisdiction, then such section shall be considered separate and apart from the remaining provisions of the Uniform Plumbing Code or of this article, the section is to be completely severable from the remaining provisions which shall continue in full force and effect. (Code 1993)

ARTICLE 5. MOVING BUILDINGS

4-501. BUILDING OFFICIAL; AUTHORITY. The mayor or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of an inspector. (Code 1993)

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 1993)

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 1993)

- 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 1993)
- 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 to the city clerk; plus the additional cost for the time for any city crews involved in such moving. (Code 1993)
- 4-506. CONTRACTOR; LICENSE REQUIRED; FEE. The provisions of sections 4-219:225 of this chapter shall apply in a like manner to this article. (Code 1993)
- 4-507. 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 1993)
- 4-508. 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 1993)

4-509. **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 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 1993)

4-510. **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 1993)

4-511. **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 1993)

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 1993)

- 4-602. DEFINITIONS. For the purpose of this article, the following words and terms shall have the following meanings:
- (a) Enforcing officer means the fire chief 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 1969, 4-201; Code 1993)
- 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 1993)
- 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 1993)
- 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 1993)
- 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 1993)

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

(b) If the repair, alteration, or improvement of the structure can be made at a cost which shall not exceed 50 percent of the fair market value of the structure, the owner of the property shall, within the time specified in the order, repair, alter or improve the structure to render it safe and fit for human use or habitation, or shall vacate and close the structure until such time as he has complied with the order.

(c) If the repair, alteration or improvement of the structure cannot be made at a cost of 50 percent or less of its fair market value, the owner shall, within the time specified in the order, remove or demolish the structure.
(Code 1993)

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 1993)

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 1993)

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 1993)

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 is insufficient to recover the cost, or if there is no salvage, the city clerk shall, at the time of certifying other city taxes, certify the unpaid portion of the costs to the county clerk who shall extend the same on the tax roll of the county.

(K.S.A. 12-1755; Code 1993)

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 1993)

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 1993)

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 1993)

ARTICLE 7. MOBILE HOMES

4-701. DEFINITIONS. (a) Inspecting Officer means the inspector so designated by the city council.

(b) Mobile Home means a movable, detached single-family dwelling unit with all of the following characteristics:

(1) Designed for long term occupancy, and containing accommodations, a flush toilet, a tub or shower bath, kitchen facilities, and having plumbing and electrical connections provided for attachment to outside systems;

(2) Designed and constructed on a chassis that is capable of being transported after fabrication on its own wheels, or detachable wheels, and when placed the wheels may or may not be removed;

(3) Arrives at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location on supports, connection to utilities and the like;

(4) Not necessary to be placed on a foundation as required for a permanent structure.

(c) Mobile Home Park means land used or intended to be used by one or more occupied mobile homes.

(d) Mobile Home Space means land or plot of ground which is designated to accommodate one mobile home and which provides service facilities for water, sewage and electricity.

(e) Occupy, Occupancy or Occupied means the use of any mobile home or house trailer by any person for living, sleeping, cooking or eating purposes for any period of four or more consecutive days.

(f) Park means mobile home park.

(g) House Trailer means a vehicular, portable dwelling unit designed especially for short term occupancy, such as: travel trailers, campers, converted buses and other similar units whether self-propelled, pulled or hauled and designed primarily for highway travel without a special permit.

(h) Person means any individual, firm, trust, partnership, association or corporation.

(i) Trailer Camp means the use of a parcel or tract of land which provides space for transient occupancy and used or intended to be used for the parking of one or more house trailers, tents or similar type living facilities. The term trailer camp does not include a parcel or tract of land on which unoccupied house trailers, whether new or used, are parked for the purpose of storage, inspection or sale.

(Ord. 218, Sec. 1)

- 4-702. APPLICATION FOR PERMIT. A building permit must be obtained before the construction of any new parks or camps. Existing parks or camps constructed prior to the passage of Ordinance No. 218 when vacated will be required to obtain a permit prior to being reoccupied. (Ord. 218, Sec. 2)
- 4-703. PARK AND TRAILER CAMP LOCATIONS. All parks and trailer camps shall be located in accordance with the provisions of this article and shall be further located on a well drained site properly graded to insure adequate drainage and freedom from stagnant pools of water. (Ord. 218, Sec. 3)
- 4-704. PARK AND TRAILER CAMP LAYOUTS. (a) Area. Each mobile home space in each park shall contain no less than 5,000 square feet for a single width mobile home, and not less than 7,000 square feet for a double width mobile home, with the boundaries properly marked. Trailer camps shall contain a minimum of 1,500 square feet for each trailer or camping space.
- (b) Setbacks. All mobile homes and house trailers shall be so located as to maintain a setback no less than 15 feet from any public street or highway right-of-way; as to maintain a setback no less than 10 feet from the edge of a park or trailer camp roadway or sidewalk; and as to maintain a setback no less than the 10 feet from any side or rear boundary line when such boundary is not common to any public street or highway right-of-way.
- (c) Clearance. All mobile homes or house trailers shall be so located as to maintain a clearance of not less than 20 feet from another mobile home, house trailer or appurtenance thereto within the same mobile home park or trailer camp; and as to maintain a clearance of not less than 20 feet from any building.
- (Ord. 218, Sec. 4)
- 4-705. WATER SUPPLY. (a) Required. An accessible, safe, and potable supply of water shall be provided by each park.
- (b) Service Connections. Individual water service connections to the park water supply system shall be provided at each mobile home space. Such service connections for new parks shall be at least 3/4 inch in diameter and equipped with 3/4 inch valve outlet. The outlet shall be located at least four inches above the ground surface and protected from surface water flooding. Water service pipes shall be protected from freezing.
- (Ord. 218, Sec. 5)
- 4-706. SEWAGE DISPOSAL. (a) Individual Sewage Connections. Each mobile home space shall be provided with no less than a three inch sewer connection. Such individual connection shall be provided with suitable fittings so that a water tight connection can be made between the mobile home or house trailer drain and the sewer connection. The connection shall be so connected that it can be and is closed when not connected to the mobile home or house trailer and shall be trapped in such a manner as to be maintained in an odor free

condition. Individual connections shall be made in accordance with the provisions of the applicable ordinances of the city.

(b) Submain Connections. Individual house trailer or mobile home sewer connections in new parks shall be made to submains of sufficient size to serve the park at its ultimate maximum capacity. (Ord. 218, Sec. 6)

4-707. GARBAGE AND REFUSE. Provisions for garbage and refuse storage, collection and disposal shall be maintained so as to create no health hazards, rodent harborage, insect breeding areas, accident hazards or air pollution and shall comply with the ordinances of the city. (Ord. 218, Sec. 7)

4-708. ELECTRICITY. A weather-proof electrical outlet supplying at least 110 volts shall be provided for each mobile home space. No power lines shall be permitted to lie on the ground or to be suspended less than 15 feet above the ground over any roadway or service area. (Ord. 218, Sec. 8)

4-709. FUEL GAS. (a) Liquified Petroleum Gas. When liquified petroleum gas is used, containers for such gas shall be the liquified petroleum gas containers approved by the Interstate Commerce Commission for its intended purpose and shall be integrally attached to the mobile home or house trailer in a manner as approved by the Liquified Petroleum Gas Association Inc., or other approved authority.

(b) Natural Gas. Natural gas may be connected to mobile homes or house trailers under the conditions established by the supplying gas utility. (Ord. 218, Sec. 9)

4-710. ALTERATIONS AND ADDITIONS. (a) Alterations and additions which are affected by provisions herein within or to a park and facilities shall be made only after application to the inspection officer and in conformity with all of the sections of this article.

(b) No additions of any kind shall be built onto or become a part of any mobile home or house trailer except with the written approval of the inspection officer. Skirting of mobile homes is required, but such skirting shall not permanently attach the coach to the ground, provide a harborage for rodents or create a fire hazard.

(c) Every mobile home or house trailer regulated by this article shall be anchored to the ground by a method approved by the inspection officer. This regulation shall from and after passage of Ordinance No. 218, apply to all new mobile home parks or trailer camps and shall also thereafter apply whenever a mobile home or house trailer is moved in, relocated or replaced in existing parks. Jacks or stabilizers may be placed under the frame of the mobile home or house trailer to prevent movement on the springs while the trailer is parked and occupied.

(Ord. 218, Sec. 10)

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April 30, 2010.**

ORDINANCE NO. 605

**ORDINANCE AMENDING ORDINANCE 4-202
RELATING TO THE 1991 UNIFORM BUILDING CODE AND
ADOPTING THE 2003 INTERNATIONAL BUILDING CODE
AND INTERNATIONAL RESIDENTIAL CODE**

WHEREAS, on the 28th day of April, 2010, it was resolved by the Governing Body of the City of Cunningham, Kansas, to amend Ordinance 4-202 relating to the 1991 Uniform Building Code of the City of Cunningham, Kansas.

NOW THEREFORE, be it ordained by the Governing Body of the City of Cunningham, Kansas:

Section 1: Ordinance 4-202 of the Code of the City of Cunningham, Kansas, shall be amended to read as follows:

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 Code Council, 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 Cunningham," 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.

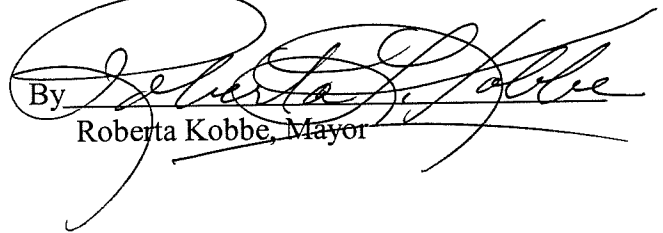
4-202A INTERNATIONAL RESIDENTIAL CODE INCORPORATED.

- (a) Adoption. The 2003 Edition of the International Residential Code is approved and adopted by the Governing Body of the City of and the same is incorporated by reference as fully as if set out herein.
- (b) Official copies. Not less than three (3) copies of the 2003 Edition of the International Residential Code in book form shall be filed with the City Clerk to be opened for inspection and available to the public at all reasonable business hours.

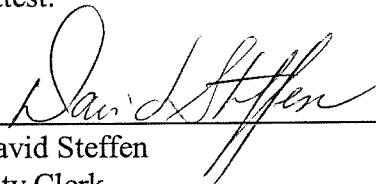
SECTION 2: This Ordinance shall take effect and be in full force from and after its publication in the official City newspaper.

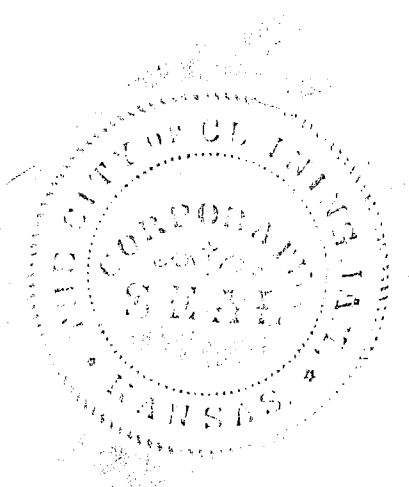
Approved and passed by the Governing Body of the City of Cunningham, Kansas, this 28th day of April, 2010.

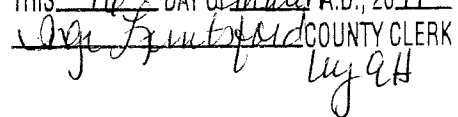
Governing Body of the City of Cunningham

By 
Roberta Kobbe, Mayor

(SEAL)
Attest:


David Steffen
City Clerk



ENTERED IN TRANSFER RECORD IN MY OFFICE
THIS 16 DAY OF March A.D., 2011
 COUNTY CLERK
kjg AH

STATE OF KANSAS, KINGMAN COUNTY, AS:
THIS INSTRUMENT WAS FILED FOR RECORD ON
AND DULY RECORDED IN

Book: MISC231 Page: 90

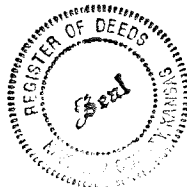
Pages Recorded: 2

Recording Fee: Other

SUSAN M HUBBELL
RECORDER OF DEEDS:



Date Recorded: 3/15/2011 2:25:00 PM



Book: MISC231 Page: 90