

Chapter 17 BUILDING CODES

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Article 1 GENERAL REGULATIONS/ENFORCEMENT/PENALTY

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Section 17.1.1 Permits Required; Exemptions

Prior to any person, firm or corporation designing, constructing, erecting, remodeling, altering, demolishing, locating, relocating or removing any building or structure, or placing or installing service equipment within the City of Bel Aire, a permit to do such work shall be obtained from the City. Such permit shall be issued through the Department of City Inspection.

The Department of City Inspection is hereby authorized to adopt and maintain a list of building trade activities, in addition to those contained in the technical building trade codes, which are exempt from the permit requirements of this Chapter. (Ord. 390)

Section 17.1.2 Permit Exemption

Exemption from any of the permit requirements of this Chapter, including the technical building trade codes shall not be deemed to grant authorization for any work to be done in violation of the provisions of this Chapter, including the technical building trade codes or any other laws or Codes of the City of Bel Aire, Kansas. (Ord. 390)

Section 17.1.3 Permit Application Required

To obtain a permit, the applicant shall first file an application in writing, on a form furnished by the Department of City Inspection for that purpose and pay all applicable fees as established by this Code and the resolutions of the City of Bel Aire, Kansas.

Section 17.1.4 Permit Application

To obtain a permit, the applicant shall first furnish to the Department of City Inspection all pertinent data on forms or as required by the enforcing authority prior to the issuance of the permit. When received by the Department of City Inspection, the permit application form shall indicate all contractors of record. An application form containing omissions, inaccuracies or false information shall be rejected by the Department of City Inspection. The application form may be resubmitted to the Department of City Inspection after corrections are made.

In those areas of the city having a high ground water table, which areas are not served by an approved water course or storm sewer for surface water disposal, building permit applications require a special approval by the building official. The application, in addition to providing the information required on the standard application form, shall indicate the lowest floor elevation of the proposed building, whether groundwater may be required to be pumped as a matter of waterproofing below-grade structure and, if so, the manner of water disposal. Topographic and

groundwater elevations for reference purposes are shown on the most current Hydrogeologic Map of Sedgwick County, Kansas, prepared by the State Geological Survey of Kansas. (Ord. 390)

Section 17.1.5 Plans and Specifications Required

Unless otherwise specified, at least two (2) sets of plans, specifications engineering calculations, diagrams and other data shall be submitted with each application for a permit pursuant to the provisions of this Chapter and the technical building trade codes. One (1) set of approved plans and specifications, with computations, shall be retained by the Department of City Inspection. Except as exempted by the technical building trade codes or by the Department of City Inspection pursuant to this Chapter, all such data shall be prepared by or under the direct supervision of an engineer or architect as required by the State Statutes of Kansas. All said plans, specifications, and other data so furnished shall bear the engineer's or architect's seal.

Plans and specifications, when required by this Chapter, including the technical building trade codes, shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of work proposed and show in detail that it will conform to the provisions of the technical building trade codes and all relevant laws, codes, rules and regulations. The engineer and/or architect shall provide, where necessary, proof of plan and specification compliance with all lot and plat requirements including any applicable drainage plans. The engineer and/or architect shall also provide, where necessary, a list of all special inspections and tests that will be required to insure the integrity of the system's design. (Ord. 390)

Section 17.1.6 Site Address

Approved numbers or addresses shall be provided for all new residential and commercial buildings.

A. Residential Buildings. Address shall be mounted or installed on the principal structure with numbers or letters, 3" minimum in height. Such numbers or letters shall be visible from the street or right-of-way which gives the property its address. Such numbers or letters shall be of contrasting color from the structure.

B. Commercial and Industrial Buildings. Address shall be mounted or installed on the principal structure with numbers or letters 6" minimum in height. Such numbers or letter shall be visible from the street or right-of-way which gives the property its address. Such number or letter shall be of a contrasting color from the structure.

Section 17.1.7 Permit "180 Day" Limitation

Every permit issued by the Department of City Inspection under the provisions of this Chapter, including the technical building trade codes shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any item after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fees therefor shall be one half

The schedule of permit fees shall be those set forth in the approved schedule of fees as adopted by the Governing Body of the City of Bel Aire, Kansas. The city clerk, or designee, shall keep an accurate account of fees collected and received under the provisions of this Chapter and record the name of the person on whose account the same was paid, the date and the amount thereof together with the location of the proposed construction or installation to which the fees relate. He/she shall deposit the amount of the fees collected with the City Treasury of the City of Bel Aire, Kansas. Whenever any work for which a permit is required by this Code has commenced without first obtaining said permit, an administrative penalty equal to the amount of the permit fee, as determined by the city clerk or city inspector, shall be collected in addition to the permit fee. Such administrative penalty shall be paid prior to issuance of any permit for construction upon these premises.

Section 17.1.11 Licenses

All contractors and tradesmen shall provide proof to the City of both a current and valid Metropolitan Area Building and Construction Department [hereinafter “MABCD” or “Metropolitan Area Building and Construction Department”] Contractor’s License and a City of Bel Aire Contractor’s License prior to being issued a permit to design, construct, erect, remodel, alter, demolish, locate, relocate or remove any building or structure, or place or install service equipment within the City.

Section 17.1.12 Contractor’s Duties

Every licensed contractor shall be responsible for all work included in his or her contract, whether or not such work is done by him or her directly or by subcontractor. He or she shall be responsible for all funds or property received by him or her for prosecution or completion of a specific contract or for a specific purpose. (Ord. 390)

Section 17.1.13 Liability Insurance

Every licensed contractor shall procure and maintain a policy of general liability insurance covering the activities of the contractor while engaged in contracting hereunder. Such insurance policy shall be written with an insurance company licensed to do business in the state and shall have minimum limits of coverage of three hundred thousand dollars per occurrence. In addition, every such contractor shall procure and maintain workers' compensation insurance as required by law and automobile liability insurance as required by law. (Ord. 390)

Section 17.1.14 Evidence of Insurance

Every licensed contractor shall file with the Department of City Inspection certificates of insurance evidencing the insurance coverage specified herein. All such certificates shall indicate that the city shall be given at least thirty days advance written notice of any cancellation or material change in coverage of such insurance. (Ord. 390)

Section 17.1.15 Failure to Maintain Insurance

Failure of a contractor to either procure or maintain such insurance shall be a violation of the provisions of this ordinance and shall be grounds for an immediate stop work order to said contractor by the city inspector and ultimately an order by the city inspector to suspend or revoke a permit issued under the provisions of this Chapter, including the technical building trade codes. (Ord. 390)

Section 17.1.16 Certificate of Occupancy Required

Upon the completion of work pursuant to a permit issued in compliance with this ordinance, the person(s) or entity completing said work shall contact the city inspector for final inspection. After the city inspector inspects a building or other structure and finds no violations of the provisions of this Chapter, including the building trade codes or other laws of the City of Bel Aire, Kansas regulating building construction or use, the city inspector shall issue a provisional certificate of occupancy that shall contain the following:

1. The building permit number.
2. The address of the structure.
3. The name of the owner.
4. A description of work for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the various ordinances of the City of Bel Aire, Kansas regulating building construction or use.
6. A statement that a certificate of occupancy and habitation may be issued upon inspection for compliance with the various Chapters of the Code of the City of Bel Aire, Kansas regulating building construction or use at the time application is made for city utilities in the name of the person(s) or entities desiring to occupy said building or other structure. (Ord. 390)

Section 17.1.17 Inspection Required

Prior to occupancy of any building or other structure within the corporate limits of the City of Bel Aire, Kansas, the person(s) or entity desiring to occupy said building or other structure shall request inspection of said building or other structure and the issuance of a certificate of occupancy and habitation by the city inspector. After the city inspector inspects the building or other structure and finds no violations of the provisions of this Chapter, including the building trades codes or other laws of the City of Bel Aire, Kansas regulating building construction or use, the city inspector shall issue a certificate of occupancy and habitation that shall contain the following:

1. The building permit number.
2. The address of the structure.

3. The name of the owner.
4. A description of work for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the various ordinances of the City of Bel Aire, Kansas regulating building construction or use.
6. A statement that the certificate of occupancy and habitation is subject to on-going compliance with the various laws of the City of Bel Aire, Kansas regulating building use and habitability. (Ord. 390)

Section 17.1.18 Certificate of Occupancy Revocation

Subsequent to the issuance of a certificate of occupancy and habitation for a specific building or other structure, the city inspector shall revoke said certificate of occupancy and habitation in writing if he or she determines that said building or other structure no longer complies with any of the provisions of the various laws of the City of Bel Aire, Kansas regulating the use and habitability of said building or other structure. (Ord. 390)

Section 17.1.19 Notice of Revocation

Notice of said certificate of occupancy and habitation revocation shall be given to all owners and occupants of said building or other structure by immediately posting a copy of the written revocation of said certificate of occupancy and habitation on the front door of said building or other structure and mailing a copy of said written revocation to the person(s) or entity listed as receiving utility services at said building or other structure from the City of Bel Aire. Said written notice shall also contain the appeal provisions provided within this Chapter. (Ord. 390)

Section 17.1.20 Unlawful Acts

It shall be unlawful for any person, firm, building permit holder, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building, property or structure or cause or permit the same to be done in violation of the provisions of this Chapter, including the technical building trade codes. The list of prohibited acts set forth within this Chapter include, but are not limited to the following:

1. No person shall perform or cause to be performed any work that requires a permit without having first secured the appropriate permit.
2. No person shall, through negligence or indifference, knowingly create an unsafe condition and/or allow an unsafe condition to exist.
3. No person shall prohibit or otherwise interfere with the city inspector in his or her duties to inspect to insure compliance with the provisions of this Chapter, including the technical building trade codes.

4. No person, who is not a duly authorized and licensed contractor, shall perform any work that requires the services of a duly authorized and licensed contractor.
5. No person shall conduct, carry on, or engage in a contracting business without having first obtained a valid current contractor's license.
6. No person holding a current valid contractor's license shall employ any other person who does not hold a current valid license to perform any work requiring a license.
7. No person shall make connections from a source of electricity to a premises wiring system which is regulated by this ordinance and the technical building trade codes and for which a permit is required until approved by the city inspector.
8. No person shall make connections from any electrical source to a premises wiring system which has been disconnected or ordered to be disconnected by the city inspector or the use of which has been ordered to be disconnected until the city inspector authorized the re-connection and use of such system.
9. No person shall inhabit or otherwise occupy any building or other structure without a valid certificate of occupancy and habitation. (Ord. 390)

Section 17.1.21 Violations and Penalties

Any person who shall violate the provision of any of the Codes, or amendments, as adopted by this Article, 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 Chapter, shall be prosecuted, and such prosecution shall be within the Municipal Court of the City of Bel Aire, Kansas. Each day of violation shall be a separate violation. In lieu of prosecution, or as a term of penalty upon being sentenced, such person may be required to repair, remove, or correct any violation, or be directed to pay all costs associated with the City taking any such abatement action.

Section 17.1.22 Penalty Clause Not Exclusive

The imposition of the penalties herein prescribed shall not preclude the City, or its enforcement agent, from instituting an appropriate action to restrain, correct, or abate a violation of this Chapter, or any Code adopted herein, and specific authority for such is hereby granted to take any action or imposing any penalty allowed by State law, this code, or this Chapter.

Section 17.1.23 Assessment, Funding and Payment of Costs

A. The costs incurred by the City for any action undertaken by the enforcing officer pursuant to or incidental to this Chapter shall be reported in detail and in writing by said officer to the city clerk. The city clerk shall keep an account of such costs, as well as any and all costs of notices, service and/or mailing of notices, and publication of notices, required by this Chapter. The city clerk shall immediately cause the reporting and accounting required by this section to be entered in the appropriate city record and shall report the same to the governing body.

B. The city clerk shall, within ten (10) days of the receipt of the enforcing officer's report of costs, give notice by restricted mail to the owner of the costs to be reported by subsection a of this section and such notice shall include a statement requiring payment of the costs to the city within thirty (30) days following receipt of the notice. Should the owner refuse to take delivery of the notice and return is made to the city indicating such refusal, the city clerk shall send to the owner, by first class mail, the notice previously sent and receipt by the owner shall be deemed to have occurred upon such mailing. The city clerk shall make and maintain records detailing the method and time of sending and receipt of such notice.

C. Should the cost remain unpaid after thirty (30) days of the receipt of the notice by the owner, the city clerk may sell any salvage from the removal and abatement process and apply the proceeds of such sale to pay said costs. Any proceeds received which exceed said costs shall be remitted to the owner within thirty (30) days of conclusion of the sale.

D. Should the proceeds of any sale be insufficient to cover said costs, or if there exists no salvage, the city clerk shall, at the time required by law for the certification of other city taxes, certify the unpaid portion of said costs in conformance with State law for extensions of the same on the city tax rolls against the property upon which the structure was located.

Section 17.1.24 Appeal

In addition to the other provisions of this Chapter, including the technical building trade codes, any person(s) or entity adversely affected by any action, determination or interpretation of a city inspector pursuant to the provisions of this ordinance shall have the right to appeal such action, determination or interpretation within fourteen days of being informed by said city inspector, either orally or in writing, of said action, determination or interpretation. (Ord. 390)

Section 17.1.25 Form of Appeal

The appeal must be in the form of a written request, setting forth the grounds for the appeal and all supporting documentation, and include the mailing address of the person(s) or entity making the appeal and a telephone number at which the appellee may be contacted between 8:00 a.m. and 5:00 p.m., all of which shall be filed with the City Clerk. The city clerk may provide a form for an appellant to complete and submit to gather any information necessary to fulfill the requirements of this section. (Ord. 390)

Section 17.1.26 Appeal Hearing

The City Clerk shall schedule the appeal hearing to take place during the next ten days, before the City Manager. Written notice of the date of the hearing shall be given to the appellant by mailing the same to the address provided in the written request. The appeal shall be an informal administrative hearing at which the City Manager shall hear any oral testimony of which the appellee would like to submit, and receive any written or verbal information necessary from the enforcement officer. All information received shall be maintained for one year as documentation of such appeal. (Ord. 390)

Section 17.1.27 **Appeal Finality**

The decision of the City Manager in the appeal shall be in writing, and such decision shall be final. (Ord. 390)

Section 17.1.28 **Liability**

Requirements of this Chapter 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.

Section 17.1.29 **Severability**

If any part or parts of this Chapter shall be held to be invalid, such invalidity shall not affect the validity of the remaining parts of this Chapter, any incorporated chapter, or any Article.

Article 2 **DEPARTMENT OF CITY INSPECTION**

- Section 17.2.1** **Establishment of Department; Enforcement Authority**
- Section 17.2.2** **Terms referencing City Enforcement Official**
- Section 17.2.3** **Reasonable Inspection Effort**
- Section 17.2.4** **Stop Work Orders**
- Section 17.2.5** **Construction Materials**
- Section 17.2.6** **City Inspector’s Best Judgement**
- Section 17.2.7** **City Inspector’s Findings**
- Section 17.2.8** **Subsequent Inspection**
- Section 17.2.9** **Discontinue Use**
- Section 17.2.10** **Immediate Hazard**
- Section 17.2.11** **Written Notice of Disconnection**
- Section 17.2.12** **Action to Abate**
- Section 17.2.13** **Utility Disconnection**
- Section 17.2.14** **City Inspector Liability**

Section 17.2.1 **Establishment of Department; Enforcement Authority**

There is hereby established in the City of Bel Aire, Kansas a Department of City Inspection which shall consist of one or more Code Enforcement Officers, and such officials shall hereby be empowered to enforce all provisions of this Chapter, including the technical building trade codes

as adopted by the Governing Body of the City of Bel Aire, Kansas, as set forth within this Chapter of the Bel Aire Municipal Code. (Ord. 390)

Section 17.2.2 Terms referencing City Enforcement Official

Whenever the term or title "city inspector", "administrative authority", "responsible official", "chief inspector", "code enforcement officer", "authority having jurisdiction", or other similar designation is used within any of the Uniform Codes adopted through this Chapter, the Wichita/Sedgwick County Unified Building and Trade Code as adopted by this Chapter, or within any provision set forth within this Chapter, it shall be construed to mean an enforcement official of the Department of City Inspection of the City of Bel Aire, Kansas. (Ord. 390)

Section 17.2.3 Reasonable Inspection Effort

Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, including the technical building trade codes, or whenever a city inspector has cause to believe there exists in any building or upon any premises a condition or code violation which makes the premises unsafe, the city inspector may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the city inspector by such codes, provided that if such building premises is occupied, he or she shall first present proper credentials and demand entry; and if such building or premises be unoccupied, he or she shall make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. Should entry be refused, the city inspector shall have recourse to every remedy provided by the law to secure entry. (Ord. 390)

Section 17.2.4 Stop Work Orders

Whenever any work is being done contrary to the provisions of this Chapter, including the technical building trade codes, the city inspector may order the work stopped by notice in writing served on any persons engaged in doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the enforcing authority to proceed with the work. (Ord. 390)

Section 17.2.5 Construction Materials

All constructing, altering, adding to or repairing of buildings or structures or its systems and the materials and equipment used therefore, shall conform with the provisions of this Chapter, including the technical building trade codes, the laws of the state, and with approved standards of safety for persons and property. Conformity with the provisions of this Chapter, including the technical building trade codes, the laws of the State of Kansas and the provisions of the technical codes shall constitute the standards of good practice by which the city inspector shall judge work and materials. (Ord. 390)

Section 17.2.6 City Inspector’s Best Judgement

The city inspector shall decide all questions not provided for in this Chapter, including the technical building trade codes pertaining to the constructing, altering, adding to, or repairing of buildings or structures or its systems in accordance with his or her best judgment of what constitutes good practice based on the codes of the City. (Ord. 390)

Section 17.2.7 City Inspector’s Findings

When an installation shall be found not to comply with the provisions of this Chapter, including the technical building trade codes or to be unsafe or defective, the city inspector shall at once notify the person doing the work of such finding or make written notice of the finding and post on or within the building, structure or premises. (Ord. 390)

Section 17.2.8 Subsequent Inspection

Every defective installation shall be corrected before a subsequent inspection will be made. Should said person fail or refuse to change, rearrange or remove the work within a time prescribed by the city inspector, the city inspector may issue a stop work order to one or all contractors of record. (Ord. 390)

Section 17.2.9 Discontinue Use

Wherever any building or structure of systems therein regulated by this Chapter, including the technical building trade codes is being used contrary to the provisions of such codes, the city inspector may order such use discontinued by written notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the city inspector after receipt of such notice to make the structure or portion thereof, comply with the requirements of this Chapter, including the technical building trade codes. (Ord. 390)

Section 17.2.10 Immediate Hazard

Where the city inspector determines a system is not an immediate hazard but ascertains that any systems regulated in this Chapter including the technical building trade codes has become unsafe to life, health, property, he or she shall order in writing that such equipment either be removed or restored to a safe condition or whichever is appropriate. The written notice shall fix a time limit for compliance with such order. No person shall use or maintain a defective system after receiving such notice. (Ord. 390)

Section 17.2.11 Written Notice of Disconnection

When such equipment or installation is to be disconnected, a written notice of such disconnection and causes therefore shall be given within forty-eight (48) hours to the serving utility, the owner and occupant of such building, structure or premises. (Ord. 390)

Section 17.2.12 Action to Abate

When any system is maintained in violation of this Chapter, including the technical building trade codes and in violation of any notice issued pursuant to the provisions of these regulations, the city inspector shall institute any appropriate action to prevent, correct or abate the violation. (Ord. 390)

Section 17.2.13 Utility Disconnection

The city inspector shall have the authority to cause disconnection of any utility service or energy supplied to the building, structure or systems therein regulated by this Chapter, including the technical building trade codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The city inspector shall whenever possible notify the serving utility, the owner and occupant of the building, structure, or systems of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of building structure or systems, in writing, of such disconnection immediately thereafter.

The city inspector may cause the disconnecting of utilities when deemed necessary in the interest of public safety. (Ord. 390)

Section 17.2.14 City Inspector Liability

The city inspector charged with the enforcement of this Chapter, including the technical building trade codes, acting in good faith and without malice in the discharge of his or her duties, shall not thereby render himself or herself personally liable for any damage that may accrue to persons or property as a result of any act or omission performed by him or her in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this Chapter, including the technical building trade codes. (Ord. 390)

Article 3 RESIDENTIAL CONSTRUCTION CODE

Section 17.3.1 Adoption of the International Residential Code, 2012 Edition, as the One And Two Family Dwelling Code, With Certain Additions and Deletions

Section 17.3.2 Availability of Copies

Section 17.3.3 Effective Date

Section 17.3.1 Adoption of the International Residential Code, 2012 Edition, as the One And Two Family Dwelling Code, With Certain Additions and Deletions.

There is hereby adopted by reference by the City of Bel Aire, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the International Residential Code, for One and Two Family Dwellings, 2012 Edition, as published by the International Code Council, 5203 Leesburg Pike, Suite 708 Falls Church, Virginia, 22041, and such amendments as set forth in that Resolution of the Board of County Commissioners of Sedgwick County, Kansas, of May

Section 17.4.1 Adoption of the International Building Code, 2006 Edition, as the Commercial Building Code of the City of Bel Aire, with certain additions and deletions

There is hereby adopted by reference by the City of Bel Aire, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the International Building Code, 2006 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 contained in that Resolution of the Board of County Commissioners of Sedgwick County, Kansas, of November, 21, 2012, adopting The Wichita-Sedgwick County Unified Building and Trade Code, (Res. No. 175-2012) to be made effective January 1, 2013, including all fee schedules unless otherwise set forth within the City’s adopted fee schedule, and such document is incorporated by reference herein. This International Building Code and all amendments as adopted herein shall be known as the Commercial Building Code of the City of Bel Aire, Kansas.

Section 17.4.2 Availability of copies

One copy of said standard code, along with the amendments set forth in that Resolution of the Sedgwick County Commission as described in 17.4.1 above, as currently incorporated into the Unified Building and Trade Code which is adopted through Article 11 of this Chapter, have been and are now filed in the office of the City Clerk, and the said code is 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.

Section 17.4.3 Effective Date

The above adopted code shall be phased in from the date of its adoption until July 1, 2016, to allow for conclusion of projects being completed in conformance with the previously adopted standardized code. New projects may be licensed and permitted using either the above described code or the formally applicable code, whichever is most appropriate to the project and the stage of the development of the project in the discretion of the Code Enforcement Officer. On and after July 1, 2016, no project shall be approved except in conformance with the above described code.

Article 5 ELECTRICAL CODE

Section 17.5.1 Adoption of the NFPA 70, National Electrical Code, 2014 Edition, As the Electrical Code, With Certain Additions and Deletions

Section 17.5.2 Availability of Copies

Section 17.5.3 Effective Date

Section 17.5.1**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 Bel Aire, Kansas, for the purpose of establishing standards for the safety, health, and public welfare, the National Electrical Code, 2014 Edition, including Informative Annex C (Conduit and Tubing Fill Tables), as published by the National Fire Protection Association as N.F.P.A. No. 70-2014, as presently constituted and as may be hereinafter amended, shall apply with the exception of Section 110.16; Section 110.24; Section 200.6(d); Section 210.4(b); Section 210.5(c)(1); Section 210.12; Section 210.52(c)(1) Exception; Section 230.24(A) Exception No. 5; Section 230.40; Section 250.68(a) Exception No. 2; Section 300.4(H); Section 300.11(a)(2); Section 314.28; Section 334.10; Section 334.12(a)(1); Section 334.40(b); Section 334.80; 410.64; Section 430.22(G)(1); Section 430.22(G)(2); Section 514.11(A); Section 590.4(D); Section 590.6(B)(2); and Section 680.8; of such publication. Said N.F.P.A. No. 70-2014, was adopted by the National Fire Protection Association at its 2013 June Technical Session and approved as an American National Standard on August 21, 2013, all as set forth and described and amended within that Resolution of the Board of County Commissioners of Sedgwick County, Kansas, of December, 2014, (Res. No. 159-2014), including all fee schedules unless otherwise set forth within the City's adopted fee schedule, and including all amendments as provided for within Resolution No. 159-2014 as subsequently incorporated into the Wichita/Sedgwick County Unified Building and Trade Code as adopted on May 20, 2015, and providing for penalties and prosecution 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 therefore; 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. This Code and all amendments shall hereafter be known as the Electric Code of the City of Bel Aire, Kansas. Any administrative enforcement matters associated with residential properties not otherwise addressed as set forth above, shall be pursued in accordance with the administrative provisions set forth within the International Residential Code, 2012 Edition.

Section 17.5.2**Availability of copies.**

One copy of said standard code, along with the amendments set forth in that Resolution of the Sedgwick County Commission as described in 17.5.1 above, as currently incorporated into the Unified Building and Trade Code which is adopted through Article 11 of this Chapter, have been and are now filed in the office of the City Clerk, and the said code is 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.

Section 17.5.3**Effective Date.**

The above adopted code shall be phased in from the date of its adoption until July 1, 2016, to allow for conclusion of projects being completed in conformance with the previously adopted standardized code. New projects may be licensed and permitted using either the above described code or the formally applicable code, whichever is most appropriate to the project and the stage of the development of the project in the discretion of the Code Enforcement Officer. On and after July 1, 2016, no project shall be approved except in conformance with the above described code.

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Article 6 PLUMBING, DRAIN LAYERS, AND GAS FITTING CODE

Section 17.6.1 Adoption of the Uniform Plumbing Code, 2012 Edition, As the Plumbing and Gas Fitting Code, With Certain Additions and Deletions

Section 17.6.2 Availability of Copies

Section 17.6.3 Effective Date

Section 17.6.1 Adoption of the Uniform Plumbing Code, 2012 Edition, As the Plumbing and Gas Fitting Code, With Certain Additions and Deletions

The Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials (IAPMO), 2012 Edition, including the Appendixes and Installation Standards thereto and including the Uniform Plumbing Code's latest edition of Table 1401-1, excluding Sections 102.1, 102.2, 102.3, 102.3.1, Table No. 103.4: Plumbing Permit Fees, 422.1, 422.1.1, 422.2, 422.3, 422.4, 422.4.1, 422.5, Part II of Chapter 7: Building Sewers, Sections 609.4, 807.4, 1014.0, 1015.0, 1210.1.5 Appendix F, Appendix H, Appendix L 6.0, Appendix L 7.0, and except for amendments set forth in this section, is by reference incorporated herein and made a part of this Code as though set forth at length herein, including all amendments as set forth in Resolution No. 159-2014, of the Board of County Commissioners of Sedgwick County, Kansas, as subsequently set forth within the Unified Building and Trade Code as adopted within of this Chapter. This Code and all amendments shall hereafter be known as the Plumbing and Gas Fitting Code of the City of Bel Aire.

Section 17.6.2 Availability of copies

One copy of said standard code, along with the amendments set forth in that Resolution of the Sedgwick County Commission as described in 17.6.1 above, as currently incorporated into the Unified Building and Trade Code which is adopted through Article 11 of this Chapter, have been and are now filed in the office of the City Clerk, and the said code is 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.

Section 17.6.3 Effective Date.

The above adopted code shall be phased in from the date of its adoption until July 1, 2016, to allow for conclusion of projects being completed in conformance with the previously adopted standardized code. New projects may be licensed and permitted using either the above described code or the formally applicable code, whichever is most appropriate to the project and the stage of the development of the project in the discretion of the Code Enforcement Officer. On and after July 1, 2016, no project shall be approved except in conformance with the above described code.

Article 7 MECHANICAL CODE and FUEL AND GAS CODE

Section 17.7.1 Adoption of the International Mechanical Code, 2012 Edition as the Mechanical Code of the City of Bel Aire, Kansas

Section 17.7.2 Adoption of the International Fuel Gas Code, 2012 Edition as the Fuel Gas Code of the City of Bel Aire, Kansas

Section 17.7.3 Availability of Copies

Section 17.7.4 Effective Date

Section 17.7.1 Adoption of the International Mechanical Code, 2012 Edition as the Mechanical Code of the City of Bel Aire, Kansas.

The International Mechanical Code, as published by the International Code Council, Inc. 2012 Edition, excluding appendix B, and sections 301.2, 301.3, 501.3.1.1, 802.8, and 1101.10 is hereby adopted and incorporated herein by reference, subject to such amendments thereto as are set forth within the Wichita/Sedgwick County Unified Building and Trade Codes. This Code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This Code shall also regulate certain mechanical systems, system components, equipment and appliances as specifically addressed therein and within the amendments of the Wichita/Sedgwick County Unified Building and Trade Codes.

Section 17.7.2 Adoption of the International Fuel Gas Code, 2012 Edition as the Fuel Gas Code of the City of Bel Aire, Kansas

The International Fuel Gas Code, as published by the International Code Council, Inc. 2012 Edition, is hereby adopted and incorporated herein by reference, subject to such amendments thereto as are set forth within the Wichita/Sedgwick County Unified Building and Trade Codes. The installation of fuel gas equipment, fuel gas fired appliances and gas-fired appliance venting systems shall be regulated by the 2012 International Fuel Gas Code, with the following exception: Detached one- and two- family dwellings not more than three stories high with separate means of egress and their accessory structures shall comply with the 2012 International Residential Code.

Section 17.7.3 Availability of copies

One copy of the 2012 International Mechanical Code, and one copy of the 2012 International Fuel Gas Code, along with the amendments set forth in the Unified Building and Trade Code, which is adopted through Article 11 of this Chapter, have been and are now filed in the office of the City Clerk, and the said code is 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.

Section 17.7.4

Effective Date

The above adopted codes shall be phased in from the date of its adoption until July 1, 2016, to allow for conclusion of projects being completed in conformance with the previously adopted standardized code. New projects may be licensed and permitted using either the above described codes or the formally applicable codes, whichever are most appropriate to the project and the stage of the development of the project in the discretion of the Code Enforcement Officer. On and after July 1, 2016, no project shall be approved except in conformance with the International codes.

Article 8 FENCE CODE

- 17.8.01 Title**
- 17.8.02 Definitions**
- 17.8.03 Permit Required**
- 17.8.04 Maximum Height of Fences and Construction Requirements.**
- 17.8.05 Permitted Fence Materials, and Prohibited Features and Materials**
- 17.8.06 Retaining Walls**
- 17.8.07 Fences Located Within Drainage or Utility Easements or Floodways**
- 17.8.08 Dangerous Fences Prohibited**
- 17.8.09 Applications, Site Plans and Permits and Fees**
- 17.8.10 Complaints; Inquiry and Inspection**
- 17.8.11 Right Of Entry**
- 17.8.12 Notice Of Violation**
- 17.8.13 Contents Of Notice**
- 17.8.14 Citation; Penalty; Other Authorized Actions**
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- 17.8.18 Site To Be Made Safe**
- 17.8.19 Assessment, Funding and Payment of Costs**
- 17.8.20 Disposition of Moneys Received**
- 17.8.21 Immediate Hazard**
- 17.8.22 Notice To Owner**

17.8.01 Title

This Article is called and may be cited as the Fence Code of the City of Bel Aire, Kansas.

17.8.02 Definitions

Except as otherwise provided within this Article, the definitions as adopted within the Zoning Code and the Subdivision Code shall be incorporated and made applicable to this Fence Code. The following definitions apply within this Code:

CORNER LOT: Any lot or parcel of real property that meets all of the following:

1. Located within any zoning district, other than agricultural, within the corporate limits of the city;
2. Situated on a controlled or uncontrolled intersection of two (2) streets;
3. Featuring a yard or similar open area, designated as the “front yard” situated between the principal structure located upon said lot or parcel in the street abutting said yard or open space from which said structure is assigned its street address; and
4. Featuring another yard or similar open area designated as the “abutting yard” situated between the principal structure and abutting street from which said principal structure does not receive its street address.

ENFORCEMENT OFFICER: The term “enforcement officer” shall mean the Code Enforcement Officer or any law enforcement officer of the city.

FENCE: A freestanding structure composed of metal, masonry, glass, concrete or wood, natural vegetation, or any combination thereof, resting on or partially buried in the ground and rising above ground level, and used for confinement, screening, landscaping, or partition purposes.

INTERSECTIONS:

Controlled Intersection: Any intersection of two streets, the traffic right-of-way of which is assigned by a stop sign, yield sign, or other traffic sign or signal.

Uncontrolled Intersections: Any intersection of two (2) streets, the traffic right-of-way of which is not assigned by a stop sign, yield sign, or other traffic sign or signal.

PRINCIPAL STRUCTURE: The main use of land or structures as distinguished from a subordinate or accessory use.

RESIDENTIAL LOT: Any lot or parcel of real property located within any area zoned as “residential” within the corporate limits of the city.

VISION TRIANGLE: A triangular area at the intersection of streets maintained in such a manner as to provide a safe and open line of vision for drivers of vehicles approaching the intersection. Within the vision triangle, no one shall install, construct, plant, park or maintain any sign, fence, hedge, shrubbery, tree, natural growth or other obstruction which would materially impede vision between the heights of 24 inches and eight feet above the street level. Such restrictions shall not apply to official traffic signs, signals and utility poles. (See Subdivision Regulations for regulations concerning VISION TRIANGLE.)

17.8.03 Permit Required

No person shall erect, construct, reconstruct or replace any fence without first obtaining a permit therefor from the city, provided, that no permit shall be required for maintenance of a fence, including minor replacement of components, nor for construction of fence within the City by the

City upon City owned property, easements, or reserves. In the case of a fence to be erected, constructed, reconstructed or replaced within a platted or dedicated public drainage or utility easement, such permit shall include an express disclaimer of liability for damage caused by city agents in connection with maintenance or inspection of such easement or any public improvements located thereon.

Additionally, applicable city building and construction code regulations must be met for all fences:

1. Greater than 6' in height;
2. Constructed with concrete or masonry materials; or
3. Determined by the building inspector to create specific safety concerns.

17.8.04 Maximum Height of Fences And Construction Requirements

No fence constructed, built, maintained, repaired, or replaced upon a lot shall exceed the maximum height established and prescribed by this section.

A. Fences outside vision triangles, No fence located upon a residential lot and outside the boundaries of the applicable vision triangle shall exceed:

six (6) feet in height in residentially zoned districts.

eight (8) feet in height in commercial and industrially zoned districts or as permitted within a final PUD.

B. Fences encroaching vision triangles. No fence, any portion of which is located within the applicable vision triangle, shall exceed three (3) feet in height as measured from the highest curb located within the vision triangle to finish height of said fence. The enforcing officer shall verify that any such fence complies with all provisions of this Code. In areas without curbs, the enforcement officer may measure from the low edge of the road.

C. Residential properties along arterials may have fences, walls or hedges only when approved as part of the master fence/screening plan.

D. In commercial and industrial districts, fences and/or walls shall not be placed in the setback area from street rights-of-way or within the perimeter of any landscape area, except when the fence is permitted for use to serve as a screen for items such as trash receptacles or private parking areas.

E. Fences extending into the front plane of a principal structure on a residential lot shall decrease, within a linearly measured distance of no more than eight (8) feet, from a maximum height of six (6) feet to a height of four (4) feet, shall be at least fifty (50) percent open, and shall not include chain-link or any other metal or wire type fencing.

F. Fences extending into any abutting front yard setback may be allowed to be six (6) foot in height, to the property line, as long as there is no obstruction to any street intersection and/or vision triangle as described in this Article and the City's Subdivision Code, as determined by the Code Enforcement Officer or City Engineer.

17.8.05 Permitted Fence Materials, and Prohibited Features And Materials

A. Permitted fencing material. Fences located upon residential lots may be constructed of:

1. Wood fence boards such that all portions of the fence are completely solid or no more than fifty percent open, including privacy fencing and spaced picket fence;
2. Split rail or wood rail;
3. Ornamental iron, except that any decorative tops are subject to the approval of the enforcing officer, and except that no fence constructed of ornamental iron may be less than five (5) feet in height;
4. Woven wire or chain link;
5. Imitation vinyl or other similar decorative material as approved by the City, provided such materials are designed for use as fencing, and no open space in fence constructed of such materials exceeds three fourths (3/4) of an inch; or
6. Brick or stone walls or pillars composed of masonry materials or concrete poured or placed in such fashion as to meet fence design requirements. Stacks of masonry materials or unopened containers of concrete shall not be deemed to be in compliance with this article.

B. Prohibited features in materials. No fence or portion thereof shall carry any electrical charge. No fence or portion thereof located in any residential, commercial, or industrially zoned area shall contain any barbed wire or single barbs. Fences utilizing metal panels will be subject to approval on a case by case basis, but will generally only be considered for approval in relation to agricultural properties, or industrially zoned properties located upon or within drainage easements.

C. All fences and walls shall be constructed with a finished surface facing outward from the property (e.g. in the case of a wooden fence, a “finished surface” means a surface of the fence where the pickets or slats are fully exposed to view). The posts and support beams shall be on the inside of the finished surface.

D. Fence design and construction in all areas developed pursuant to the standards set forth within a PUD or overlay zoning areas will be designed and constructed as provided for within the provisions of the establishment of such PUD or overlay zone.

17.8.06 Retaining Walls

Retaining wall construction is subject to individual approval by the City, based upon site and area requirements.

17.8.07 Fences Located Within Drainage or Utility Easements or Floodways

A. A fence may be located within a platted or dedicated drainage or utility easement if:

1. The fence is constructed and maintained at an elevation which (a) allows normal surface drainage without blockage by the fence and (b) is approved by the city engineer or his or her designee;
 2. The fence does not divert or result in diversion of normal surface drainage flow from the normal drainage course; and
 3. The fence has removable panels or sections to provide for access by emergency or maintenance personnel and equipment at all times.
- B. The city shall not be liable for damage to or destruction of any fence or groundcover, including but not limited to grass, trees, and shrubs, located within a platted or dedicated drainage, street or utility easement, which are damaged or destroyed by any maintenance or inspections performed by or on behalf of the city within such easement.
- C. Nothing in this Article shall be construed to authorize erection, construction, reconstruction or replacement of a fence in any floodway designated as such by the Federal Emergency Management Agency.

17.8.08 Dangerous Fences Prohibited

In addition to the previously described prohibitions and restrictions set forth in 17.8.07, no fence shall be constructed or maintained, or be designed, in such manner as to present a danger or hazard to any person, animal, or abutting property owner's boundaries.

17.8.09 Applications, Site Plans and Permits And Fees

- A. Applications and Permits. Any person or entity intending to construct a new fence or to replace twenty five percent (25%) or more of the total linear feet of any existing fence shall, before commencing said work, make application to the enforcing officer for a permit authorizing the work. Such applications shall be made on forms provided and approved by enforcing officer and shall be accompanied by an application fee as set out in the approved schedule of fees, and no permit shall be issued until said fees are tendered and paid in full. Fees are pursuant to the fee schedule adopted by the City.
- B. Plans Required. All applications for fence permits shall be accompanied by a detailed site plan, to be completed by the person or entity seeking the permit, upon which shall be accurately depicted the location of the principal structure, proposed fence, all utilities serving the principal structure or located upon the residential lot, all utility easements located upon the residential lot, all setbacks affecting said lot and all rights-of-way and property lines of said lot.
- C. License Required. Any person or entity providing the service of construction of a fence, shall hold any current valid trade, professional, business or contractor's license as may be required by other provisions of the city code of the city or other applicable law. Individuals may construct fences upon their own property without obtaining commercial, trade or business licenses, and may use non-commercial assistance as will not receive any type of compensation, whether monetary, in-kind, or in the form of goods or services, for said work.

D. Review and Issuance of Permits. Reasons for Denial. The enforcing officer shall receive and review all applications required by this section and shall ensure that all proposed fences comply with the provisions of this Article and any other applicable laws. The enforcing officer shall complete said review no later than two (2) full business days following receipt of an application. The computation of said period shall not include the day the application is received. In the event the enforcing officer denies an application, the officer shall state in writing and with particularity the reason for said denial.

E. Call for utility locates and receive conformation before commencing to dig or disturb the earth. (see fee schedule)

17.8.10 Complaints; Inquiry and Inspection

The enforcing officer shall make inquiry and conduct inspections of property or premises upon receiving a complaint stating a violation of this Article and describing the same and its location. The enforcing officer shall, upon making inspection and inquiry, make a written report of such officer's findings.

17.8.11 Right Of Entry

The enforcing officer has the right of access and entry upon any public or private property, at any reasonable time to make inquiry and inspection to determine if a violation of this Article exists, and to effect any other purpose of this Article. The enforcing officer may also make application to any court of competent jurisdiction for an order granting access and/or entry upon any public or private property in the event such access or entry is denied.

17.8.12 Notice Of Violation

Any person or entity found by the enforcing officer to be in violation of any provision of this Article shall be served written notice of such violation. The city clerk shall cause notice to be served in conformance with the provisions of the City's Nuisance Code.

17.8.13 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 an administrative appeal hearing before the City Manager.

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; and

D. Failure to remove and abate the violation may result in prosecution within the municipal court and/or removal and abatement of the violation by the city as provided by the nuisance abatement provisions of this City.

17.8.14 Citation; Penalty; Other Authorized Actions

Should the person or entity receiving the notice provided for in sections 17.8.12 and 17.8.13 of this Article fail to comply with such notice, or to request an administrative hearing, the enforcing officer may file a complaint in the municipal court of the city against such person or entity alleging a violation of this Article. Upon conviction of the violation of this Article, such person or entity shall be fined in an amount not to exceed one-hundred dollars (\$100) or be imprisoned not to exceed thirty (30) days or be both fined and imprisoned. Each day during or upon which a violation occurs and each day after which such violation continues after notice has been served as provided in sections 17.8.12 and 17.8.13 shall constitute an additional or separate offense. Any action taken pursuant to this provision shall not prohibit the City to act to correct a violation of its building codes, zoning code, subdivision code, or any other code associated with the design, construction, or location of any fence. Additionally, the City may utilize any civil remedy available for enforcement of and compliance with this Fence Code.

17.8.15 Administrative Hearing

If an administrative hearing is requested in writing and received by the City Clerk within the time period prescribed by this Code, the City Manager shall conduct an administrative 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 to findings of the enforcing officer before the governing body.

A. On the date fixed for hearing or any adjournment or continuation thereof, the City Manager shall hear all verbal evidence submitted by the person to whom notice of the violation was issued, a statement by the enforcement officer, and all written evidence submitted by the both the individual notified of the violation and the code enforcement officer. After hearing and reviewing all evidence provided, the City Manager shall make findings of the applicable laws and applicable facts associated with this case. 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 City Manager determines that a violation exists, the Manager shall set forth an Order of Findings, such statement to be a written overview of those findings of facts and those applicable laws supporting such determination. The Order shall also fix a reasonable period of time, typically no more than ten (10) days, within which the abatement of the violation shall be completed, and a statement that if the person upon whom notice of the violation was served fails to complete said removal and abatement within the time period

established by the Order, or fails to diligently pursue completion until the work is completed, the Code Enforcement Officer shall seek a Notice of Abatement pursuant to 17.8.16.

17.8.16 Abatement by City; Procedure

In the event a person or entity to whom notice has been served pursuant to this fence code fails to remove or abate the conditions, or fails to comply with an Order issued following an administrative hearing, the enforcing officer may elect to remove and abate such violation. The enforcing officer shall proceed in the manner prescribed by this section, as follows:

A. The enforcing officer shall present a resolution to the Governing Body for its consideration and authorizing such officer to abate or cause to have abated the conditions constituting the violation at the end of ten (10) days following passage of the resolution by the Governing Body. The resolution shall further provide that the costs incurred by the city to remove and abate the violation shall be charged against the lot or parcel upon which the violation was located in accordance with State law.

B. In the event the Governing Body adopts and passes the resolution, the enforcing officer shall cause a copy of said resolution to be served upon the person or entity violating this Article and the owner of said lot or parcel. Service shall be effected by personal service or certified mail, return receipt requested.

C. In the event the whereabouts of such person(s) are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the enforcing officer and filed with the city clerk, and the serving of the resolution shall be made by publishing the same once each week for two (2) consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premises where such condition exists.

D. Should the person or entity upon which service is attempted refuse, or fail, to take delivery and return is made to the city indicating such refusal or failure to accept, the city clerk shall send to such person or entity, by first class mail, a copy of the notice previously sent and receipt by such person or entity shall be deemed to have occurred upon such mailing, and the enforcement officer shall post a copy of the resolution on the premises where such condition exists. The city clerk shall make and maintain records detailing the method and time of sending and receipt of such notice.

17.8.17 Authorization to Contract For Services

If the person, entity or owner fails to remove and abate the violation as provided for in this Article, and it becomes necessary for the enforcing officer to remove and abate such violation, such officer is hereby authorized to contract for and obtain such services and equipment, public or private, the officer deems necessary and appropriate to complete the tasks enumerated herein, and the enforcing officer shall adhere to and comply with all applicable laws, regulations, ordinances and city policies concerning procurement of services and equipment.

17.8.18 Site To Be Made Safe

Upon removal and abatement of any violation pursuant to this Article or otherwise, the person, entity or owner shall take any and all action necessary to leave the premises in a safe condition. In the event the owner fails to take such actions as are prescribed by this section, the enforcing officer shall proceed to make the site safe and assess such costs as set forth within 17.8.19.

17.8.19 Assessment, Funding and Payment of Costs

A. The costs incurred by the city for any action undertaken by the enforcing officer pursuant to or incidental to this Article shall be reported in detail and in writing by said officer to the city clerk. The city clerk shall keep an account of such costs, as well as any and all costs of notices, service and/or mailing of notices, and publication of notices, required by this Article. The city clerk shall immediately cause the reporting and accounting required by this section to be entered in the appropriate city record and shall report the same to the governing body.

B. The city clerk shall, within ten (10) days of the receipt of the enforcing officer's report of costs, give notice by restricted mail to the owner of the costs to be reported by subsection a of this section and such notice shall include a statement requiring payment of the costs to the city within thirty (30) days following receipt of the notice. Should the owner refuse to take delivery of the notice and return is made to the city indicating such refusal, the city clerk shall send to the owner, by first class mail, the notice previously sent and receipt by the owner shall be deemed to have occurred upon such mailing. The city clerk shall make and maintain records detailing the method and time of sending and receipt of such notice.

C. Should the cost remain unpaid after thirty (30) days of the receipt of the notice by the owner, the city clerk may sell any salvage from the removal and abatement process and apply the proceeds of such sale to pay said costs. Any proceeds received which exceed said costs shall be remitted to the owner within thirty (30) days of conclusion of the sale.

D. Should the proceeds of any sale be insufficient to cover said costs, or if there exists no salvage, the city clerk shall, at the time required by law for the certification of other city taxes, certify the unpaid portion of said costs in conformance with State law for extensions of the same on the city tax rolls against the property upon which the structure was located.

17.8.20 Disposition of Moneys Received

When and if paid, all moneys received under the provisions of this Article shall be credited to the general fund of the city.

17.8.21 Immediate Hazard

When in the Code Enforcement Officer's opinion any fence in violation of this Article is in such condition as to constitute an immediate hazard requiring immediate action to protect the public or adjacent property, the Governing Body may direct the enforcing officer to take immediate action, without delay, to protect the safety of persons and properties including, but not limited to, 1) the erection of barricades, 2) causing the property upon which the fence is located to be vacated, or 3) causing the fence to be taken down, repaired, shored or otherwise made safe. Such action by the

governing body and enforcing officer may be taken without prior notice or hearing of the owners, agents, lien holders, occupants, or other parties in interest. The costs of any action under this section shall be reported and documented, notice of costs shall be afforded, and the costs shall be assessed, in the same manner as provided within the nuisance abatement code.

17.8.22 Notice To Owner

Notwithstanding any other provision of this Article or of law, any and all notices required by this Article shall also be served upon the owner of the premises or property upon which there exists a nuisance.

Article 9 SIGN CODE

- 17.9.01 Statement of Intent**
- 17.9.02 Definitions**
- 17.9.03 Administration**
- 17.9.04 General Standards**
- 17.9.05 Signs Permitted in All Districts**
- 17.9.06 Signs Permitted in Residential Districts**
- 17.9.07 Signs Permitted in Commercial Districts**
- 17.9.08 Signs Permitted in Industrial Districts**
- 17.9.09 Special Permit Uses**
- 17.9.10 Signs Permitted in Planned Unit Developments**
- 17.9.11 Temporary Signs**
- 17.9.12 Prohibited Signs and Devices**
- 17.9.13 Sign Maintenance Requirements**
- 17.9.14 Abandoned Signs**
- 17.9.15 Nonconforming Signs**
- 17.9.16 Removal of sign**
- 17.9.17 Enforcement**
- 17.9.18 Declaration of Nuisance**

17.9.01 Statement of Intent

The intent of this Article is to regulate and control all exterior signs placed for observation in order to preserve, protect and promote the public health, safety, and general welfare of the residents of the City of Bel Aire. Further, it is intended to: encourage the reasonable, orderly and effective display of signs; enhance the physical appearance of the City; reduce visual clutter; prevent blighting influences; protect property values; provide minimum standards to safeguard life, health,

and property by regulating and controlling the size, height, design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures; and authorize the use of signs which are compatible with their surroundings.

17.9.02 Definitions

A. "A" Frame Sign: A freestanding sign which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure.

B. Address Sign: A sign indicating only the common street address and/or the occupant of a dwelling or structure. For the purposes of this definition, a nameplate shall be construed to be an address sign.

C. Abandoned Sign: A sign which no longer advertises or identifies a business, lessor, owner, product, activity, message or location that is available to the public.

D. Attention-Attracting Device: Any device intended to attract the attention of the public to an establishment, location, product or service, except signs as permitted by this sign code.

E. Awning Sign: (Illuminated and/or non-illuminated.) A sign which is mounted, painted or printed on, or attached to an awning, or canopy. For the purposes of this definition, a canopy sign and a marquee sign shall be construed to be an awning sign.

F. Billboard: A freestanding outdoor advertising structure which advertises a product or service, or relays a message to the public, meeting size limitations as set out by this sign code.

G. Canopy:

1. Building canopy: A roof-like structure attached to a building covering the entrance, exit, walkway or loading dock, not including the building roof line extension. For the purposes of this sign code, when the pitch of a building canopy is 1:4 or less (twenty-five (25) degrees or less from vertical), the face of the canopy shall be considered part of the wall.

2. Freestanding canopy: A self-supported, detached roof-like structure normally covering gas islands.

H. Community Information Signs: A sign, located within a Master Planned Community, that serves to direct people to a residential subdivision, public building, or community facility such as, but not limited to, a recreational area, nature trail, golf course, lake marina, information area, etc.

I. Complex: A group of freestanding buildings, or buildings constructed in such a way as to give an appearance of being interrelated because of architectural similarity and/or interconnected drives and parking areas; or a building divided into three (3) or more separate offices, businesses or apartments provided that the building is not part of a large complex. A complex shall be limited to apartment, office or business complexes, shopping centers and/or industrial parks.

J. Construction Signs: A sign erected on the premises on which development is taking place during the period of such development. Such sign may indicate the names of architects, engineers, landscape architects, contractors or similar individuals, and the owners, financial supporters,

sponsors or similar individuals or firms having a role or interest with respect to the structure or project.

K. Copy Area: (See Sign Face.) The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure.

L. Directional Sign: A sign which serves solely to designate any area or activity such as "exit," "one-way," "drive-in," "auto service," etc.

M. Directly Illuminated Sign: A sign where the source of illumination is located on the sign face. The source of illumination may include, but not be limited to neon tubes, incandescent bulbs, and fluorescent tubes.

N. Erected: This term shall mean attached, altered, built, constructed, reconstructed, and shall include the painting of wall signs, but does not include copy changes on any legal conforming sign.

O. Fuel Rate Sign: A sign which identifies gasoline and/or petroleum product rates or prices in words, numbers, figures or any combination thereof.

P. Garage Sale Sign: A temporary sign advertising a sale of personal items in a residential yard or structure.

Q. Governmental Sign: A sign for the control of traffic and other regulatory purposes, street signs, construction signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of any public officer in the performance of his public duty.

R. Identification Sign: A monument sign identifying a complex.

S. Incidental Sign: A sign which indicates to the public, goods, facilities or services available on the premises. For the purposes of this definition, credit card signs, signs indicating hours of operation, "help wanted" signs, and similar signs shall be construed to be incidental signs.

T. Indirectly Illuminated Sign: A sign which is illuminated by a shielded light source.

U. Internally Illuminated Sign: A sign illuminated by an internal light source diffused through a translucent material.

V. Master Planned Community: A mixed-use development consisting of six hundred forty (640) or more contiguous acres under one (1) ownership, for which a comprehensive master plan has been approved by the city planning commission.

W. Monument Sign: A freestanding sign having a solid appearance and a low profile, normally consisting of a face and base. Said sign may be constructed with stone, concrete, metal, routed wood planks or beams, brick or similar materials.

X. Nameplate Sign: A single-faced, non-illuminated wall sign which displays only the name and occupation of the person or persons occupying space in the building. Nameplate signs may be part of a wall sign.

Y. Off-site development sign: A temporary freestanding, non-illuminated sign used to direct people to a single-family or duplex subdivision.

- Z. On-site developmental sign: A temporary freestanding, non-illuminated sign identifying a building or construction site and the architects, engineers, financial institutions, contractors, suppliers and Realtors involved. An on-site development sign includes a "coming soon" sign.
- AA. Parapet or parapet wall: That portion of a building wall that rises above the roofline.
- BB. Person: An individual, corporation, association, firm or partnership.
- CC. Political Signs: A sign supporting a candidate for public office or measures on an election ballot.
- DD. Portable Signs: A sign which is not permanently affixed to the ground, building or other structure, which may be mounted on wheels, and can easily be transported from place to place.
- EE. Projecting Sign: A sign extending from the face of the building to which it is attached, not including wall signs. Also known as blade signs.
- FF. Public Notices and Signs: Official notices or signs for a public purpose as required by any law, statute or ordinance or as permitted by the Governing Body.
- GG. Real Estate Sign: A on-site or off-site sign which advertises the sale, rental or lease of property, or special program signs, such as, open house, energy conservation, warranty, builder, etc.
- HH. Roof: The primary cover of a building used to shed weather, including all supporting materials.
- II. Roof Sign: A sign erected, constructed or maintained partially or wholly upon or over the roof of a building, a building canopy, or a freestanding canopy.
- JJ. Sign - Advertising – A sign that has as its purpose to promote, advertise or sell a product or service obtainable on the premises upon which the sign is located, and not to identify the premises.
- KK. Sign Face: That area within a line including the outer extremities of all letters, figures, and characters within a line including the outer extremities of the framework or background.
- LL. Sign Alteration: The replacement, enlargement, rewording, reduction, reshaping, or repainting using different colors, of a sign to serve an establishment or business.
- MM. Sign Maintenance: The normal care and minor repair that is necessary to retain a safe, attractive sign and supporting structures. Repainting with the same colors, or repairing copy or logo shall be considered maintenance if the name, product, service, place, activity, person, etc., depicted remains the same.
- NN. Sign Structure: The base, supports, uprights, braces, framework and face of a sign.
00. Snipe Sign: A sign constructed of any kind of material that is attached to a utility pole, tree, fence or similar object located or situated on public or private property.
- PP. Subdivision Entry Marker: A sign used to identify a platted subdivision of twenty (20) or more single-family or duplex lots. Each neighborhood shall be permitted monument type neighborhood entry markers as approved by the City.

QQ. Temporary Sign: A sign constructed of cloth, canvas, cardboard, plywood or other similar material, which is readily moveable, and is not permanently attached to the ground or any structure thereof, and which is intended to be displayed for a short period of time.

RR. Time and/or Temperature Sign: A sign displaying time and/or temperature information with no additional advertising or comments other than the name of the company which owns the sign.

SS. Under Canopy Sign: A sign that is placed under the canopy at right angles to the wall of the building. Its sole purpose is for communicating to pedestrian traffic the name of the tenant.

TT. Vehicular Sign: Any sign which is attached to or placed upon a parked motor vehicle and placed in a position or location for the sole purpose of displaying the same to the public.

UU. Wall: A vertical structure which is solid and encloses a building, and supports the roof.

VV. Wall Sign: A sign that is parallel to, and attached to, the surface of a wall, including illuminated awning signs. If a sign is placed on a canopy that has a roof slope of 1:4 or less (twenty-five (25) degrees or less from vertical), the face of the sign may be perpendicular to the ground.

17.9.03 Administration

A. Sign Permit Required in the City of Bel Aire in accordance with the provisions of this Article.

1. It shall be unlawful for any person to erect, or alter any sign as defined in this sign code without first obtaining a sign permit. This requirement shall not be construed to require a permit for sign maintenance as defined in Section 17.9.02-Definitions above, altering changeable copy on theater signs, billboards or similar signs, or signs exempted from a permit as described elsewhere in this sign code.

2. Applications: Sign permits shall be made on a form provided and shall be accompanied by two (2) sets of plans drawn to scale indicating the sign size, location, method of illumination, colors, materials of the sign and structure, and method of attachment. In addition, the applicant shall submit other information relating to the placement, construction, design, etc., of the sign as may be required.

3. Issuance: The city shall issue a permit for the erection, alteration, or relocation of a sign within the city when an application has been properly made and the sign complies with all appropriate laws and ordinances.

4. Sign Permit Number: All signs hereafter installed shall have permanently affixed thereto a label, clearly visible at all times, indicating the number of the sign permit issued.

5. Revocation and Denial: The city may, in writing, suspend or revoke a permit issued under the provisions of this section whenever the permit is issued on the basis of a misstatement of material fact or fraud. When a sign permit is denied by the city, the city shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.

6. Sign Permit Appeals:

- a. Failure of the city to grant permit within forty-five (45) days.
- b. Appeal may be made to the City Manager upon denial of a sign permit.

7. Effect of Permit Issuance: No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.

B. Permit Fees: Each applicant, before being granted a permit, shall pay a permit fee pursuant to city resolution.

1. If it has been determined that any sign or other advertising structure regulated herein is unsafe, or has been constructed, erected or is being maintained in violation of the provisions of this sign code, written notice shall be given to the sign owner. The owner shall immediately remove or repair the sign to bring it into compliance and/or make it safe. If the owner fails to remove or repair the sign so as to comply within five (5) days after the notice, the City may cause the sign to be removed or repaired to make it safe, at the expense of the permittee or owner.

2. The City shall mail a statement of the costs for removal or repair of the unsafe or unlawful sign to either the last known address of the owner of record of the property, the person in charge of such property, or the sign permittee. If said costs are not paid within ten (10) days from the time of mailing of the notice, the City shall levy a special assessment for the cost against the subject lot or parcel of land. The City shall certify the assessment to the Sedgwick County Clerk for collection and payment to the City in the same manner as other assessments and taxes are collected and paid to the City.

C. Access and Right of Entry:

1. The City retains the right to make an inspection of any sign for the purpose of determining compliance with this sign code. Inspections shall be done at a reasonable time.

2. If the building, premises or establishment to be inspected is occupied, the City shall first present proper credentials and demand entry. If such building or premises is unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the City shall have recourse as provided by law to secure entry.

3. If after demand, entry or access is refused, the City may acquire such access by application to a court of competent jurisdiction.

17.9.04 General Standards

A. Routine Maintenance: All signs shall be of sound structural quality, be maintained in good repair, and have a clean and neat appearance. The land adjacent shall be kept free from weeds and trash. If signs are not being maintained as described, said sign may be ordered to be removed.

B. Placement on Easement or Right-of-way: Except in conformance with K.S.A. 25-2711 (2015) regarding placement of political signs during an election period, and 17.9.05 of this Code, no private sign shall be placed on a public easement or public right-of-way.

C. **Illuminated Signs:** Illuminated signs shall be internally, or indirectly-illuminated. Neon tubes, incandescent bulbs, fluorescent tubes, and other sources of direct illumination that would be exposed to the human eye shall not be permitted.

D. **Compliance with Building Code:** All signs shall comply with the appropriate detailed provisions of the City Building Code relating to design, structural members and connections. Signs shall also comply with the provisions of the National Electrical Code and the additional construction standards hereinafter set forth in this section.

E. **Measurements of Signs:**

1. In determining the copy area of a sign, the entire face of the sign, including the advertising surface and any framing, trim or molding, shall be included. Should the sign structure or supports become part of the sign due to the design of the structure or supports in relation to the sign, said structure or supports shall be included in the determination of copy area.

2. In the instance where a sign is composed of letters only, with no connection by the advertising structure between the letters, the copy area shall be determined by measuring the distance from the outside edges of the outside letters and from the top of the largest letter to the bottom of the lowest letter. Should one (1) letter be unequally large or small in comparison to the other letters composing the sign, the unequal letter shall be squared off, the remaining letters shall be measured from the outside edges, and the two (2) added for a total copy area determination.

3. Unless determined by the zoning district regulations, the allowable copy area of a sign shall be based on one (1) side of the sign. Double-faced copy area is allowed provided that both sides of the sign are parallel to one another and that the applicable zoning district regulations are not conflicting.

17.9.05 Signs Permitted in All Districts

The following signs shall be permitted in all districts and shall not require a sign permit, unless otherwise noted. The signs must be in conformance with all other regulations and ordinances of the City.

A. **Changeable Copy:** Permits shall not be required for replacing or altering changeable copy on theater signs, billboards, or other similar signs.

B. **Sign Maintenance:** Sign maintenance as defined in Section 17.9.13 of this Article.

C. **Garage Sale Signs:** All garage sale signs shall be removed no later than one (1) day after the end of the garage sale. Garage sale signs include sample and yard sale signs. Such signs shall not exceed four (4) square feet per sign, with two (2) faces per sign permitted.

D. **Governmental Signs and Public Notices.**

E. **On-Site Development Signs:**

1. The sign must be on the site of the development, and shall not exceed eight (8) feet in height or thirty-two (32) square feet in area per face.

2. The sign may have two (2) faces. A maximum of two (2) on-site development signs may be permitted for a development.

F. Off-Site Development Signs: Two (2) such signs may be permitted, after approval by the City. Off-site development signs shall not be closer than one thousand (1,000) feet to another off-site development sign or closer than five hundred (500) feet to the property line of property zoned residential. Size and height for off-site development signs shall be the same as for on-site development signs. Off-site development signs shall not be approved for a period in excess of one (1) year, additional years may be applied for if necessary. A sign permit is required.

G. Nameplate Sign: Such signs shall not exceed four (4) square feet in area.

H. Political Sign: Political signs shall not exceed four (4) feet in height and eight (8) square feet per face with two (2) faces permitted. Political signs shall not be:

1. Placed, erected or maintained on or in public buildings and structures, including libraries, recreational centers, parking structures, city hall, or on or in public parks, lawns, vehicles, trees, shrubs, fences, walks, parking meters, traffic signs or fire hydrants.

2. Placed, erected or maintained on public property or public right-of-way except within the 47 day election period as defined within K.S.A. 25-27-2711;

3. Placed, erected or maintained so as to pose a visibility hazard to pedestrian or motor vehicle traffic along streets, sidewalks or at street corners. To comply with this regulation:

i. No sign shall be located:

1. between the street and any sidewalk;
2. in a manner that blocks access to a curb cut or ADA access point;
3. within four feet of a roadway, as measured from the curb.

ii. No sign shall exceed thirty (30) inches in height as measured from the ground to the finish height of said sign. No sign shall exceed three (3) feet in width as measured from the widest part of each side of said sign. The enforcing officer shall verify that any such sign complies with all provisions of this Code. In areas without curbs, the enforcement officer may measure from the low edge of the road.

iii. In areas with identified specific traffic safety concerns the City Engineer may determine that traffic safety requires site specific sign regulations which shall be posted upon the City's website.

4. Lighted.

5. Placed, erected or maintained earlier than the election period: forty-five (45) days before and two (2) days after any election scheduled by the Sedgwick County Election Commissioner.

6. In the event such signs are not removed, the city is authorized to remove said signs and to charge the candidate or campaign on whose behalf the signs were erected using the procedure set forth in Section 17.9.03 - Administration of this Article.

I. Real Estate Sign:

1. Single-Family and Two-Family Districts: Such signs shall not exceed four (4) square feet per face, with two (2) faces per sign permitted. The maximum height of the sign shall not exceed four (4) feet. A maximum of one (1) sign per lot shall be permitted.

2. Multi-family, Commercial and Industrial Districts: Such signs shall not exceed sixteen (16) square feet in area per face with two (2) faces permitted. The sign shall not exceed height (8) feet in height. A maximum of two (2) signs shall be permitted for each project. In addition, one (1) real estate sign, not exceeding four (4) square feet per face, with a maximum of two (2) faces permitted, and a maximum height of six (6) feet shall be permitted. A sign annual application and permit is required.

3. Undeveloped Land for Sale Signs: In lieu of the signs permitted in paragraphs 1 and 2 above, undeveloped and unplatted land over ten (10) acres in size shall be permitted two (2) "For Sale" signs not to exceed thirty-two (32) square feet in area per face, with two (2) faces permitted. The signs shall not exceed eight (8) feet in height. A sign annual application and permit is required.

J. Directional Sign: Such sign shall not exceed four (4) square feet per face with two (2) faces permitted. The sign shall not exceed four (4) feet in height if freestanding.

K. Civic Organization Signs: After approval by the Planning Commission a non-illuminated sign displaying the logos of civic organizations operating in the city may be permitted on major arterials, highways or expressways at the city limits. The signs shall not exceed sixteen (16) square feet per face, with one (1) face permitted. The maximum height shall not exceed eight (8) feet.

L. Address Numbers: All primary structures shall have an address number visible from the adjacent street. Address numbers shall not exceed two (2) square feet in total area.

M. Community Information Signs:

1. A signage plan that includes directional signs, governmental signs, identification signs, subdivision entry markers, monument signs, etc. The Community Information Signs shall be harmonious in color, sizing and location. The purpose of such signs will be to facilitate the movement of vehicular and pedestrian traffic within a development. The number of signs shall be kept to the minimum necessary to accomplish this purpose.

2. Each sign shall not exceed ten (10) square feet per face with two (2) faces permitted. The sign shall not exceed four (4) feet in height. The minimum setback from any property line shall be four (4) foot. The design of the sign may incorporate a base of materials consistent with the overall signage plan. The sign base area shall not exceed the actual face area by more than ten (10) percent.

3. No advertising or promotional information is permitted on a Community Information Sign; however, a logo may be permitted. Such sign may be non-illuminated, indirectly illuminated, or internally illuminated.

4. Such sign shall be maintained by the sign owner according to the provisions of this sign code.

5. A sign application and permit is required.

6. A sign plan must be approved by the Zoning Administrator.

17.9.06 Signs Permitted in Residential Districts

The following signs shall be permitted designating the subdivision or neighborhood:

- A. Subdivision Entry Markers: Each subdivision shall be permitted monument type subdivision entry markers as approved by the City.
- B. Monument Signs: Every building constructed for a permitted non-residential use shall be permitted one (1) monument sign not to exceed ten (10) feet.
- C. Identification Signs: One (1) identification (monument) sign per multifamily complex. If the complex fronts on two (2) streets, one (1) identification sign shall be allowed on each street frontage.

17.9.07 Signs Permitted in Commercial Districts

The following signs shall be permitted:

- A. Wall Signs: Each business or establishment shall be permitted not more than one (1) wall identification sign. The area of the wall sign shall not exceed ten (10) percent of the area of the wall upon which it is mounted.
- B. Monument Signs:
 - 1. One (1) monument identification sign shall be permitted for each freestanding building housing one (1) tenant.
 - 2. In complexes, or single business sites, on property more than five (5) acres in size and with more than one (1) street frontage, or one thousand (1,000) feet of street frontage, a second identification (monument) sign shall be permitted on each street frontage.
- C. Free Standing Identification Sign is a pylon that is freestanding two-faced sign permanently fixed to the ground by supports not to exceed forty-five (45) square feet per face.
- D. Under Canopy Signs: In complexes with three (3) or more tenants, under canopy signs shall be permitted in addition to the signage described above. One (1) such sign will be permitted for each business. Under canopy signs shall not be larger than two (2) square feet in area.
- E. Wall and Under Canopy Signs: In complexes with three (3) or more tenants, wall and under canopy signs shall be similar in color, materials and lighting. Such signs shall be incorporated into the design of the complex.
- F. Time and Temperature Sign: In addition to permitted monument signs, a time and/or temperature sign may be permitted for a complex or a business in a freestanding building. There shall not be any advertising except the name of the complex or business that owns the sign. Size, height and setback requirements shall be the same as for monument signs.
- G. Menu-boards:

1. Each drive-up, drive-through, or drive-in restaurant shall be permitted signage in addition to that described above. The additional signage shall be limited to one (1) freestanding or wall-mounted menu board per lane. The menu board shall not exceed six (6) feet in height or thirty-two (32) square feet in total surface area. Total surface area means all of the area included in the face of the menu board, the trim, the base and other appurtenances. Menu boards may be non-illuminated, or illuminated. Menu boards shall be located along the sides or rear of the building. Whenever a menu board is visible from a public street, additional landscaping and/or fencing shall be used in order to screen the menu board from view from the public street.

2. In lieu of one (1) freestanding or wall menu board, a restaurant may have a menu board located at each order station. The menu boards at each order station shall not exceed four (4) square feet in surface area per face.

H. Services Offered Board: Each automatic car wash (conveyor type, longer than fifty [50] feet) shall be permitted signage in addition to that described above. Such additional signage shall be limited to one (1) freestanding or wall-mounted "services offered" board. The "services offered" board shall not exceed five (5) feet in height or twenty (20) square feet of surface area per face. The board may have two (2) faces. "Services offered" boards shall be non-illuminated, or indirectly-illuminated. "Services offered" boards shall be located along the front, side or rear of the building; provided that if the board is located in front of the building, sufficient fencing or landscaping shall be provided to screen the board from view from public streets, alleys or other public property.

I. Freestanding Canopy Signs: Signs may be placed on freestanding canopies provided they meet the requirements for wall signs for buildings. Only the fascia of the canopy upon which the sign is placed shall be used for determining the size of the sign.

J. Gasoline Price Signs: A retail establishment dispensing gasoline shall be permitted up to two (2) double-faced signs which are used for the purpose of advertising the price of gasoline sold and/or the nature of services offered on the premises. The sign(s) may be non-illuminated, internally illuminated or indirectly illuminated. The signs shall not exceed eighteen (18) square feet per face, with two (2) faces permitted. The maximum height of the signs, if not located on canopy supports, shall not exceed ten (10) feet. The sign(s) shall not be placed closer to the public right-of-way than the closest gasoline pump island.

K. Theater Signs: A movie theater may have an attraction panel based on the following criteria:

1. For each screen in the movie theater or drive-in movie theater, one (1) module, not to exceed eighteen (18) square feet, may be placed on the sign. A module is that portion of the sign, including trim, used to display the title of one (1) movie. One (1) additional module may be used to display the name of the theater.

2. The total surface area of a sign face shall not exceed one hundred sixty-two (162) square feet per face. A maximum of two (2) faces is permitted.

3. Setback: A minimum of thirty (30) feet from a street right-of-way is required.

4. Height: The maximum height of the sign shall not exceed fifteen (15) feet from average grade level.
5. Movie theater signs may have changeable copy.

17.9.08 Signs Permitted in Industrial Districts

The following signs shall be permitted:

- A. Wall Signs: Each industrial establishment or building shall be permitted not more than three (3) wall signs. The signs shall be limited to one (1) per wall and shall not exceed ten (10) percent of the total area of the wall upon which it is placed or two hundred (200) square feet, whichever is less.
- B. Monument Signs: Same as permitted in Section 17.9.06 above
- C. Gasoline Price Signs: Same as permitted in Section 17.9.07 above
- D. Freestanding Canopy Signs: Same as permitted in Section 17.9.07 above
- E. Billboard Signs: Billboard signs may be permitted in Industrial districts after approval of a special use permit. Billboards shall comply with the criteria as outlined in the Zoning and Subdivision Codes regarding Special Uses.

17.9.09 Special Permit Uses

Sign regulations for special permit uses are as follows:

- A. For those special permit uses that are located in agricultural and residential districts, signs shall be permitted under the provisions of Sections 17.9.06 above, or as set forth by Bel Aire Zoning Code, Special Uses.
- B. For those special permit uses that are located in commercial districts, signs shall be permitted under the provisions of Sections 17.9.07 above and 17.9.08, or as set forth by Bel Aire Zoning Code, Special Uses.
- C. For those special permit uses that are located in industrial districts, signs shall be permitted under the provisions of Section 17.9.08 above, or as set forth by Bel Aire Zoning Code, Special Uses.
- D. Signs permitted in conjunction with special use permits: In the case of special use permit uses, all wall and detached signs shall be approved by the City, except where private sign criteria have been previously approved for the development. In reviewing and approving such signs, the City shall take into consideration (1) the use of the facility, (2) the height of the building, (3) the surrounding land uses and zoning districts, (4) the relationship of the site to interstate highways, where applicable, and (5) the topography of the site. Where appropriate, the sign regulations of the underlying zoning district or the most analogous zoning district may be followed.
- E. Private sign criteria: All hotels, motor hotels, shopping centers, business parks, office parks or industrial parks shall be required to prepare a set of sign criteria governing all exterior signs in the development. Such criteria shall be binding upon all subsequent purchasers or lessees within

the development. The size, colors, materials, styles of lettering, appearance of logos, types of illumination and location of signs shall be set out in such criteria. In all respects, the criteria shall be within the regulations set out in this article and shall be for the purpose of assuring harmony and visual quality throughout the development. Final development plans (in the case of a planned zoning district) or building permits (in the case of a conventional zoning district) shall not be approved until the City has approved the sign criteria. No sign permit shall be issued for a sign that does not conform to the criteria. For purposes of this section, the terms "shopping centers, business parks, office parks or industrial parks" shall mean a project of one (1) or more buildings that has been planned as an integrated unit or cluster on property under unified control or ownership at the time that zoning was approved by the city. The sale, subdivision or other partition of the site after zoning approval does not exempt the project, or portions thereof, from complying with these regulations relative to the number of detached signs, harmony and visual quality of signs to be installed.

17.9.10 Signs Permitted in Planned Unit Developments

Signage in association with a planned unit developments (PUD) shall be determined as part of the PUD plan, as approved in writing by the Building Inspector and Zoning Administrator.

17.9.11 Temporary Signs

In addition to the permanent signs permitted elsewhere in this sign code, upon proper application and application fee, temporary signs shall be permitted in the following instances:

A. Grand Opening Signs and Quitting Business Signs: Grand opening signs and quitting business signs shall be permitted subject to the following limitations:

1. One (1) sign per street frontage or building.
2. The maximum size shall be no larger than that permitted for permanent wall signs.
3. Signs shall be permitted to be displayed a maximum of one (1), thirty (30) day period per year.
4. Pennants, banners or flags shall be permitted.
5. Inflatable devices shall not be permitted.
6. Searchlights shall not be permitted.

B. Special Sale Signs: Special sale signs shall be permitted subject to the following limitations:

1. One (1) sign per street frontage or building.
2. The maximum size shall be no larger than that permitted for permanent wall signs.
3. Pennants, banners or flags shall be permitted.
4. Inflatable devices shall not be permitted.
5. Searchlights shall not be permitted.

6. Such signs shall be permitted only for one (1), fifteen (15) day period every six (6) months.

C. Special Real Estate Signs: Special real estate events shall be allowed the use of pennants or flags under the following conditions:

1. In conjunction with area-wide tour events.
2. The opening of a new subdivision or the new phase of an existing subdivision. In this instance, pennants and flags shall only be permitted for one (1), fifteen (15) day period every six (6) months.
3. One (1) other special event similar to (a) above and limited to one (1), fifteen (15) day period per year such as open house or model house.
4. No fee is required for these signs.

D. Temporary Special Events: Temporary special events, such as sidewalk sales, civic club events, school activities, etc., shall be permitted to have temporary signs, banners, flags or pennants, after a sign permit is obtained, in accordance with Section 17.9.03 above. No fee is required for these signs.

17.9.12 Prohibited Signs and Devices

It shall be a violation of these zoning regulations to erect, install, place or maintain the following signs:

- A. Any signs or advertising structures which are not specifically permitted under the sign subsection in the schedule of district regulations or otherwise specifically permitted under these zoning regulations.
- B. Any sign or advertising structure which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring, or method of illumination, or by obstructing the vision of drivers, or signs that obstruct or detract from the visibility of traffic control devices or emergency vehicles. The use of flashing lights or revolving lights is prohibited in any sign as constituting a hazard to traffic. Any sign which by glare or method of illumination constitutes a hazard to traffic is prohibited. Exterior neon lighting, illuminated banding or other types of lighting that creates a glow is prohibited unless it is approved by the City as part of an overall theme for the development area.
- C. Any sign or advertising structure which is obscene, indecent and/or prurient.
- D. Any sign or advertising structure (other than those erected by a governmental agency or required to be erected by a governmental agency for a public purpose) erected, installed or placed on the right-of-way of any street, road or public way, or signs overhanging or infringing upon the right-of-way of any street, road or public way, except as specifically permitted by these regulations.
- E. Any sign or advertising structure erected on City of Bel Aire property or other governmental property other than signs erected by said governmental entity.

- F. Any sign or advertising structure which is erected, installed or maintained that obstructs any fire escape, required exit, window or door opening intended as a means of ingress or egress.
- G. Any advertising sign or structure which is erected, installed or maintained upon the rear of a building.
- H. "A" Frame Sign.
- I. Attention-attracting devices.
- J. Abandoned signs.
- K. Off-site advertising signs (except billboards or off-site development signs).
- L. Portable sign, excluding real estate signs.
- M. Roof signs.
- N. Snipe signs, except warning signs posted by public utility companies.
- O. Temporary signs, except as permitted by Section 17.9.11 above.
- P. Vehicular signs, except that company or corporation name or logo painted on a motor vehicle or semi-trailer normally in motion during use shall not be considered a vehicular sign when moved at least one (1) time during a twenty-four (24) hour period.
- Q. Any sign not specifically, or by reasonable implication, permitted herein.
- R. Painted wall signs which are painted directly on the wall of a building or surface, except that signs painted on a window in a commercial building (as part of the permitted wall sign) shall be permitted.
- S. Directly illuminated signs, except to the extent specifically authorized in this Article.

17.9.13 Sign Maintenance Requirements

Any sign or advertising structure erected or installed under the provisions of this section shall be maintained in a safe, functional and sound structural condition at all times. General maintenance of said sign shall include the replacement of nonfunctional, broken, or defective parts, painting, cleaning and upkeep of the premises immediately surrounding the sign or advertising structure, and any other action required for the maintenance of said sign or advertising structure. All signs and supporting structures shall be kept painted or treated in some manner to prevent rust, decay or deterioration. Should any sign, which is placed in a public easement, be damaged due to maintenance of utilities in that easement, or maintenance of the easement or the public right of way itself, by the city or others, the cost for repairs or replacement of said sign shall be borne by the sign owner.

17.9.14 Abandoned Signs

A. Except as may be otherwise provided for in this sign code, any sign which is located on a building, structure, or real property which becomes vacant and unoccupied for a period of three (3) months, or any sign which pertains to a time, event, or purpose which no longer applies for a

period of one (1) month, shall be deemed to have been abandoned. An abandoned sign is prohibited and shall be removed by the owner of the sign or the owner of the premises. When a wall sign is removed, the wall of the building or structure shall be restored to its normal appearance. Removal of a monument sign shall include the face and base. Any sign structure that is in conformance with this Article may remain as long as it is maintained and does not become unsafe or unsightly.

B. If after the three (3) month time period has elapsed and the sign has not been removed, the City shall notify, in writing, the property owner of record that the sign shall be removed within thirty (30) days after the date of the notice. If the sign has not been removed within thirty (30) days after the date of the notice, the City may have the sign removed and the associated costs assessed to the property.

C. The City shall mail a statement of such cost for the removal of said sign to the last known address of the owner of record of the property, or person in charge of such property. If such costs are not paid within ten (10) days from the mailing of such notice, the governing body of the City shall proceed to pass an ordinance levying a special assessment for such cost against the lot or piece of land. The City shall certify such assessment to the Sedgwick County Clerk for collection and payment to the City in the same manner as other assessments and taxes are collected and paid to the City.

17.9.15 Nonconforming Signs

Nonconforming signs are declared by this sign code to be incompatible to, and inconsistent with, land development and other permitted signs set forth within any particular zoning district. It is the intent of this section to allow those nonconforming signs to continue until they are removed under the terms of this sign code, but not to encourage their survival.

A. Alterations of Nonconforming Signs: No nonconforming sign or advertising structure shall be expanded, relocated or restored unless said sign or advertising structure is brought into conformance with the provisions of this section or any other applicable city code requirement.

B. Replacement, Restoration or Reconstruction: In the event that any existing nonconforming sign, as provided for in this section, is damaged by any means, including, but not limited to, fire, flood, wind, explosion, act of God, or act of a public enemy, to an extent of fifty (50) percent or more of the replacement, restoration or reconstruction value of the sign, or fifty (50) percent of the square footage of the sign copy area, said sign shall not be replaced, restored or reconstructed unless it is brought into full compliance with the provisions of this sign code. Any nonconforming sign which remains damaged or disrepair, regardless of the percentage of construction (or damage) value or area of square footage which is damaged, for a period of three (3) months following the date of damage without the issuance of a valid sign permit, shall not be replaced, restored or reconstructed unless it is brought into full compliance with all applicable codes and ordinances.

C. Repairs and Maintenance: Routine repairs and maintenance of nonconforming signs necessary to maintain health and safety may be permitted. Said repairs and maintenance shall include such activities as painting and the replacement of a damaged or deteriorated sign face. The cost of said repairs and maintenance shall not exceed fifty (50) percent of the value of the sign which is to be repaired or maintained. Said value shall be that which is current at the time of the repair or maintenance. Prior to said repair and maintenance taking place, the City shall be consulted to

determine if a sign permit is necessary. If such determination is made, then all applicable work performed shall be accomplished through the issuance of a valid sign permit as required by this sign code.

D. Termination of Nonconforming Signs: Upon the discontinuance of a use to which any nonconforming sign or advertising structure is accessory to, the tenant or property owner shall remove all nonconforming signs, supports and structures upon the building or property upon which said use was located.

17.9.16 Removal of sign

A. The enforcement officer shall remove or cause to be removed any abandoned, dangerous, defective, illegal or prohibited sign subject to removal under the provisions of this article which has not been removed within the time period specified in this article, or any other sign maintained in violation of the provisions of this article.

B. Prior to removing permanent signs requiring substantial modification of property, the enforcement officer shall prepare a notice of violation which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within thirty days, the sign shall be removed. The notice shall be mailed or given to the owner of the sign, or the occupant of the property upon which the sign is located or their employee or representative, or to the owner of the property on which the sign is located as shown on the records of the register of deeds.

C. Notwithstanding any other provision of this article, in cases of emergency, the enforcement officer may cause the immediate removal of a dangerous or defective sign without notice.

D. Any temporary sign placed on private property in violation of any provision of this article may be immediately removed and impounded by the enforcement officer. Removal or impoundment of a sign by a person other than the City's enforcement officer is not hereby authorized. A notice of violation shall be served upon the owner or agent of such sign when known, or upon the owner or occupant of the property where the sign was located. Such sign shall be retained by the enforcement officer for a period of thirty days, after which it may be disposed of in any manner deemed appropriate by the City. Such sign may be recovered by the owner within thirty days upon payment of a service charge of fifteen dollars per sign.

E. During an election period, signage placed outside the permitted sign placement areas as described herein, of either roadway right of ways or easements, may be removed and disposed of without notice to the owner. During an election period, Public Works employees may, but are not required to, remove and replace or relocate signs further back in the right of way to perform maintenance work within the right of way area.

F. Any property owner or lessee may be subject to either criminal or administrative enforcement of this article in conformance with the enforcement provisions of the City's Nuisance Code.

17.9.17 Enforcement

It shall be the duty of the City Manager to appoint a Code Enforcement Officer, who shall enforce all provisions of this sign code. It shall be unlawful for any person to interfere with any City Official in the performance of the duties assigned under this sign code.

17.9.18 Declaration of Nuisance

The Governing Body hereby determines that the public peace, safety, health and welfare requires that all signs and sign structures hereafter constructed or erected shall conform and comply with such requirements forthwith. All signs which shall hereafter be constructed or erected in violation of the provisions of this sign code shall be declared public nuisance, and shall be removed and abated in the manner provided by law for the abatement of public nuisances.

Article 10 RESERVED

Article 11 INCORPORATION WICHITA-SEDG. COUNTY UBTC

- Section 17.11.1 Adopting Selected Portions of Unified Building and Trade Code**
- Section 17.11.2 Availability of Copies**
- Section 17.11.3 Effective Date**

Section 17.11.1 Adopting Selected Portions of Unified Building and Trade Code

All amendments to the International Residential Code, National Electrical Code, and International Mechanical Code, as set forth in that Resolution of the Board of County Commissioners of Sedgwick County, Kansas, of November, 21, 2012, adopting The Wichita-Sedgwick County Unified Building and Trade Code, to be made effective January 1, 2013, are hereby adopted, unless otherwise noted within this Chapter, and all fee schedules included within the Wichita-Sedgwick County Unified Building and Trade Code, unless otherwise set forth within the City’s adopted fee schedule, are hereby adopted and by reference incorporated herein and made a part of this Code as though set forth at length herein, and shall be referred to herein as the “amendments” to the above standardized codes adopted within this Chapter. Subsequent amendments to the Residential Code, Commercial Code, Electrical Code, Plumbing and Gas Fitting Code, and Mechanical Code within the Unified Building and Trade Code adopted by Resolution of the Board of County Commission, are hereby incorporated herein. For purposes of application within the City of Bel Aire, all references within the Wichita-Sedgwick County Unified Building and Trade Code to the Metropolitan Area Building and Construction Department, or the MABCD, as a contact agency/agent, or enforcement agency/agent shall be understood to be referring to the Code Enforcement official designated by the City of Bel Aire.

Section 17.11.2 Availability of copies.

One copy of said standard code, along with the amendments set forth in that Resolution of the Sedgwick County Commission as described in 17.6.1 above, as currently incorporated into the Unified Building and Trade Code which is adopted through Article 11 of this Chapter, have been and are now filed in the office of the City Clerk, and the said code is 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.

Section 17.11.3 Effective Date.

The above adopted code shall be phased in from the date of its adoption until July 1, 2016, to allow for conclusion of projects being completed in conformance with the previously adopted standardized code. New projects may be licensed and permitted using either the above described code or the formally applicable code, whichever is most appropriate to the project and the stage of the development of the project in the discretion of the Code Enforcement Officer. On and after July 1, 2016, no project shall be approved except in conformance with the above described code.

Article 12 EROSION CONTROLS

- Section 17.12.1 Erosion Controls Required**
- Section 17.12.2 Erosion Clean Up**
- Section 17.12.3 Notice of Erosion Violation**
- Section 17.12.10 Notice to Abate**
- Section 17.12.5 Failure to Abate**
- Section 17.12.6 Abatement by City**
- Section 17.12.7 Assessment of Costs**
- Section 17.12.8 Assessment to Tax Rolls**
- Section 17.12.9 Other Means of Collection**

Section 17.12.1 Erosion Controls Required

Property shall be maintained so that mud, silt, gravel, dust, or other debris will not leave private property and enter upon the property of another, or upon the rights of way, drainage easements, alleys, or other property of the City, due to erosion of any kind (hereinafter collectively referred to as "erosion"). Any person, partnership, corporation or its agent, either as owner of, occupant of, or building permit holder for construction on any lot or tract of land within the city (hereinafter "Responsible Party"), who has failed to maintain said land in such a way, or has failed to install or apply effective control measures to prevent erosion, shall be required, after service of notice as hereinafter provided, to take remedial action on said land to prevent the occurrence or recurrence of such conditions. Remedial action shall include, but not be limited to, the installation or application of effective erosion control measures. (Ord. 390)

Section 17.12.2 Erosion Clean Up

When failed or absent erosion control has resulted in mud, silt, gravel, dust or other debris entering into the public rights of way, drainage easements, alleys, or other property of the city, the remedial action required also shall include the cleaning up and removal of said debris. (Ord. 390)

Section 17.12.3 Notice of Erosion Violation

Whenever the city inspector, finds evidence of erosion, the city shall give written and/or oral notice of the violation to a Responsible Party. Such notice shall specify the conditions to be abated, the remedial action to be taken, and direct that the Responsible Party take action within three (3) days after service of such notice to install effective erosion control. Working days shall be defined as Monday through Friday, exclusive of official holidays recognized by the City of Bel Aire, Kansas. (Ord. 390)

Section 17.12.10 Notice to Abate

Such notice shall also direct that the Responsible Party remove any dirt, debris or mud that has been deposited in the rights of way, drainage easements, alleys, or other properties owned by the city, within 24 hours after service of such notice. Notice may be given in person, by posting at the site, by telephone call, or by facsimile. Failure to receive said notice shall not be an issue or defense in any action. (Ord. 390)

Section 17.12.5 Failure to Abate

Failure to abate the conditions specified in the notice within three (3) days after service of such notice shall constitute an unlawful act and a violation of the provisions of this Chapter. Each day that any violation of the foregoing provisions shall continue shall constitute a separate offense. (Ord. 390)

Section 17.12.6 Abatement by City

If, upon the exercise of due diligence, the city is unable to notify any Responsible Party, or if, upon notification, such Responsible Party is unable, unwilling, or fails to remedy the conditions specified in the notice, within the time frame specified above, the city may proceed to install or apply effective erosion control measures and to clean up and remove mud, silt, gravel, dust, or other debris that has entered into the public rights of way, drainage easements, alleys, or other property of the city. (Ord. 390)

Section 17.12.7 Assessment of Costs

Whenever conditions are abated by the city as described above, costs for the abatement and cleanup may be assessed as follows. The city shall keep a record of the total cost of such abatement or removal incurred by the city, and shall bill such costs to the Responsible Party by certified mail, return receipt requested. (Ord. 390)

Section 17.12.8 Assessment to Tax Rolls

If the assessment for such costs is unpaid after thirty (30) days from the date of billing, the City Clerk, at the time of certifying other city taxes, shall certify such costs to the County Clerk, with instructions to extend the same on the tax roll of the County against the applicable lot or parcel of ground, and ask that it be collected by the County Treasurer and paid to the city as other city taxes are collected and paid. (Ord. 390)

Section 17.12.9 Other Means of Collection

Nothing in this section shall limit the city's right to pursue collection both by levying a special assessment and in any other manner provided for by law, but only until the full cost and any applicable interest has been paid in full. (Ord. 390)

Article 13 ADOPTION OF PROPERTY MAINTENANCE CODE

Section 17.13.1 Adoption of the International Property Maintenance Code

Section 17.13.2 Amendments

Section 17.13.1 Adoption of the International Property Maintenance Code

There is hereby incorporated by reference for the purpose of establishing standards for the protection of the public health, safety and welfare in all existing structures within the corporate city limits of the City of Bel Aire, Kansas, that standard property maintenance code known as the International Property Maintenance Code, 2015 Edition, including Appendix A, as recommended by the International Code Council, 500 New Jersey Avenue, NW 6th Floor, Washington, DC, 20001, save and except such articles, sections, parts or portions as may be hereinafter omitted, deleted, modified or changed. No fewer than one (1) copy of such publication shall be marked or stamped "Official Copy as adopted by Ordinance No. 7024", and shall be attached to a copy of this ordinance and filed with the city clerk and open for inspection and available to the public at all reasonable hours. All administrative departments of the city charged with enforcement of this code shall be supplied, at the cost of the city, such number of official copies, similarly marked, as may be deemed expedient.

Section 17.13.2 Amendments

The International Property Maintenance Code, adopted by Section 17.13.1, is hereby changed, altered, modified and otherwise amended as follows:

1. Section 101.1 of the International Property Maintenance Code is hereby changed to read as follows:

Section 101.1 Title. These regulations shall be known as the International Property Maintenance Code, of the City of Bel Aire, Kansas, hereinafter referred to as the International Property Maintenance Code or “this code.”

2. Section 102.3 of the International Property Maintenance Code is hereby changed to read as follows:

Section 102.3 Application of other codes. Repairs, alterations, additions to a structure, or changes of occupancy, shall be done in accordance with the Building, Residential, Plumbing, Mechanical, Fuel Gas, Existing Buildings or Electrical Codes as applicable and as adopted by the City of Bel Aire, Kansas.

3. Section 103.4.1 is hereby amended to read as follows:

103.4.1 Legal Defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the City in accordance with the provisions of the Kansas Tort Claims Act, K.S.A. 75-6101 et seq.

4. 103.5 of the International Property Maintenance Code is hereby deleted.

5. Section 106.4 of the International Property Maintenance Code is hereby changed to read as follows:

Section 106.4 Penalty. Any person, firm, or corporation who shall violate any provision of this code shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment for a term not to exceed six months, or by both fine and imprisonment, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

6. Section 111.1 of the International Property Maintenance Code is hereby changed to read as follows:

Section 111.1 Application for appeal. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this code, or any rule or regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the housing appeals board; provided that such person shall file, with the code official, a written petition requesting such hearing and containing a statement of the grounds therefore not more than fifteen (15) days after the notice was served. When such

a hearing is requested, a filing fee of forty dollars (\$40.00) shall be made to the code official.

7. Section 111.2 of the International Property Maintenance Code is hereby changed to read follows:

Section 111.2 Appeals Board.

- a. In order to provide a body to hear appeals pursuant to Section 111.1 and to hear requests for variances pursuant to Section 111.3, the Mayor is hereby authorized to appoint a Housing Appeals Board, which may hereinafter be known as the “Board”.
- b. The Board shall consist of three (3) members who shall be appointed by the mayor.
- c. The members of the Board shall be residents and electors of the city, and not employees of the city.
- d. The term of appointment of the members of the Board shall be for that term necessary to hear and review of the applicable appeal.
- e. The board shall choose a chairperson, and shall render all decisions and findings in writing to the appellant, or to the applicant for a variance, with a copy to the Secretary. A majority of the members of the Board shall constitute a quorum. The code official shall appoint one (1) member of the department who shall act as secretary to the board. The meetings may be called by either the chairperson or the secretary.

8. Sections 111.2.1, 111.2.2, 111.2.3, 111.2.4 and 111.2.5 of the International Property Maintenance Code are hereby deleted.

9. Section 111.3 of the International Property Maintenance Code is hereby changed to read as follows:

Section 111.3 Procedure for variances. In addition to any other authority granted to the board, said board may grant to the owners of the real property, variances from the obligation to comply with the minimum standards set forth within this code.

The board shall not grant a variance as authorized by this Section unless it shall make specific written findings of fact that:

- a. The strict enforcement of the minimum standards would result in unreasonable or unnecessary hardship upon the owner;
- b. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;

- c. The variance desired will not adversely affect the public health, safety, morals, order, convenience, property or general welfare; and
 - d. Granting the variance desired will not be opposed to the general spirit and intent of the code.
10. Section 111.4 of the International Property Maintenance Code is hereby changed to read as follows
- Section 111.4 Vote.** The board shall hear all appeals relative to the enforcement of this code, and all requests for variances, and by concurring vote of a majority of those present shall reverse or affirm wholly or partly, or modify, the decision appealed from, or shall grant or deny the variance, and shall make such order or determination as in the opinion of the board ought to be made consistent with the authority granted to them by this code.
11. Section 111.5 of the International Property Maintenance Code is hereby changed to read as follows:
- Section 111.5 Financial or Personal Interest.** A member of the board shall not participate in any hearings or vote on any appeal, or request for a variance, in which that member has a direct or indirect financial interest, or is engaged as a contractor, or is engaged in the preparation of plans and specifications, or in which that member has any personal interest.
12. Section 111.6 of the International Property Maintenance Code is hereby changed to read as follows:
- Section 111.6 Records.** The secretary of the board shall keep a record of each meeting so that the record shows clearly the basis for each decision made by the board.
13. Section 112.4 of the International Property Maintenance Code is hereby changed to read as follows:
- Section 112.4 Failure to Comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than five hundred dollars (\$500.00) or imprisonment for a term not to exceed one hundred eighty (180) days, or by both fine and imprisonment, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.
14. Section 202 of the International Property Maintenance Code is hereby changed to add the following definition:

Family: Either (a) an individual or two (2) or more persons related by blood, marriage, or adoption, or under foster care established by governmental action, living together as a single housekeeping unit; or (b) a group of not more than four (4) persons some of which are not related by blood, marriage or adoption, living together as a single housekeeping unit. There shall be a rebuttable presumption that (5) or more people living together as a single housekeeping unit are not a family.

15. Section 202 of the International Property Maintenance Code is hereby changed to amend the following definition:

Dwelling Unit: A single unit providing complete, independent living facilities for one (1) family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

16. Section 302.4 of the International Property Maintenance Code is hereby deleted.

17. Section 302.8 of the International Property Maintenance Code is hereby deleted.

18. Section 304.14 of the International Property Maintenance Code is hereby changed to read as follows:

Section 304.14 Insect Screens. During the period from April 1 to December 1, every door, window and other outside opening used or required for ventilation purposes serving any building containing habitable rooms, food preparation areas, food service areas, or any areas where products used in food for human consumption are processed, manufactured, packaged, or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch.

19. Section 304.18.1 of the International Property Maintenance Code is hereby changed to read as follows:

Section 304.18.1 Doors. All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with section 702.3.

20. Section 402.1 of the International Property Maintenance Code is hereby changed to read as follows:

Section 402.1 Habitable Spaces. Every habitable space shall have at least one (1) window of approved size facing directly to the outdoors or to a court. The minimum total window area, measured between stops, for every habitable space shall be five (5) square feet, except

when artificial light and ventilation may be provided in accordance with the provisions of the building or residential code. Whenever walls or other portions of a structure face a window of any room and such obstructions are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors not to a court and shall not be included as contributing to the required minimum total window area for the room.

21. Section 402.2 of the International Property Maintenance Code is hereby changed to read as follows:

Section 402.2 Common halls and stairways. Every common hall and stairway, other than in one and two-family dwellings, shall be capable of being lighted at all times with at least a 60 watt standard incandescent light bulb or equivalent (sufficient natural light shall serve as an equivalent) for each 200 square feet (19 square meters) of floor area, provided that the spacing between lights shall not be greater than 30 feet (9,144 mm). Every exterior stairway shall be illuminated with a minimum of one foot candle (11 lux) at floors, landings and treads.

22. Section 404.2 of the International Property Maintenance Code is hereby changed to read as follows:

Section 404.2 Minimum room widths. A habitable room, other than a kitchen, shall not be less than 7 feet (2,133mm) in any plan dimension. Kitchens shall have a clear passageway of not less than 2 feet (762mm) between counter fronts and appliances or counter fronts and walls.

23. Section 404.3 of the International Property Maintenance Code is hereby changed to read as follows:

Section 404.3 Minimum Ceiling Heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. Beams, girders or similar obstructions spaced not less than 4 feet on center and projecting not more than 6 inches below the required ceiling height.
2. Basement rooms having a ceiling height of not less than 6 feet 8 inches with not less than 6 feet 4 inches of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7

feet over not less than one third of the minimum required floor area. In calculating the floor area of such rooms, only those portions of the floor area with a ceiling height of at least 5 feet or more shall be included.

24. Section 404.4.1 of the International Property Maintenance Code is hereby changed to read as follows:

Section 404.4.1 Room Area. Every living room shall contain at least 120 square feet and every bedroom shall contain at least 70 square feet.

25. Section 404.5 of the International Property Maintenance Code is hereby changed to read as follows:

Section 404.5 Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.

26. Sections 404.5.1 and 404.5.2 of the International Property Maintenance Code are hereby deleted.

27. Section 502.4.1 of the International Property Maintenance Code is hereby changed to read as follows:

Section 502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a sink or water dispenser. Drinking facilities within drinking or dining establishments or wholesale or retail grocery stores shall not be located in toilet rooms or bathrooms.

28. Section 506.3 of the International Property Maintenance Code is hereby deleted.

29. Section 602.3 of the International Property Maintenance Code is hereby changed to read as follows:

Section 602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 1 to May 15 to maintain a room temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) in all habitable rooms, bathrooms and toilet rooms during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 60 degrees Fahrenheit (16 degrees Celsius) during other hours. The temperature shall

be measured at a point 3 feet (914mm) above the floor and 3 feet (914mm) from the exterior walls.

30. Section 602.4 of the International Property Maintenance Code is hereby changed to read as follows:

Section 602.4 Occupiable work spaces. Every enclosed occupied work space shall be supplied with sufficient heat during the period from October 1 to May 15 to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) during all working hours. The temperature shall be measured at a point 3 feet (914 mm) above the floor and 3 feet (914 mm) from the exterior walls.

Exceptions:

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

31. Section 604.2 of the International Property Maintenance Code is hereby changed to read as follows:

Section 604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code as adopted in Section 8-47 of the city Municipal Code. Dwelling units shall be served by a three wire, 120 / 240 volt, single phase electrical service having a rating of not less than 60 amperes.

32. Section 702.4 of the International Property Maintenance Code is hereby changed to read as follows:

Section 702.4 Emergency escape openings. Every sleeping room located in a basement in an occupancy in Use Group I-1 or R shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits.

Exception:

Buildings equipped throughout with an automatic fire suppression system may have fixed windows in accordance with the International Building Code.

An approved emergency escape or rescue window shall have a minimum clear opening width and height of 18 inches, a minimum total clear openable area of 4 square feet, and a maximum sill height above floor level of 48 inches. Permanently installed step(s) may be used to attain maximum sill height. Such step(s) must have a minimum tread of 12 inches and a maximum riser height of 16 inches. Emergency escape or rescue windows wells shall

be a minimum of 24 inches measured from the exterior wall of the structure to the inside of the well and shall be at least as wide as the window.