

## **ORDINANCE NO. 3106**

### **BEING AN ORDINANCE REPEALING AND REPLACING CHAPTER 2.36 OF THE CITY OF ELLSWORTH MUNICIPAL CODE IN THE CITY OF ELLSWORTH, KANSAS.**

#### **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ELLSWORTH, KANSAS:**

Section 1. That Code Section 2.36 shall be repealed and replaced as follows:

**“2.36.010 Office Created.**

The office of building inspector is created, and the executive official in charge shall be known as the building inspector.

**2.36.020 Appointment.**

The building inspector shall be appointed by the governing body following recommendation by the city administrator. During temporary absence or disability of the building inspector, the city administrator shall designate an acting building inspector.

**2.36.030 Enforcement Authority.**

The building inspector is authorized and directed to enforce all the provisions of this chapter and all other ordinances of the City, now in force or hereafter adopted, relating to zoning, subdivision regulations or building codes.

**2.36.040 Reports and Records.**

The building inspector shall submit a report to the City Council not less than once a year covering the work of his or her office during the preceding year. The building inspector shall keep a permanent accurate account of all fees and other moneys collected and received, the names of persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

**2.36.050 Permit--General application requirements.**

A. Required. No person, firm or corporation shall erect, construct, enlarge, structurally modify any building or structure in the city, or cause the same to be done, without first obtaining a separate building permit for each such building or structure from the building inspector. This permit must be posted and visible from the street.

B. Application. To obtain a permit the applicant shall first file an application therefore in writing on a form furnished by the city for that purpose. Every such application shall:

1. Identify and describe the work to be covered by the permit which application is made;

2. Describe the land on which the proposed work is to be done, by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work;

3. Indicate the use or occupancy for which the proposed work is intended;

4. Be accompanied by plans and specifications as required in subsection (C) of this section;

5. State the valuation of the proposed work;

6. Be signed by the permittee, or his or her authorized agent, who may be required to submit evidence to indicate such authority;

7. Give such other information as reasonably may be required by the building inspector.

C. Information on Plans and Specifications. Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to the provisions of this chapter and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the house the street address of the work and the name and address of the owner and person who prepared them. Plans shall include a plot plan showing the location of the proposed building and of every existing building on the property. In lieu of detailed specifications, the building inspector may approve references on the plans to a specific section or part of this chapter or other ordinances or laws.

#### **2.36.060 Concrete Work.**

A permit shall be required for any new construction or placement of slabs, patios, foundations, sidewalks, steps, basements, driveway additions or expansions.

#### **2.36.070 Fences.**

A building permit is required for all fences constructed within the city of Ellsworth. No permit will be issued for any fence proposed to rest on a property line unless all affected property owners submit a letter of consent for the placement.

#### **2.36.080 Foundations.**

Any structure greater than 150 sq. ft., **other than portable buildings**, needs to be anchored on a concrete foundation.

#### **2.36.090 Basements.**

All basement modifications or replacements shall require a building permit. Any new basement constructed within the City of Ellsworth must have an egress

window installed according to the 2006 Edition of the International Residential Code.

**2.36.100 Permits – Issuance Requirements.**

A. Issuance. The application, plans and specifications filed by an applicant for a permit shall be checked by the building inspector. Such plans may be reviewed by other departments of the city to check compliance with the laws and ordinances under their jurisdiction. If the building inspector is satisfied that the work described in an application for permit and the plans filed therewith conform to the requirements of this chapter and other pertinent laws and ordinances, and that the fee specified herein has been paid, he or she shall issue a permit therefore to the applicant. However, no permit shall be issued without an initial on-site inspection being completed by the building inspector or his or her designee.

B. Retention of Plans. One set of approved plans, specifications, and computations shall be retained by the building inspector for a period of not less than ninety (90) days from the date of completion of the work covered therein.

C. Expiration. Every permit issued by the building inspector under the provisions of this chapter shall expire by limitation and become null and void, if the building or work authorized by such permit is not completed within one hundred and twenty (120) days from the date of such permit. Before work shall commence in excess of the one hundred and twenty (120) day limitation, a new permit shall be obtained from the building inspector. No fee shall be required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided, further, that such project time has not exceeded one year. Any new permit shall require an onsite inspection prior to approval.

D. Suspension or Revocation. The building inspector may, in writing, suspend or revoke a permit issued under provisions of this chapter whenever the permit is issued in error or on the basis of incorrect information supplied, or in violations of any ordinance or regulation or any of the provisions of this chapter.

**2.36.110 Repairs and Modifications.**

A permit shall be required for any exterior repairs, renovations or improvements costing more than one thousand dollars (\$1,000.00). However, there will be no charge for a permit issued for a project that repairs or replaces a feature of identical size, structure and composition with the exception of basements or other concrete work.

**2.36.120 Permit Fee.**

A fee for each building permit shall be paid to the building inspector at the time the application for building permit is submitted to the building inspector. The fee shall be reviewed annually as defined in Chapter 3.36 of this code.

**2.36.130 Inspection Authority.**

All construction or work for which a building permit is required shall be subject to inspection by the building inspector. A survey of the lot may be required by the building inspector to verify compliance of the structure with approved plans.

**2.36.140 Violation - Penalty.**

Any person(s), firm(s) or corporation(s) that is in violation of this chapter, or any other ordinances of the city relating to zoning, subdivision regulations or building codes, and any architect, builder or contractor who assists in the commission of any such violation; or who build in violation of any statement of plan submitted and approved thereunder shall, for each and every violation or noncompliance be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than seventy-five dollars (\$75.00) nor more than five hundred dollars (\$500.00) for each offense, plus court costs. Every person violating or contributing in any way to any violation as described above shall be deemed guilty of a separate offense for each day during which such violation continues and may be punished therefore as provided in this chapter.”

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance shall take effect and be in force from and after its publication once in the official City newspaper.

Passed and approved by the Governing Body of the City of Ellsworth, Kansas, in this time, form and manner required by law, this 13<sup>th</sup> day of July, 2020.

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Mark C. Kennedy  
Mayor

ATTEST:

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Patti L. Booher  
City Clerk