

CITY COMMISSION WORK SESSION AGENDA

City Commission Chambers
Monday, September 15, 2008 6:15 p.m.
MEETING #4726

CALL TO ORDER

ROLL CALL

WORK SESSION

Municipal Code-Chapter 4, Building & Construction

ADJOURNMENT

Memorandum

To: Ken Strobel, City Manager

From: Dan R. Williamson - Fire Chief

Date: September 12, 2008

Subject: *Adoption of Revised Municipal Codes*

Background

Periodically, change's in the way business is conducted requires the revision of existing municipal codes. Updating and documenting policies and procedures help the City in sustaining a viable inspection department, provide our contractors and trades people with a means to conduct their daily business, and help in safeguarding improvements and developments in our City.

The Inspection Department was motivated by several overall driving concerns:

1. **Consistency** in the application of building codes and the permitting process, and
2. Being somewhat **Compatible or Comparable** with other surrounding communities permit fees.

Discussion

After seven months of research, revisions, and reviews by the contractors and trades people, the Inspection Department is requesting the following Municipal Code revisions be implemented:

- ✓ Revised -- Articles 1 through 5, and Articles 12 through 15.
- ✓ Revised -- Definitions
- ✓ Revised -- Issuing of Permits
- ✓ Revised -- License Requirements (*Journeyman requirement on-site*)
- ✓ Revised -- Inspection procedures and Documentation.

- Actions Required:**
1. Rescind Municipal Code Articles 1 – 5, and 12 – 15.
 2. Adopt revised Municipal Code Articles 1 – 5, and 12 – 15.

Recommendation: The Building Inspection Department staff, with impute form the Building Board of Appeals, and the consensus of the building trades people, would recommend approval of these revisions.

Chapter 4 – Article Summaries

**** - Indicates New Proposal**

Article 1. 2003 ICC International Building Code.

** Definitions for - Mobile Homes, Manufactured Housing, Modular Homes, and site built residences.

Article 2. 2002 National Electrical Code.

** Restricted Permits
Licensed Contractor
Master Electrician
Bona Fide Home Owner

Article 3. 2003 International Plumbing Code.

** Restricted Permits
Licensed Contractor
Master Plumber
Bona Fide Home Owner

** No Authorized Installation of Furnaces.

Article 4. Water Conditioning & Underground Sprinkler Installations.

** Combined Water Conditioning and Underground Sprinkler installations into one article.

** Restricted Permits
Licensed Master Plumber
Licensed Sprinkler installer
Licensed Water conditioner installer

Article 5. 2003 International Mechanical Code.

** Restricted Permits
Licensed Contractor
Master Mechanical
Bona Fide Home Owner

** No Authorized Installation of Domestic Water Heaters.

Article 12. Permit Fees.

** Based on labor & material cost valuations only.

Article 13. Licensing of Contractors and Trades.

- ✓ Contractor Definitions
- ✓ License Qualifications
- ✓ Experience Requirements
- ** License Requirements -- Unlawful of any person/company employee to do trades work until first securing a Master or Journeyman's license.
- ✓ Contractor License Application
- ✓ License Issuance
- ** License Display Requirements. -- Display license at any place where such licensee may be engaged in contract work or produce the same on demand.
- ✓ License Suspension and Revocation
- ✓ Notice of Complaint
- ✓ Notice of Appeal
- ✓ Reciprocity

Article 14. Inspections

- ** **Inspection of work installations.** Building trade representative shall be on-site during the inspection.
- ** Non-emergency inspections outside normal business hours – subject to additional fee set out in fee schedule.
- √ Concealment of work.
- ✓ Violations
- ** Work Records / Documentation -- The inspector shall complete a building inspection record to remain as a permanent attachment to the building department files.

Article 15. Penalties

- ✓ Penalties for Violations
- ✓ Reinstating of License
- ✓ Appeal Process
- ✓ Severability

CHAPTER IV. BUILDING AND CONSTRUCTION

- **Article 1. International Building Code 2003**
- **Article 2. National Electrical Code 2002**
- **Article 3. International Plumbing Code 2003**
- **Article 4. Water Conditioning & Sprinkler
Installion**
- **Article 5. International Mechanical Code 2003**
- **Article 12. Fees**
- **Article 13. Licensing Contractors and Trades**
- **Article 14. Inspections**
- **Article 15. Penalties**

ARTICLE 1. INTERNATIONAL BUILDING CODE

4-101. 2003 INTERNATIONAL BUILDING CODE. The International Building Code is hereby adopted as the Building Code of the City of Dodge City for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standard for supplied utilities and facilities and other physical things and conditions essential to ensure the structures are safe, sanitary and fit for the occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the City of Dodge City; providing for the issuance of permits and collections of fees; including Appendix. Three (3) copies of the Building Code are on file and are open for inspection of the public in the office of the City Clerk and made a part hereof as is fully set out in this ordinance. (ORD. 3435)

4-101.1 AMENDMENTS AND DELETIONS TO BUILDING CODE. The following sections of the *Building Code* adopted and incorporated by reference in this article are hereby amended or deleted as follows:

Section 101.1 Title. Insert: These regulations shall be known as the Building Code of the City of Dodge City, hereinafter referred to as "the code".

4-102. BUILDING PERMIT POLICY:

PERMITS REQUIRED: No building or structure regulated by this code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, re-roofed or demolished unless a separate permit for each building or structure has first been obtained from the Building Official.

4-103. BUILDING PERMIT APPLICATIONS, AND FEES:

PERMIT APPLICATIONS: Permit(s) shall only be issued upon the filing of an application on forms provided for the purpose, to a licensed contractor, licensed trades contractor, or the owner of such building or structure, and then only after approval of such application by the building official or his/her duly authorized assistant, and the prior arrangement for payment of such permit fees as may be required by this code and by any requirements established by the city clerk.

4-103.1 PERMIT FEES AND PAYMENT:

- (a). **PERMIT FEES:** Permit fees shall be payable to the City of Dodge City, as provided in Article 12 of this chapter.
- (b). **PAYMENT.** All fees for permits shall be due and payable at the time a permit is issued.*

4-103. BUILDING PERMIT APPLICATIONS, AND FEES: (cont.)

* **EXCEPTION:** The Building Official may, however, issue permits to established contractors or tradesmen and allow payment in person or by mail after a city bill for such permit fee has been sent to the permittee. All bills for permits shall be due and payable not later than 15 days following the date of such bill. Should the due day fall on a Sunday or a holiday observed by the city, the next regular business day shall be allowed as day of grace for payment.

Any person who shall fail, refuse or neglect to pay the billing on or before the due date shall be subject to revocation of the permit and shall be required to pay an additional fee for renewal of such permit.

4-104. PERMIT DURATION OF VALIDITY: Any permit issued under this section shall be valid and subsisting for a period of one year from date of issue. Building work must begin within 60 days from the date of issuance. Building work commenced for the purpose of this section shall mean the beginning of building work other than the preparation of plans, staking out of the building location, or the letting of a building contract. Any work not complete within the 365 days shall require an additional permit to allow for the completion of the original project. Additional permits are to state completion date.

4-105. BUILDING PERMIT REQUIREMENTS:

4-105.1 BUILDING PLANS:

(a) For structures other than one, and two family dwellings and residential accessory structures, the following shall be submitted at least (10) working days prior to obtaining a permit.

*** (3) full sets of stamped plans.

Building plans shall include the following:

1. A code footprint.
2. Architectural floor plans.
3. All elevations.
4. All structural, framing, foundation, electrical, mechanical, and plumbing details.
5. Storm water Drainage Plans & Erosion Control Plan.
6. Landscape Plans.

Such plans shall be stamped by an architect/engineer licensed by the State of Kansas.

4-105.1 BUILDING PLANS: (cont.)

- (b) For one and two family dwellings, mobile homes, residential manufactured design homes and residential accessory structures, the following shall be submitted at least (24) hours prior to obtaining a permit.

*** (1) site plan and (1) set of building plans.

Building plans shall include the following:

1. Floor plans indicating room designation and dimensions for all stories.
2. Egress windows where required.
3. Load bearing footings.
4. Indicate if it is not a truss design roof system.
5. Building is required to be staked out and inspected, before obtaining a building permit.

- (c) All construction or installation using structural metal shall have the design stamped by an engineer/architect licensed by the State of Kansas.
- (d) Mobile homes which do not bear a label certifying compliance with the National Manufactured Home Construction and Safety Standards, effective June 15, 1976, shall not be permitted into this jurisdiction.
- (e) All building sites must be platted and be on applicably zoned ground.

4-105.2 SITE PLANS: Site Plans for all work shall be submitted with the permit application. Information to be included on the Site Plan includes (as applicable):

1. Lot dimensions
2. Location of existing and proposed structure(s)
3. Size of structure(s)
4. Identification of setbacks
5. Location and dimensions of off street parking spaces
6. Location of driveways
7. Location and size of signs
8. Location and dimensions of all accessory structures
9. Location of other features (fences, walls, trees, etc.)
10. Location and dimensions of utility and drainage easements
11. Location of utility service lines to existing and proposed structures
12. Location and type of solid waste containers and screening.
13. A legal description of the property
14. Information sufficient to show drainage in conformance with the approved subdivision drainage plan.
15. Location and dimensions of sidewalks, including curb ramps.
16. Location and dimensions of streets and alleys.

4-106. RESIDENTIAL BASEMENT FOUNDATION STANDARDS. The following standards assume a horizontal ground surface, minimal surcharge, minimal lateral pressure and minimal groundwater effects on foundations. The Building Official reserves the right to require architectural/engineering designs for foundations where determined necessary.

1. The frost depth for this jurisdiction is 30 inches.
2. All poured concrete shall have minimum compressive strength of 3,000 psi at 28 days.
3. A poured concrete foundation wall shall cure for a minimum of 7 days prior to back filling.*

*** EXCEPTION:**

- (a) Back filling is permitted if a temperature of 70 degree Fahrenheit has been maintained for four consecutive days.
 - (b) Foundations with a maximum height of four feet may be back filled after 24 hours curing.
4. Slabs for patios, driveways, and similar treatments shall be placed on any of the approved supports as follows:
 - a. The foundation shall be supported on columns carried down to the basement wall footings.
 - b. The foundation may be of a bridging design with a minimum of five (5) #4 rebar and shall be embedded at least four inches into the adjoining wall and extend two feet beyond disturbed soil.
 - c. The slab shall have a rebar placement of a minimum #4 embedded at least four inches into the adjoining wall and eight inches into the slab with a maximum spacing of 18".
 5. Placement of steel support shall be a minimum of:
 - (4) - Four feet - vertical
 - (24)- Twenty-four inches - horizontal.
 6. All new residential basements shall have at least (1) egress window installed. All basement sleeping rooms specified on building plans shall have egress windows(s).
 7. When foundations designs are used other than those specified in the International Building Code, the plans shall be sealed by a licensed structural engineer licensed in the State of Kansas. All foundation plans must be accompanied by cross sections showing all re-enforcement and other details at each change in foundation design.

4-108. RESIDENTIAL, MOBILE HOME / MANUFACTURED HOUSING:

4-108.1 Definitions. Unless clearly indicated otherwise by the context of this section, the following word and terms when used herein, shall have the following meanings.

1. **Residential Housing:** A permanent dwelling structure which is custom built on the site of its permanent location. Designed for and located on a permanent foundation, not capable of being transported on its own chassis. Connected to public utilities, and completely assembled on the site of its foundation.
2. **Manufactured Housing:** A permanent dwelling unit substantially assembled in an off-site manufacturing facility for installation or assembly at the dwelling site, capable of being transported on its own chassis and designed without a permanent foundation whether or not one is subsequently provided. Manufactured housing bears a label certifying that it was built in compliance with National Manufactured Home Construction and Safety Standards (24 CFR 3280, et seq.), effective June 15, 1976, as may be amended.
3. **Modular Housing:** A permanent dwelling structure designed for and located on a permanent foundation and not capable of being transported on its own chassis; connected to public utilities, consisting of pre-selected, prefabricated units or modules, and transported to and/or assembled on the site of its foundation; in contradistinction to a dwelling structure which is custom built on the site of its permanent location, and also in contradistinction to a manufactured housing unit.
4. **Mobile Homes:** A permanent manufactured housing unit built prior to enactment of the National Manufactured Home Construction and Safety Standards Act, which became effective June 15, 1976.

4-108.2 FOOTINGS & FOUNDATIONS: All residential, mobile homes, and manufactured homes shall have footings and foundations as set out in the International Building Code, or an engineered stamped foundation plan, whichever is the more restrictive.

1. Residential manufactured design homes shall have a poured concrete or solid blocked perimeter skirting wall, or an engineered pre-fabricated custom made perimeter skirting unit approved by the building official.*

*** EXCEPTION:**

- (a) Concrete board material such as HardiBoard or Durock may be used as a perimeter wall for manufactured housing units under certain conditions:

4-108.2 FOOTINGS & FOUNDATIONS: (cont.)

conditions:

1. In locations identified as former R-4 zoning districts under-going active development, inclusive (Glenridge Estates Subdivision, Waddell Subdivision, and 17th Street south of Park Street).
 2. As change outs of older manufactured housing units in other areas of the City.
 3. The perimeter wall must rest on a concrete shelf.
 4. The concrete shelf must extend 6" above finished grade.
 5. Either the perimeter wall shelf or the foundation piers must be below the identified frost line (30"). Whichever feature is not below the frost line shall be poured 12" below grade.
 6. The concrete board material must be secured to a treated wood frame. Alternate framing systems shall be at the sole discretion of the Building Official.
 7. The perimeter wall shall be provided with an access way and ventilation as required by code.
 8. The installation of a perimeter wall and framework shall be conducted by a licensed contractor or the homeowner, as required by code.
 9. The perimeter wall shall be finished in a workmanlike manner as expected on any other single family structure.
2. Mobile Home Pads: Mobile home pads shall measure at least 20 by 20 inches, and be at least 12 inches deep. The number of required pads and straps shall be as follows:
1. 14' x 80' 5 pairs of pads, 5 straps
 2. 14' x 70' 4 pairs of pads, 4 straps
 3. Under 60' 3 pairs of pads, 3 straps
 4. All other dimensions similar to above, never less than 3 pairs of pads, 3 straps.
3. Mobile Home / Manufactured Housing: Mobile homes and Manufactured Homes shall have skirting installed no more than 45 days after placement on the site of any manufactured home park. Skirting shall be continuous, rodent and vermin proof, and free from hazardous rough edges.

All wood skirting shall be constructed of treated lumber.

4-109. DETACHED SMALL STRUCTURE FOUNDATIONS: For small detached structures containing 600 or less square feet in floor area, foundations shall meet the following requirements:

1. If 150 square feet or less, no foundation is required. Masonry or concrete block support is highly recommended.
2. If 151 to 200 square feet, and not intended nor designed for motor vehicle storage, the foundation shall be at least a concrete block and post system under a wood floor. Six inch ground clearance shall be maintained. An alternative system shall be a four inch concrete slab, with the top of the slab being six inches above the surrounding average grade.
3. If 151 to 200 square feet, and intended or designed for motor vehicle storage, the foundation shall be at least a four inch thick concrete slab with a spread footing. The footing shall have a minimum bottom width of 12 inches and a minimum depth of 10 inches below grade. The top of the slab shall maintain six inch ground clearance.
4. If over 200 and up to 600 square feet, regardless of the use, the foundation shall at a minimum be a four inch concrete slab supported around the entire perimeter by an eight inch wide footing with a minimum depth of 30 inches below grade. The top of the slab shall maintain six inch ground clearance.

4-1010. EXTERIOR SPRAY PAINTING STANDARDS: A Spray Painting Permit is required on each individual exterior spray painting job. Any person, prior to exterior spray painting shall obtain a permit from the city by making application to the Building Official setting forth the name and address of the applicant, the name and address of the owner of the property to be painted, and shall pay a permit fee as provided for in Article 12 of this chapter. The applicant shall produce a minimum \$5,000 bond or liability insurance policy from a company recognized in the State of Kansas to secure payment for any and all damage caused to any persons or property by such exterior spray painting.

4-1011. ADDRESS POSTING: All permitted job sites must have the address clearly posted and displayed in accordance with Article 11 of the chapter. The Building Official shall assign new construction site address numbers.

ARTICLE 2. NATIONAL ELECTRICAL CODE 2002

4-201. 2002 ELECTRICAL CODE. The National Electrical Code, 2002 Edition, as promulgated by the National Fire Prevention Association, including Appendixes A, B, & C is hereby adopted as the Electrical Code of the City of Dodge City for the purpose of providing practical safeguarding of persons and property from hazards arising from the use of electricity. Three (3) copies of the Electrical Code are on file and are open for inspection of the public in the office of the City Clerk and made a part hereof as is fully set out in this ordinance.

4-201.1 AMENDMENTS AND DELETIONS TO ELECTRICAL CODE.

The following sections of the National Electric Code 2002 adopted and incorporated by reference in this article are hereby amended or deleted as follows:

- (a). Title - Insert: These regulations shall be known as the Electrical Code of the City of Dodge City, hereinafter referred to as "the code".
- (b). Administrative Authority: The Building Official shall be the electrical inspector and Administrative Authority.

4-202 ELECTRICAL PERMITS REQUIRED: No person(s) shall make any material alteration or addition to the existing electrical wiring of any building or structure nor shall any new building or structure be wired for any circuits or devices requiring the use of electric current before making application in writing on forms furnished by the City for a permit and making the payment of all fees required therefore.

4-202.1 PERMIT APPLICATIONS: Permit(s) shall only be issued upon the filing of an application on forms provided for the purpose*. Application approval shall be made by the building official or his/her duly authorized assistant, and only after prior arrangement for payment of permit fee has been made as required by this code or by any requirements established by the City Clerk.

*** EXCEPTION:**

When not more than four openings are added in a residential structure, a permit shall not be required.

4-202.2 ISSUANCE OF PERMITS RESTRICTED. Electrical permits shall be issued under this article only to a licensed contractor, licensed master electrical contractor, or the owner of such building or structure.

- (1). A permit shall be issued to a licensed contractor who is engaged in the construction or remodeling of new or existing commercial buildings or residential family dwellings. Application of permit must be completed upon a city application form provided for that purpose, and list all qualified trade subcontractors at the time of application. The licensed contractor shall be responsible for payment of all fees at the time of permit approval.
- (2). A permit shall only be issued to a licensed master electrical contractor who is engaged in contracting or providing their services to individual persons or firms.

4-202.2 ISSUANCE OF PERMITS RESTRICTED. (cont.)

- (3). The bona fide owner/occupant of a single family dwelling, residing in said dwelling, or intending to reside in such dwelling if under construction, may be issued a permit to do electrical work after the service and branch cabinet have been installed by a licensed electrician. Providing the electrical inspector is convinced that such person is qualified by knowledge and experience to wire said dwelling in accordance with the provisions of the electrical code, a permit will be issued. One element of qualification shall be the ability to provide a schematic drawing of the work to be performed and demonstrating a knowledge of the construction requirements for such work. All such work shall comply with the provisions of the electrical code. Such owner shall personally perform the principal labor in connection therewith rather than act in a supervisory capacity.

4-203 ELECTRICAL CONDUIT REQUIRED.

CONDUIT REQUIRED. For a nonresidential structure no romex shall be installed for electric light, heat or power wires in new buildings.

- (a). Conduit shall be required for all exterior installations of wiring attached to any structure.

4-204 ELECTRICAL MAIN DISCONNECTION. A service disconnect shall be installed at the exterior of a building for any new service and shall be a minimum of 100 amp service.

4-205 PRE-REQUISITE TO SERVICE. No electrical current or other electrical service shall be turned on, except for the purpose of testing and inspecting, until the installation thereof shall have been approved by the electrical inspector.

ARTICLE 3. INTERNATIONAL PLUMBING CODE

4-301. 2003 INTERNATIONAL PLUMBING CODE. The 2003 International Plumbing Code is hereby adopted as the Plumbing Code of the City of Dodge City for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, replacement, addition to, use or maintenance of plumbing systems in the City of Dodge City, providing for the issuance of permits and collections of fees, including Appendix. Three (3) copies of the plumbing code are on file and are open for inspection of the public in the office of the City Clerk and made a part hereof as if fully set out in this ordinance.

4-301.1 AMENDMENTS AND DELETIONS TO PLUMBING CODE.

The following sections of the *International Plumbing Code 2003* adopted and incorporated by reference in this article are hereby amended or deleted as follows:

- (a). Title - Insert: These regulations shall be known as the Plumbing Code of the City of Dodge City, hereinafter referred to as "the code".
- (b) Administrative Authority: The Building Official shall be the plumbing inspector and Administrative Authority.

4-302 PLUMBING PERMITS REQUIRED: No building shall have any alterations, extensions, or new piping in the gas, waste and vent, or water made by any person(s) before making application in writing on forms furnished by the City for a permit and making the payment of all fees required therefore.

4-302.1 PERMIT APPLICATIONS: Permit(s) shall only be issued upon the filing of an application on forms provided for the purpose. Application approval shall be made by the building official or his/her duly authorized assistant, and only after prior arrangement for payment of permit fee has been made as required by this code or by any requirements established by the city clerk.

4-302.2 ISSUANCE OF PERMITS RESTRICTED. Plumbing permits shall be issued under this article only to a licensed contractor, licensed master plumbing contractor, or the owner of such building or structure.

- (1). A permit shall be issued to a licensed contractor who is engaged in the construction or remodeling of new or existing commercial buildings or residential family dwellings. Application of permit must be completed upon a city application form provided for that purpose, and list all qualified trade subcontractors at the time of application. The licensed contractor shall be responsible for payment of all fees at the time of permit approval.

4-302.2 ISSUANCE OF PERMITS RESTRICTED. (cont.)

- (2). A permit shall only be issued to a licensed master plumbing contractor who is engaged in contracting or providing their services to individual persons or firms.
- (3). The bona fide owner/occupant of a single family dwelling, residing in said dwelling, or intending to reside in such dwelling if under construction, may be issued a permit to do waste and vent only, not to include yard-line plumbing work, providing the plumbing inspector is convinced that such person is qualified by knowledge and experience to plumb said dwelling in accordance with the provisions of the plumbing code. No gas piping, or water piping in or outside of the structure is permitted, and shall only be carried out by a licensed plumber. The sewer line extending outside the building wall to the main shall be done by a licensed plumber. One element of qualification shall be the ability to provide a schematic drawing of the work to be performed and a knowledge of the construction requirements for such work. All such work shall comply with the provisions of the plumbing code. Such owner shall personally perform the principal labor in connection therewith rather than act in a supervisory capacity.

4-303. MOBILE HOME WATER HEATER. When a water heater is installed in a mobile home the water heater shall be labeled for mobile home use.

4-304. GAS FUELED LOG LIGHTERS.

- (a) **INSTALLATION.** The installation of gas fueled log lighters without approved safeties installed in new residential and commercial wood-burning fireplaces is hereby prohibited.
- (b) **REPAIR.** The repair of a gas fueled fireplace log lighter, after they become inoperable for any reason, shall be prohibited. The gas line serving such fixture or appliance shall be permanently taken out of service by a license master plumbing or mechanical contractor qualified to work on gas lines.

4-305. VACANT BUILDINGS, PRESSURE CHECK REQUIRED. Before any building or structure which has been vacant or unoccupied for a period of one year or more, a pressure check shall be made on the fuel gas piping system to determine that the system complies with the requirements of the mechanical and/or plumbing code. Such pressure test shall run from the structure wall nearest the fuel gas meter and shall include the entire gas pipe system in the buildings or structure.

- (a) **TEST PROCEDURE.** The test procedure used shall be capable of disclosing all leaks in the system and shall be selected after giving due consideration to the volumetric content of the system and its location.

**ARTICLE 4. WATER CONDITIONING INSTALLATION
&
UNDERGROUND SPRINKLER SYSTEMS**

4-401. COMPLIANCE. Both underground sprinkler systems or water softener installations, alterations, and repairs shall comply with the provisions of this article.

4-402. ADMINISTRATIVE AUTHORITY: The Building Official shall be the Underground Sprinkler System, and Water Conditioning Inspector and Administrative Authority.

4-403. WATER CONDITIONING PERMIT REQUIRED. No underground sprinkler system or water softener system shall be installed or altered by any person before making an application in writing on forms furnished by the City for a permit and making the payment of all fees required therefore. The requirement for this permit and inspections thereof is limited to the system of potable water intake, outflow, and drainage connections.

4-403.1 PERMIT APPLICATIONS: Permit(s) shall only be issued upon the filing of an application on forms provided for the purpose. Application approval shall be made by the building official or his/her duly authorized assistant, and only after prior arrangement for payment of permit fee has been made as required by this code or by any requirements established by the city clerk.

4-403.2 ISSUANCE OF PERMITS RESTRICTED. Underground water sprinkler systems, or water conditioning permits shall be issued under this article only to a licensed underground sprinkler or water conditioning installer or to a licensed master plumber.

In no instance shall a property owner be allowed to perform any alteration to the potable water systems.

4-404. SYSTEM READY APPLICATION. A potable water system shall be made readily adaptable for the water treatment equipment by a licensed master plumber.

ARTICLE 5. INTERNATIONAL MECHANICAL CODE

4-501. 2003 INTERNATIONAL MECHANICAL CODE. The 2003 International Mechanical Code is hereby adopted as the Mechanical Code of the City of Dodge City for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to used or maintenance of mechanical systems in the City of Dodge City; providing for the issuance of permits and collections of fees, including Appendix. Three (3) copies of the Mechanical Code are on file and are open for inspection of the public in the office of the City Clerk and are made a part hereof as if fully set out in this ordinance.

4-501.1 AMENDMENTS AND DELETIONS TO MECHANICAL CODE.

The following sections of the *International Mechanical Code 2003* adopted and incorporated by reference in this article are hereby amended or deleted as follows:

- (a). Title - Insert: These regulations shall be known as the Mechanical Code of the City of Dodge City, hereinafter referred to as "the code".
- (b) Administrative Authority: The Building Official shall be the mechanical inspector and Administrative Authority.

4-502 MECHANICAL PERMITS REQUIRED: No Building shall have a system installed, changed out, altered or extended which involves the heating and air, duct or flue system, refrigeration, unless a permit application shall be made in writing on forms furnished by the City for a permit and making the payment of all fees required therefore.

4-502.1 PERMIT APPLICATIONS: Permit(s) shall only be issued upon the filing of an application on forms provided for the purpose. Application approval shall be made by the building official or his/her duly authorized assistant, and only after prior arrangement for payment of permit fee has been made as required by this code or by any requirements established by the City Clerk.

4-502.2 ISSUANCE OF PERMITS RESTRICTED. Mechanical permits shall be issued under this article only to a licensed contractor, or licensed master mechanical contractor. *

- (1). A permit shall be issued to a licensed contractor who is engaged in the construction or remodeling of new or existing commercial buildings or residential family dwellings. Application of permit must be completed upon a city application form provided for that purpose, and list all qualified trade subcontractors at the time of application. The licensed contractor shall be responsible for payment of all fees at the time of permit approval.

4-502.2 ISSUANCE OF PERMITS RESTRICTED. (cont.)

- (2). A permit shall only be issued to a licensed master mechanical contractor who is engaged in contracting or providing their services to individual persons or firms.
- (3). The bona fide owner/occupant shall be permitted to conduct any and all normal maintenance. (ORD. 3435)

4-503. GAS FUELED LOG LIGHTERS.

- (a) **INSTALLATION.** The installation of gas fueled log lighters without approved safeties installed in new residential and commercial wood-burning fireplaces is hereby prohibited.
- (b) **REPAIR.** The repair of gas fueled fireplace log lighters, after they become inoperable for any reason, shall be prohibited. The gas line serving such fixture or appliance shall be permanently taken out of service by a licensed master plumbing or mechanical contractor qualified to work on gas lines.

4-504. VACANT BUILDINGS, PRESSURE CHECKS REQUIRED. Before any building or structure which has been vacant or unoccupied for a period of one year or more may be re-occupied, the building owner or his/her agent shall have a pressure check made on the fuel gas piping system to determine that the system complies with the requirements of the mechanical and/or plumbing code. Such pressure test shall run from the structure wall nearest the fuel gas meter and shall include the entire pipe system in the building or structure.

- (a) **TEST PROCEDURE.** The test procedure used shall be capable of disclosing all leaks in the system and shall be selected after giving due consideration to the volumetric content of the system and it's location.

ARTICLE 12. FEES.

4-1201. FEES, GENERAL. Fees for permits required by this Chapter IV shall be set by the City Commission. The City Commission shall review such permit fees at least every three years and may adjust such fees as necessary to ensure that adequate income is received to cover the cost of administration and enforcement of the various codes and activities regulated herein.

4-1202. SAME, PAYMENT. All fees for permits shall be due and payable at the time a permit is issued. The Building Official may, however, issue permits to established contractors or tradesmen and allow payment in person or by mail after a city bill for such permit fee has been sent to the permit holder. All bills for permits shall be due and payable not later than 15 days following the date of such bill. Should the due day fall on a Sunday or a holiday observed by the city, the next regular business day shall be allowed as day of grace for payment.

Any person who shall fail, refuse or neglect to pay the billing on or before the due date shall be subject to revocation of the permit and shall be required to pay an additional fee for renewal of such permit.

ARTICLE 13. LICENSING OF CONTRACTORS AND TRADES

4-1301. GENERAL. To protect the health, safety and welfare of the citizens of Dodge City, the city commission deems it necessary to license certain contractors and tradesmen.

4-1302. CONTRACTOR LICENSE CLASSIFICATIONS, DEFINITIONS AND DESCRIPTIONS.

For the purposes of this article, certain terms, phrases, words and their derivatives shall be construed as specified in this section and elsewhere in this article when specific definitions are provided. Terms, phrases and words used in the singular include the plural and the plural the singular. Terms, phrases and words used in the masculine gender include the feminine and the feminine the masculine.

- (a) **BUILDING OFFICIAL.** The officer or other designated authority charged with the administration and enforcement of this code, or the building official's duly authorized representative.
- (b) **CONTRACTOR, GENERAL.** Unlimited in scope. Undertakes with or for another, for a fixed sum price, fee or any compensation other than wages, advertises, or represents to the public the capacity or ability to undertake the construction, repair, alteration, remodeling, addition to, subtraction from, improvement, and demolition of any building or structure. Does not include any electrical, mechanical, plumbing, and natural or liquefied petroleum gas work related thereto.
- (c) **CONTRACTOR, BUILDING.** Limited to construction and remodeling of commercial buildings or multiple-dwelling residential buildings, not exceeding three stories in height. Undertakes with or for another, for a fixed sum price, fee or any compensation other than wages, advertises, or represents to the public the capacity or ability to undertake the construction, repair, alteration, remodeling, addition to, subtraction from, improvement, and demolition of any building or structure. Does not include any electrical, mechanical, plumbing, and natural or liquefied petroleum gas work related thereto.
- (d) **CONTRACTOR, RESIDENTIAL.** Limited to construction and remodeling, repair or improvement of one or two family residences not exceeding two stories in height. Undertakes with or for another, for a fixed sum price, fee or any compensation other than wages, advertises, or represents to the public the capacity or ability to undertake the construction, repair, alteration, remodeling, addition to, subtraction from, improvement, and demolition of any building or structure. Does not include any electrical, mechanical, plumbing, and natural or liquefied petroleum gas work related thereto.

4-1302. CONTRACTOR LICENSE CLASSIFICATIONS, DEFINITIONS AND DESCRIPTIONS. (cont.)

- (e) **CONTRACTOR, LIMITED ROOFING.** Undertakes with or for another, for a fixed sum price, fee or any compensation other than wages, advertises, or represents to the public the capacity or ability to undertake the installation, repair, and replacement of residential roof coverings. Residential shall be limited up to a duplex. Work may include fabrication and installation of sheet metal incidental to residential roof coverings and installation of asphalt shingles, asphalt roll roofing materials, clay tile, concrete tile, slate, wood shake or shingles and other pre-fabricated shingle products.
- (f) **CONTRACTOR, UNLIMITED ROOFING.** Undertakes with or for another, for a fixed sum price, fee or any compensation other than wages, advertises, or represents to the public the capacity or ability to undertake the installation, repair, and replacement of roof coverings. Work may include, but shall not be limited to roof deck insulation, roof coating, painting and covering, including use of sheet metal products incidental to roofing work or other material in connection therewith, or any combination thereof, and including installation of non-structural decking and siding.
- (g) **CONTRACTOR, ELECTRICAL.** Undertakes with or for another, for a fixed sum price, fee or any compensation other than wages, advertises, or represents to the public the capacity or ability to undertake the installation, repair, alteration, addition to or change out of any electrical wires, fixtures, appliances, apparatus, raceways, conduit, or any part thereof which generates, transmits, transforms, or utilizes electrical energy in any form for light, heat, power, or communications.
- (h) **CONTRACTOR, MECHANICAL.** Undertakes with or for another, for a fixed sum price, fee or any compensation other than wages, advertises, or represents to the public the capacity or ability to undertake the installation, maintenance, repair, fabrication, alteration, or extension of central air conditioning, refrigeration, heating, and ventilating, including duct work and low and high pressure boilers within a complete system unlimited in horsepower or tons, and all appurtenances, apparatus, piping vessels, ducts and insulation used in connection therewith.
- (i) **CONTRACTOR, PLUMBING / WITH GAS.** Undertakes with or for another, for a fixed sum price, fee or any compensation other than wages, advertises, or represents to the public the capacity or ability to undertake the installation, maintenance, repairs, alterations, or extension of gas piping, piping materials used in waste and vent systems and water piping systems.
- (j) **CONTRACTOR, WATER CONDITIONING.** Undertakes with or for another, for a fixed sum price, fee or any compensation other than wages, advertises, or represents to the public the capacity or ability to undertake the installation, maintenance, and repairs to machinery, tanks, or devices used to treat water, including water softening equipment.

4-1302. CONTRACTOR LICENSE CLASSIFICATIONS, DEFINITIONS AND DESCRIPTIONS. (cont.)

- (k) **CONTRACTOR, SIGN HANGER.** Those who are qualified to install, repair and replace signs within the jurisdiction. Ord. No. 3272
- (l) **CONTRACTOR, UNDERGROUND SPRINKLER SYSTEMS.** Undertakes with or for another, for a fixed sum price, fee or any compensation other than wages, advertises, or represents to the public the capacity or ability to undertake the installation, maintenance, and repairs to underground water sprinkler systems.
- (m) **TRADES.** As used in this article "trade" shall mean work or services offered or done in the electrical, mechanical and plumbing fields.
- (n) **TRADESPERSON.** Any person who works or offers services for a fixed sum price, fee or any compensation other than wages, advertises, or represents to the public the capacity or ability to undertake repairs, alterations, additions to, or subtraction from any building or structure, in the electrical, mechanical or plumbing field.
- (o) **APPRENTICE / HELPER.** Any person who works for another for a fixed period of time in order to learn a trade or business.

4-1303. LICENSE QUALIFICATIONS FOR CONTRACTORS & TRADESMEN.

- (a) **GENERAL BUILDING, AND RESIDENTIAL CONTRACTORS.** All contractors classed as general, building, and residential contractors shall obtain and maintain continuously a license issued by the Building Official after he/she has received written notification that an applicant has taken the test approved by the State of Kansas and given by the International Code Council or Block & Associates of Gainesville, Florida and has received a passing grade of a minimum of 75%.
- (b) **ELECTRICAL, MECHANICAL, PLUMBING, WATER CONDITIONER, AND UNDERGROUND SPRINKLER CONTRACTORS.** All Trade contractors offering services or who engage in contracting as either a subcontractor or by providing their services to individual persons or firms shall obtain and maintain continuously a license issued by the Building Official after he/she has received written notification that an applicant has taken the test approved by the State of Kansas and given by Block & Associates of Gainesville, Florida and has received a passing grade of a minimum of 75%.
- (c) **LIMITED AND UNLIMITED ROOFING CONTRACTORS.** All roofing contractors shall obtain and maintain continuously a license issued by the Building Official after he/she has received written notification that an applicant has taken the test approved by the State of Kansas and given the International Code Council or by Block & Associates of Gainesville, Florida and has received a passing grade of a minimum of 75%.

4-1304. EXPERIENCE REQUIREMENTS FOR SERVICE TRADES.

(1) ELECTRICAL.

- (a) **SAME, JOURNEYMAN.** Any person desiring to be licensed as a journeyman electrician shall be required to document a minimum of three years practical experience in the electrical trade while in the employ of a Master Electrician or of a firm who has a Master Electrician in their employ. One year satisfactory work in an accredited trade school may be accepted by the Building Official in lieu of one year practical experience. The applicant shall also take and pass a journeyman's test provided by Block and Associates of Gainesville, Florida, with a minimum passing score of 75%.
- (b) **SAME, MASTER.** Any person desiring to be licensed as a Master Electrician shall be required to document a minimum of five years of practical experience in the electrical trade in the employ of a Master Electrician or of a firm who has a Master Electrician in their employ. One year satisfactory work in an accredited trade school may be accepted by the Building Official in lieu of one year practical experience. The applicant shall take and pass a Master Electrical test provided by Block and Associates of Gainesville, Florida, with a minimum passing score of 75%.

(2) MECHANICAL.

- (a) **SAME, JOURNEYMAN.** Any person desiring to be licensed as a mechanical journeyman shall be required to document a minimum of three years practical experience in the mechanical trade while in the employ of a master mechanic or a firm who has a master in their employ. One year satisfactory work in an accredited trade school may be accepted by the Building Official in lieu of one year practical experience. The applicant shall also take and pass a journeyman's test provided by Block and Associates of Gainesville, Florida, with a minimum passing score of 75%.
- (b) **SAME, MASTER.** Any person desiring to be licensed as a mechanical master shall be required to document a minimum of five years practical experience under the employ of a master mechanic or of a firm who has a master in their employ. One year satisfactory work in an accredited trade school may be accepted by the Building Official in lieu of one year practical experience. The applicant shall take and pass a master mechanic test provided by Block and Associates of Gainesville, Florida, with a minimum passing score of 75%.

4-1304. EXPERIENCE REQUIREMENTS FOR SERVICE TRADES. (cont.)

(3) PLUMBING.

- (a) **SAME, JOURNEYMAN.** Any person desiring to be licensed as a plumbing journeyman shall be required to document a minimum of three years practical experience in the plumbing trade while in the employ of a Master Plumber or a firm who has a master in their employ. One year satisfactory work in an accredited trade school may be accepted by the Building Official in lieu of one year practical experience. The applicant shall also take and pass a journeyman's test provided by Block and Associates of Gainesville, Florida, with a minimum passing score of 75%.
- (b) **SAME, MASTER.** Any person desiring to be licensed as a plumbing master shall be required to document a minimum of five years practical experience under the employ of a Master Plumber or of a firm who has a Master Plumber in their employ. One year satisfactory work in an accredited trade school may be accepted by the Building Official in lieu of one year practical experience. The applicant shall take and pass a Master Plumber test provided by Block and Associates, with a minimum passing score of 75%.

(4) WATER CONDITIONER INSTALLER

- (a) Any person desiring to be licensed as an installer of water conditioning equipment shall be required to obtain and maintain continuously a license issued by the Building Official after he/she has received written notification that an applicant has taken a test approved by the State of Kansas and given by Block & Associates of Gainesville, Florida, with a minimum passing score of 75%.

(5) UNDERGROUND WATER SPRINKLER INSTALLER.

- (a) Any person desiring to be licensed as an installer of water shall be required to obtain and maintain continuously a license issued by the Building Official after he/she has received written notification that an applicant has taken a test approved by the State of Kansas and given by Block & Associates of Gainesville, Florida, with a minimum passing score of 75%.

4-1305. LICENSE REQUIREMENTS FOR SERVICE TRADES. It shall be unlawful for any person/company employee to do electrical, mechanical, or plumbing trades work for any person or person(s) until such tradesperson shall have first secured a master's or journeymen's license, or is serving as an apprentice/helper directly under the supervision of a duly licensed tradesperson. *

* **EXCEPTION:** A bona fide owner/occupant of a single family dwelling, residing in said dwelling, or intending to reside in such dwelling if under construction, may be issued a permit under the established guidelines outlined in this chapter.

** **EXCEPTION:** Factory Trained Service Technicians called out to service previous installed company brand manufactured equipment in performance with the parent company's guidelines and service pamphlets.

4-1306. BUSINESS OWNERS LICENSE REQUIREMENTS. Before any person/company employee shall be qualified to provide services as a business representative of a General, Building, Residential, Plumber, Electrician, Mechanical, Limited or Unlimited Roofing, Water Conditioning Installer, Underground Sprinkler Installer, or Sign Hangar Contractor, at least one person shall be in their employ who possess a valid license issued by the city stating that this person has been certified at the highest level in their respective trade.

4-1307. CONTRACTOR LICENSE, APPLICATION AND FEES. A contractor wishing to be licensed, shall complete an application on a form to be supplied by the city for a contractor's license to perform work and pay a licensing fee prior to performing any work as required in this chapter. The application shall include the following information:

- a. Name of Applicant
- b. License Type Requested
- c. Local applicant/ business contact information.
- d. If a nonresident, home office, business address, and phone number.
- e. Length of time engaged in such trade work.
- f. The application shall be signed by the applicant.

4-1308. LICENSE ISSUANCE. Any contractor required to be licensed by this chapter shall provide the following documents at the time of license application:

1. Proof of General Liability Insurance.
The contractor shall secure and file with the city clerk or his/her designee a certificate of insurance providing for public liability insurance coverage including bodily injury and property damage insurance coverage in an amount not less than \$ 500,000.00 per occurrence. The required insurance shall be in full force and effect during the calendar year for which the license is issued.
2. Proof of Kansas Sales Tax ID. x
3. Proof of License Qualifications.

Qualification established for each trade as outlined herein through the passage of a State of Kansas approved trades examination with a passing grade of 75 percent or greater.

4-1309. APPROVAL OF APPLICATION. All license applications shall be approved by the Chief Building Official or his/her designee.

4-1310. LICENSE DISPLAY REQUIREMENTS. Each license issued pursuant to this article shall set forth the kinds of contract work in which the licensee may engage. All licensee's under this article shall display the license or produce the same on demand of any city officer immediately or within four hours. Failure to comply with the officer's request to provide proof of licensing, the individual shall be subject to penalties as outlined in this chapter.

4-1311. LICENSE RENEWAL. All licenses issued pursuant to this article shall be renewed annually. Licenses expire on December 31st of each year, and renewal fees and application for renewal must be received no later than January 15th of the year for which issued. Failure on the part of the licensee to renew an existing license prior to January 15th, the licensee shall then be required to reapply as a new contractor and meet all current requirements. A grace period, not to exceed 15 days after the license expiration date, shall be granted to all city contractor license holders.

Block & Associates and International Code Council Licenses do not expire on an annual basis, however to obtain city permits or perform work within the city, the licensee must possess a current city issued license.

Additional documents required for all City license renewal:

1. Six (6) hours of continuing education must accompany all renewal applications.

4-1311. LICENSE RENEWAL. (cont.)

2. Proof of current liability insurance in the amounts set on in this chapter must accompany all renewal applications.
3. Proof of Kansas Sales Tax Identification Number.

4-1312. LICENSE SUSPENSION AND REVOCATION. Any license provided for in the chapter may be refused, suspended or revoked by the Chief Building Official upon the official's own motion for cause or upon a complaint for cause. **See penalties - Chapter 4, Article 15.**

4-1312.1 LICENSE REVOCATION OR SUSPENSION. Any of the following shall be deemed sufficient cause to subject the holder of a license to revocation or suspension:

1. Misrepresentation of a material fact in obtaining a license or permit.
2. Willful or repeated violations of the building or construction code, or failure to comply with any lawful order of the city building official or his/her designee.
3. It shall be unlawful for any person holding a license under the provisions of this chapter, either directly or indirectly, to permit the use of the license by any unlicensed person to secure permits or to do trades work within the city.
4. Abandonment of any contract without legal cause.
5. Bad faith or unreasonable delay in the performance of contracted work.
6. Failure to obtain permits and required inspections.
7. Abusive behavior, and/or physical threats against the orders of an Inspector.
8. The filing of any sub-contractor lien against any contractor for labor, equipment, materials or supplies used in the improvement of real property under construction and the foreclosure and final judgment rendered on such lien.
9. Any final judgment rendered under the law against a licensee for the performance of services or failure to perform services under a contract with a property owner and the failure to satisfy said judgments within ten days.
10. Whenever a licensed contractor shall knowingly and willfully violate city ordinance or displays an inability to perform work for which such contractor is licensed.

4-1313. NOTICE OF COMPLAINT. Written notice shall be given to any contractor of said complaint or allegation against such contractor, giving reasonable notice of a place and time for such hearing or review by the Chief Building Official.

4-1313.1 NOTICE TO APPEAL COMPLAINT. Any licensee may file an appeal in writing to the chairperson of the Building Board of Appeals within 5 business days of any written notice of complaint, or order of suspension by the chief building official. The determination of the Building Board of Appeals shall be final.

4-1314. RECIPROCITY. Any contractor who holds a valid Block & Associates or International Code Council license may, after furnishing proof of such license, be licensed by the Building Official. Should, however, the Building Official determine that the basis for a license from another agency is comparable, it will be only with a letter from either Block & Associates or the International Code Council stating so.

ARTICLE 14. INSPECTIONS

4-1401. REQUIRED INSPECTIONS. The Building Official or his/her assistant(s) shall inspect all new installations of concrete, framing, plumbing, mechanical, gas piping, electrical wiring, roofing or water connections to domestic potable water supply.

- (a) **NOTIFICATION OF INSPECTIONS.** It shall be the responsibility of the each service trade to call for their individual required trade inspections. However, it is the responsibility of the permit holder to schedule and notify the building inspection department for any Certificate of Occupancy.

The Building Official or his/her assistant shall inspect installations within a reasonable time period (not including Saturdays, Sundays or legal holidays) from notice of receipt that same is ready for inspection. *

* Whenever possible, the inspection department will strive to meet the inspection needs of any licensed contractor.

Inspections shall be carried out during normal business hours of 8am to 5pm -- Monday through Friday. Non-emergency inspections outside normal business hours are subject to an additional fee as set out in Appendix B of the fee schedule.

- (b) **INSPECTION OF WORK INSTALLATIONS.** The inspector shall inspect all new alterations, additions, or extensions to any structure within the city limits. He or she shall enforce or cause to be enforced, the provisions of this chapter, and shall have the right during reasonable hours to enter any building for the purpose of making any inspection required by this chapter. When making required inspections it shall be necessary that the representative from the building trade be on-site during the inspection.
- (c) **CONCEALMENT OF WORK.** No work shall cover or in any manner conceal any required inspection until such inspection shall have been made and approved. No gas piping, framing, plumbing, or mechanical shall be covered or concealed from view, nor concrete poured until the same has been inspected and approved by the inspector. (Ord. 2822, Sec. 2)

4-1402. VIOLATIONS. Violation of requirements listed or against the orders of the Inspection Department will be subject to a citation.

- (a) **DEFECTIVE INSTALLATION.** In case any work which the inspector is required to inspect shall be found not to comply with the provisions of this article, or to be unsafe or defective, he/she shall at once notify the permit holder of such defect, and order them to change, rearrange, or remove

4-1402. VIOLATIONS. (cont.)

the same. Upon the person's failure or refusal to correct such defect within a reasonable time, such person shall be deemed guilty of a violation of the provisions of this chapter and each and every day which shall elapse after the expiration of the time set for correction without a compliance with the order, shall be considered a separate offense.

4-1403. DOCUMENTATION OF WORK. The inspector shall leave a suitable distinctive marker/tag on or near the job which shall indicate whether the work has been approved or rejected. The inspector shall complete a building inspection record to remain as a permanent attachment to the building department files. Inspection records shall show time and date of all inspections, inspector performing inspections, and any and all violations requiring correction.

Upon issuing a Final Certificate of Occupancy, a copy of the finished building department's inspection record shall be provided to the permit holder.

ARTICLE 15. PENALTIES

4-1501. PENALTIES FOR VIOLATION. Any violation of the provisions of this ordinance shall be deemed to be a misdemeanor and punishable by a fine and/or imprisonment as specified in section 1-116 of chapter I of this code.

- (a) After a conviction, any license issued under the provisions of this article may be rescinded by the city commission for the violation by the licensee of any applicable provision of this article, state law or city ordinance.

A license may be rescinded for a period of 30 days for a first offense, 60 days for the second offense, and indefinitely for any offense thereafter.

No license fee shall be refunded upon the suspension or revocation of any contractor's license.

4-1502. REINSTATING OF LICENSE. Any person who has had their license rescinded for cause, shall after serving the offense rescission period, make recommendation to the Building Board of Appeals and the City Commission for approval of license renewal. Given such recommendation, approval, and payment of the required fee, the Building Official shall reissue the license.

4-1503. APPEAL PROCESS. If there should be a need to appeal any provisions of this chapter, a written application to the Building Board of Appeals shall be completed within five working days of the discrepancy and a hearing will be scheduled.

4-1504. SEVERABILITY. If any provision, paragraph, word, phrase or section of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, phrases and sections shall not be affected and shall continue in full force and effect. (Ord #3190, 1997)