

CHAPTER IV. BUILDINGS AND CONSTRUCTION

- Article 1. Fire Limits
- Article 2. Building Code
- Article 3. Electrical Code
- Article 4. Plumbing and Gas-Fitting Code
- Article 5. Moving Buildings
- Article 6. Dangerous and Unfit Structures
- Article 7. One and Two-Family Dwellings
- Article 8. Mechanical Code
- Article 9. Parabolic Antennas
- Article 10. Manufactured Housing
- Article 11. Mobile Homes
- Article 12. Drilling and Operation of Oil and Gas Wells
- Article 13. International Residential Code
- Article 14. Portable Storage Units

ARTICLE 1. FIRE LIMITS

- 4-101. FIRE LIMITS ESTABLISHED. The following shall be and are hereby declared to be the fire limits of the city:
- (a) East half of Blocks 12, 13 and 14;
 - (b) West half of Blocks 17, 18 and 19 in the city.
- (Code 1996)
- 4-102. BUILDINGS TO BE OF INCOMBUSTIBLE MATERIAL; EXCEPTION. It is unlawful for any person to build, construct, relocate or repair any building on the east half of Blocks 12, 13 and 14 and also on the west half of Blocks 17, 18 and 19 in the city, unless such buildings are built of or repaired with brick, stone or other incombustible material including a fireproof roof. Anyone desiring to build or construct or relocate a building on the west half of Blocks 12, 13 and 14 and the east half of Blocks 17, 18 and 19 in the city, out of other than brick, stone or other incombustible material must first obtain permission from the mayor and council, but provided that if any building in the half blocks last above named shall be located 20 feet or less from the alley in each block, then in that case the building must be built of brick, stone, or other incombustible material including the fireproof roof.
- (Code 1996)

ARTICLE 2. BUILDING CODE

- 4-201. DEFINITIONS. As used in this article, the words and phrases herein defined shall have the following meanings unless the context otherwise requires:
- (a) Whenever the word municipality is used in the building code, it shall be held to mean the City of Cheney, Kansas;
 - (b) Whenever the term corporation counsel is used in the building code, it shall be held to mean the city attorney of the City of Cheney;
 - (c) Whenever the term building official is used in the building code, it shall be held to mean the building official or his or her authorized designee.
(Code 1996)
- 4-202. INTERNATIONAL BUILDING CODE INCORPORATED. There is hereby incorporated by reference that certain code known as the International Building Code, 2003 Edition, prepared and published in book form by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, as amended by Resolution Number 12-2003 of the Board of County Commissioners of Sedgwick County, Kansas. One copy of the International Building Code, 2003 Edition, and Sedgwick County Resolution Number 12-2003 shall be marked "Official Copy as adopted by Ordinance No. 751," to which shall be attached a copy of this ordinance and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.
- Any person violating any provision of such code shall be punished as provided in section 1-116 of this code.
(Ord. 751, Sec. 1; Code 2005)

ARTICLE 3. ELECTRICAL CODE

- 4-301. DEFINITIONS. For the purpose of this article, the words and phrases used herein shall have the meanings ascribed to them in this section, unless the context clearly indicates to the contrary.
- (a) Approved - shall mean approved by the chief building official, the electrical inspector or his or her designee.
 - (b) Authorized person - shall mean any individual, firm or corporation who or which is licensed under the provisions of this article to do the work as permitted under the specified provisions of this article.
 - (c) City - shall mean the territory within the corporate limits of this city.
 - (d) Conductor - shall mean a wire or cable or other form of metal suitable for carrying the electric current or potential.
 - (e) Electrical construction or installation - shall mean and include all work and materials used in installing, maintaining or extending a system of electrical wiring and all appurtenances, apparatus or equipment used in connection therewith, inside or attached to any building, structure, lot or premises, except industrial plants where fulltime maintenance is provided and other agencies providing inspections of installations and facilities. Electrical construction shall not be held to mean or include any of the following:
 - (1) The replacement of lamps, fuses, bulbs or the connection of portable electrical equipment to suitable permanently installed receptacles and replacement of receptacles and switches, lighting fixtures and apparatus where no changes or alterations are made to the wiring;
 - (2) Any work involved in the manufacturing, repair or testing of any electrical equipment or apparatus, but not including any permanent wiring; or
 - (3) Any work in industrial establishments where inspections come under the scope of other inspection agencies.
 - (f) Equipment - shall mean conductors, materials, fittings, devices, appliances, fixtures, apparatus, motors and the like, used as a part of or in connection with an electrical installation.
 - (g) Inspector - shall mean the chief building official or any individual who has been appointed by the city as electrical inspector.
 - (h) Person - shall mean a natural person, his or her heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors, assigns, or the agent of any of the aforesaid.
 - (i) Special permission - shall mean the written consent of the chief building official or the electrical inspector.
 - (j) Special ruling - shall mean a written ruling filed in the office of the chief building official or the electrical inspector.
- (Code 1996)

- 4-302. NATIONAL ELECTRICAL CODE INCORPORATED. There is hereby incorporated by reference that certain code known as the National Electrical Code, 2014 Edition, prepared and published in book form by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169, as amended and applied by Sections 1 through 14 of Resolution Number 159-2014 of the board of County commissioners of Sedgwick County, Kansas. One copy of said National electrical code, 2014 Edition, and Sedgwick County Resolution Number 159-2014 shall be marked "Official Copy as adopted by Ordinance No. 876", to which shall be

attached a copy of this Ordinance No. 876, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

Any person violating any provision of such code shall be punished as provided in Section 1-116 of this code.

(Ord. 876; Code 2016)

ARTICLE 4. PLUMBING AND GAS-FITTING CODE

4-401. DEFINITION OF PLUMBING. The term plumbing as used in this article shall be construed to mean the installation of gas or water pipes, fixtures, apparatus and the necessary connections either for supplying gas or water to premises or for the removing of liquid and water-borne wastes from premises in the city, or both such purposes, and shall also denote installed fixtures, drainage and vent systems and gas or water distribution systems as the case may be. (Code 2016)

4-402. UNIFORM PLUMBING CODE INCORPORATED. There is hereby incorporated by reference that certain code known as the Uniform Plumbing Code, 2012 Edition, prepared and published in book form by the International Association of Plumbing and Mechanical Officials, 4755 East Philadelphia Street, Ontario, California 91761, as amended and applied by Sections 1 through 25 of Resolution number 157-2014 of the Board of County Commissioners of Sedgwick County, Kansas. One copy of said Uniform Plumbing Code, 2012 Edition, and Sedgwick County Resolution Number 157-2014 shall be marked "Official Copy as adopted by Ordinance No. 877," to which shall be attached a copy of Ordinance No. 877, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

Any person violating any provision of such code shall be punished as provided in Section 1-116 of this code. (Ord. 877; Code 2016)

ARTICLE 5. MOVING BUILDINGS

- 4-501. **BUILDING OFFICIAL; AUTHORITY.** The city administrator or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of an inspector in accordance with sections 4-204:209 of this chapter, which apply in a like manner to this article.
(Code 1996)
- 4-502. **PERMIT REQUIRED.** No person, firm or corporation shall move, haul, or transport any house, building, derrick, or other structure of the height when loaded for movement of 16 feet or more from the surface of the highway, road, street or alley, or a width of eight feet or more or which cannot be moved at a speed of four miles per hour or faster, upon, across or over any street, alley or sidewalk in this city without first obtaining a permit therefor. (K.S.A. 17-1914; Code 1996)
- 4-503. **SAME: APPLICATION FOR PERMIT.** All applications for permits required under the provisions of this article shall be made in writing to the city clerk specifying the day and hour said moving is to commence and the route through the city's streets over which the house, building, derrick or other structure shall be moved and stating whether it will be necessary to cut and move, raise, or in any way interfere with any wires, cables or other aerial equipment of any public or municipally-owned utility, and if so, the application shall also state the name of the public or municipally-owned utility, and the time and location that the applicant's moving operations shall necessitate the cutting, moving, raising or otherwise interfering with such aerial facilities. (K.S.A. 17-1915; Code 1996)
- 4-504. **SAME; BOND, INSURANCE REQUIRED.** (a) It shall be the duty of any person at the time of making application for a permit as provided in this article to give a good and sufficient surety bond to the city, to be approved by the governing body, indemnifying the city against any loss or damage resulting from the failure of any such person to comply with the provisions of this article or for any damage or injury caused in moving any such house or structure. The bond herein shall be in the sum of \$5,000, or cash may be deposited in lieu of such surety bond.
(b) A public liability insurance policy issued by an insurance company authorized to do business in the State of Kansas, in the amount of \$100,000 per person, \$300,000 per accident as to personal injury, and \$50,000 property damage may be permitted in lieu of a bond.
(Code 1996)
- 4-505. **SAME; FEE.** Before any permit to move any house or structure is given under the provisions of this article, the applicant shall pay a fee of not less than \$100 plus expenses to the city clerk; plus the additional cost for the time for any city crews involved in such moving. (Res. No. 151; Code 2005)
- 4-506. **CONTRACTOR; LICENSE REQUIRED; FEE.** The provisions of sections 4-219:225 of this chapter shall apply in a like manner to this article. (Code 1996)
- 4-507. **ROUTE; DUTIES OF BUILDING OFFICIAL.** The city clerk shall, upon filing of the above application, refer the same to the chief building official or his or her authorized designee to check the proposed route and determine if it is practical to move such house or other structure over the route proposed. If it shall appear that

such route is not practical and another route may be used equally well with less danger to street and travel, then he or she may designate such other route as the one to be used and shall notify the applicant of the same. The building official may also require the planking of any street, bridge or culvert or any part thereof to prevent damage thereto. It shall also be the duty of the chief building official or his or her authorized designee to inspect the progress of moving any house or other structure to see that the same is being moved in accordance with the provisions of this article. (Code 1996)

4-508. NOTICE TO OWNERS. (a) Upon issuance of a moving permit the applicant shall give not less than 15 days written notice to any person owning or operating any wires, cables or other aerial equipment along the proposed route of the intent to move the structure, giving the time and location that the applicants moving operation shall necessitate the cutting, moving, raising or interfering of any wires, cables or other aerial equipment.

(b) The notice provision of subsection (a) shall not apply where the person owning or operating any wires, cables or other aerial equipment has waived their right to advance notice.

(c) Should the moving operation be delayed, the applicant shall give the owner or his or her agent not less than 24 hours advance notice of the actual operation.

(K.S.A. 17-1916; Code 1996)

4-509. DUTY OF OWNERS. (a) It shall be the duty of the person or the city owning or operating such poles or wires after service of notice as provided herein, to furnish competent lineman or workmen to remove such poles, or raise or cut such wires as will be necessary to facilitate the moving of such house or structure. The necessary expense which is incurred thereby shall be paid by the holder of the moving permit.

(b) The owner of any wires, cables or other aerial equipment, after service of notice as provided in section 4-508, shall be liable to the permit holder for damages in an amount not to exceed \$100.00 per day for each day the owner shall fail or refuse to accommodate the permit holder's moving operations.

(K.S.A. 17-1917; Code 1996)

4-510. INTERFERING WITH POLES; WIRES. It shall be unlawful for any person engaged in moving any house or other structure to raise, cut or in any way interfere with any wires or poles bearing wires or any other aerial equipment.

(K.S.A. 17-1918; Code 1996)

4-511. DISPLAY OF LANTERNS. It shall be the duty of any person moving any of the structures mentioned in this article upon or across any street, alley or sidewalk or other public place, in this city, to display red lanterns thereon in such a manner as to show the extreme height and width thereof from sunset to sunrise.

(Code 2016)

ARTICLE 6. DANGEROUS AND UNFIT STRUCTURES

- 4-601. PURPOSE. The governing body has found that there exists within the corporate limits of the city structures which are unfit for human use or habitation because of dilapidation, defects increasing the hazards of fire or accidents, structural defects or other conditions which render such structures unsafe, unsanitary or otherwise inimical to the general welfare of the city, or conditions which provide a general blight upon the neighborhood or surrounding properties. It is hereby deemed necessary by the governing body to require or cause the repair, closing or demolition or removal of such structures as provided in this article. (K.S.A. 12-1751; Code 1996)
- 4-602. DEFINITIONS. For the purpose of this article, the following words and terms shall have the following meanings:
(a) Enforcing officer - means the city engineer or his or her authorized representative.
(b) Structure - shall include any building, wall, superstructure or other structure which requires location on the ground, or is attached to something having a location on the ground. (K.S.A. 12-1750; Ord. 858; Code 2016)
- 4-603. ENFORCING OFFICER; DUTIES. The enforcing officer is hereby authorized to exercise such powers as may be necessary to carry out the purposes of this article, including the following:
(a) Inspect any structure which appears to be unsafe, dangerous or unfit for human habitation;
(b) Have authority to enter upon premises at reasonable hours for the purpose of making such inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the structure. If entry is denied, the enforcing officer may seek an order for this purpose from a court of competent jurisdiction;
(c) Report all structures which he or she believes to be dangerous, unsafe or unfit for human habitation to the governing body;
(d) Receive petitions as provided in this article.
(Code 1996)
- 4-604. PROCEDURE; PETITION. Whenever a petition is filed with the enforcing officer by at least five residents charging that any structure is dangerous, unsafe or unfit for human habitation, or whenever it appears to the enforcing officer on his or her own motion that any structure is dangerous, unsafe or unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for such charges, report such findings to the governing body. (Code 1996)
- 4-605. SAME; NOTICE. The governing body upon receiving a report as provided in section 4-604 shall by resolution fix a time and place at which the owner, the owner's agent, any lienholder of records and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished. (K.S.A. 12-1752; Code 1996)
- 4-606. SAME; PUBLICATION. (a) The resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing.

(b) A copy of the resolution shall be mailed by certified mail within three days after its first publication to each owner, agent, lienholder and occupant at the last known place of residence and shall be marked "deliver to addressee only."
(K.S.A. 12-1752; Code 1996)

4-607. SAME; HEARING, ORDER. If, after notice and hearing, the governing body determines that the structure under consideration is dangerous, unsafe or unfit for human use or habitation, it shall state in writing its findings of fact in support of such determination and shall cause the resolution to be published once in the official city newspaper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the governing body will cause the structure to be razed and removed. (Code 2005)

4-608. DUTY OF OWNER. Whenever any structure within the city shall be found to be dangerous, unsafe or unfit for human use or habitation, it shall be the duty and obligation of the owner of the property to render the same secure and safe or to remove the same. (Code 1996)

4-609. SAME; FAILURE TO COMPLY. (a) If, within the time specified in the order, the owner fails to comply with the order to repair, alter, improve or vacate the structure, the enforcing officer may cause the structure to be repaired, altered, improved, or to be vacated and closed.

(b) If, within the time specified in the order, the owner fails to comply with the order to remove or demolish the structure, the enforcing officer may cause the structure to be removed and demolished.
(Code 1996)

4-610. SAME; MAKE SITE SAFE. Upon removal of any structure, the owner shall fill any basement or other excavation located upon the premises and take any other action necessary to leave the premises in a safe condition. If the owner fails to take such action, the enforcing officer may proceed to make the site safe.
(Code 1996)

4-611. ASSESSMENT OF COSTS. (a) The cost to the city of any repairs, alterations, improvements, vacating, removal or demolition by the enforcing officer, including making the site safe, shall be reported to the city clerk.

(b) The city shall give notice to the owner of the structure by restricted mail of the cost of removing the structure and making the premises safe and secure. The notice shall also state that payment of the cost is due and payable within 30 days following receipt of the notice.

(c) If the costs remain unpaid after 30 days following receipt of notice, the city clerk may sell any salvage from the structure and apply the proceeds or any necessary portion thereof to pay the cost of removing the structure and making the site safe. Any proceeds in excess of that required to recover the costs shall be paid to the owner of the premises upon which the structure was located.

(d) If the proceeds of the sale of salvage or from the proceeds of any insurance policy in which the city has created a lien pursuant to K.S.A. 40-3901, *et*

seq., and amendments thereto, are insufficient to recover the above stated costs, or if there is no salvage, the balance shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments against the lot or parcel of land on which the structure was located and the city clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs to the county clerk and who shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115 and amendments thereto, but only until the full cost and applicable interest has been paid in full.

(e) If there is no salvage material, or if the moneys received from the sale of salvage or from the proceeds of any insurance policy in which the city has created a lien pursuant to K.S.A. 40-3901, *et seq.*, and amendments thereto, are insufficient to pay the costs of the work and the costs of providing notice, such costs or any portion thereof in excess of that received from the sale of salvage or any insurance proceeds may be financed, until the costs are paid, out of the general fund or by the issuance of no-fund warrants.

(K.S.A. 12-1755; Code 2005)

4-612. IMMEDIATE HAZARD. When in the opinion of the governing body any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, the governing body may direct the enforcing officer to erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay. Such action may be taken without prior notice to or hearing of the owners, agents, lienholders and occupants. The cost of any action under this section shall be assessed against the property as provided in section 4-611. (K.S.A. 12-1756; Code 1996)

4-613. APPEALS FROM ORDER. Any person affected by an order issued by the governing body under this article may, within 30 days following service of the order, petition the district court of the county in which the structure is located for an injunction restraining the enforcing officer from carrying out the provisions of the order pending final disposition of the case. (Code 1996)

4-614. SCOPE OF ARTICLE. Nothing in this article shall be construed to abrogate or impair the powers of the courts or of any department of the city to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this article shall be in addition to and supplemental to the powers conferred by the constitution, any other law or ordinance. Nothing in this article shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise or to exercise those powers granted specifically by K.S.A. 12-1750:1756. (Code 1996)

ARTICLE 7. ONE AND TWO FAMILY DWELLING CODE

4-701. CODE ADOPTED. That certain documents, three copies of which are on file and are open for inspection of the public in the office of the city clerk of the city being marked and designated as:

CABO One and Two Family Dwelling Code, 1986 Edition, published by Building officials and Code Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60477; Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213; and International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601; including all of the chapters of the appendix specified in the code, except Section C-305.53 -- Building Service Equipment Inspections, which shall be amended to read as follows:

"C-305.5.3 -- Building Service Equipment Inspections. All building service equipment which is required as a part of a manufactured home installation, including accessory buildings and structures authorized by the same permit, shall be inspected by the authority having jurisdiction. Building service equipment shall be inspected and tested as required by the applicable codes. Such inspections and testing shall be limited to site construction and shall not include building service equipment which is a part of the manufactured home itself. No portion of any building service equipment intended to be concealed by any permanent portion of the construction shall be concealed until inspected and approved. Building service equipment shall not be connected to the water, fuel or power supply or sewer system until authorized by the authority having jurisdiction."; be and the same are hereby adopted as the code of the city for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all one and two family dwellings in the city providing for issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such Cabo One and Two Family Dwelling Code, 1986 Edition, published by the entities referred to above, all of which are on file in the office of the city of the city as hereby referred to, adopted and made a part hereof as if fully set out in this code.
(Ord. 651, Sec. 1; Code 1996)

4-702. PENALTY. (a) Any violation of this article shall be punished by a fine not to exceed \$500.00 or five days in jail, or by both the fine and imprisonment.

(b) The imposition of the penalty prescribed in this section shall not preclude the city from instituting an appropriate action to restrain, enjoin, correct or abate a violation of this article and specific authority for such is granted by this article.
(Ord. 651, Sec. 2:3; Code 1996)

ARTICLE 8. MECHANICAL CODE

4-801. INCORPORATING INTERNATIONAL MECHANICAL CODE. There is hereby incorporated by reference that certain code known as the International Mechanical Code, 2012 Edition, prepared and published in book form by the International Code Council, 3060 Saturn Street, Suite 100, Brea, California, as amended and applied by Sections 1 through 5 of Resolution Number 158-2014 of the Board of County Commissioners of Sedgwick County, Kansas. One copy of said International Mechanical Code, 2012 Edition, and Sedgwick County Resolutions Number 158-2014 shall be marked "Official Copy as adopted by Ordinance No. 875," to which shall be attached a copy of Ordinance No. 875, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

Any person violating any provision of such code shall be punished as provided in section 1-116 of this code.

(Ord. 875; Code 2016)

ARTICLE 9. PARABOLIC ANTENNAS

- 4-901. OBJECTIVE. The governing body desires to promote the health, safety, welfare, and aesthetic harmony of the community and it is the objective of the governing body to minimize potentially unfavorable effects of parabolic antennas on the surrounding areas. (Code 1976)
- 4-902. PARABOLIC ANTENNAS DEFINED. Parabolic Antennas (hereinafter sometimes referred to as antennas) are defined to include any circular, dish-shaped, or other shaped structure over 36 inches in diameter designed, used or intended to be used for transmitting or receiving communications or signals to or from a satellite or other communication source. (Code 1976)
- 4-903. RESTRICTIONS. It shall be unlawful for any person or entity to construct, maintain or locate a parabolic antenna except as hereinafter provided.
- (a) Not more than one parabolic antenna shall be constructed or maintained on any lot; providing, however, anyone selling at retail the antennas in a properly zoned district may exhibit same for sale, providing all other laws then in effect are strictly complied with.
- (b) The maximum diameter of a parabolic antenna, other than a roof mounted antenna, shall not exceed 12 feet.
- (c) All parabolic antennas, (other than roof-mounted), shall be located only within the rear or side yard and in addition shall be set back a minimum of six feet from all property lines.
- (d) No parabolic antenna may be installed on a portable or movable structure such as a trailer.
- (e) No advertising or business identification shall be permitted on the dish or screening.
- (f) The height of a pole-mounted antenna shall not exceed the height of the principal building.
- (g) Roof-mounted dish-type antennas shall not exceed eight feet in diameter.
- (h) All roof-mounted antennas shall be located at least 10 feet from any edge of any roof upon which it is located.
- (i) All antennas shall be located and constructed in accordance with the city's Uniform Building Code and shall comply in all respects with any setback requirements then in effect as well as any other ordinance relating thereto. (Code 1976)
- 4-904. FEE AND PERMIT. All parabolic antennas shall require a \$250.00 yearly permit fee. The application for the permit shall be accompanied by a plot plan drawn to scale and contain specifications, including property lines, setbacks, building locations and utility easements. No antenna shall be installed until such time as the permit has, in fact, been obtained. (Res. No. 151; Code 2005)

ARTICLE 10. MANUFACTURED HOUSING

4-1001. MANUFACTURED HOUSING CODE INCORPORATED. There is hereby incorporated by reference that certain code known as the Manufactured Housing Code prepared and published in book form by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, as amended by Resolution Number 13-2003 of the Board of County Commissioners of Sedgwick County, Kansas. One copy of the Manufactured Housing Code and Sedgwick County Resolution Number 13-2003 shall be marked "Official Copy as adopted by Ordinance No. 751," to which shall be attached a copy of Ordinance No. 751 and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

Any person violating any provision of such code shall be punished as provided in section 1-116 of this code.
(Ord. 751, Sec. 1; Code 2016)

4-1002. ADDITIONAL DEFINITIONS. (a) Residential Design Manufactured Home. A manufactured home on a permanent foundation which has minimum dimensions of 22 body feet in width, a minimum of 900 square feet of living area, a pitched roof, siding and roofing materials which are customarily used on site-built homes, and which complies with the architectural or aesthetic standards specified in the city code or those architectural or aesthetic standards as may be varied by the board of zoning appeals.

(b) Manufactured Home. A structure consisting of one or more mobile home components manufactured to the standards embodied in the federal Manufactured Home Construction and Safety Standards generally known as the HUD Code established pursuant to 42 U.S.C. 5403. Such unit shall provide all the accommodations necessary to be a dwelling unit and shall be connected to all utilities in conformance with applicable regulations. For the purposes of these regulations, the term manufactured home, when used by itself, shall not include a residential design manufactured home, as defined in these regulations.

(c) Mobile Home. A movable detached single family dwelling unit that was manufactured prior to 1976 or is not in conformance to the HUD Code as is now required for a manufactured home. Such units shall provide all of the accommodations necessary to be a dwelling unit and be connected to the utilities in conformance with all applicable regulations. A mobile home shall also include a manufactured home as defined herein when located in a mobile home park.

(d) Modular Home. A structure consisting on one or more components manufactured off-site in conformance to standards of the building code of the city and related technical codes and moved to the construction site for final assembly as a dwelling unit.

(Ord. 669, Sec. 1; Code 2005)

4-1003. PLACEMENT OF RESIDENTIAL DESIGN MANUFACTURED HOUSING. On and after January 1, 1992, residential design manufactured homes, as defined in these regulations, shall be permitted wherever one family dwellings are permitted, subject to the following architectural and aesthetic standards:

(a) The roof shall be covered with material that is customarily used on site-built dwellings, including but not limited to approved wood, asphalt composition shingles, or fiberglass, but excluding corrugated aluminum, corrugated fiberglass,

or metal roof. The roof shall have minimum eave prevention and roof overhang of 10 inches, which may include a gutter.

(b) Exterior siding shall be of a material customarily used on site-built dwellings, which does not have a high gloss finish, such as wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials, but excluding smooth, ribbed or corrugated metal or plastic panels. The siding material shall extend below the top of the exterior or the foundation or curtain wall or the joint between siding and enclosure wall shall be flashed in accordance with building codes adopted by the governing body.

(c) The home shall be installed on accordance with the recommended installation procedures of the manufacturer and the standards set by the International Conference of Building Officials (ICBO) and published in the most current edition of Guidelines for Manufactured Housing Installations. A continuous, permanent concrete or masonry foundation or masonry curtain wall, unpierced except for required ventilation and access which may include walkout basements and garages, shall be installed under the perimeter of the home, also in accordance with the above referenced ICBO Guidelines to Manufactured Housing Installations.

(d) At the main entrance door there shall be a landing that is a minimum of three feet on each side, which is constructed to meet the requirements of the building codes adopted by the governing body.

(e) All manufactured home running gear, tongues, axles, and wheels must be removed at the time of installation of the home on the lot.

(f) The finished floor of the residential-design manufactured home shall be a maximum of 24 inches above the exterior finish grade of the lot on which it is located, as measured at the main entrance into the dwelling.

(g) Any attached addition to a residential-design manufactured home shall comply with all construction requirements of the building codes adopted by the governing body. Architectural and aesthetic standards, as specified above, shall be applicable to all additions.

(h) Detached garages which may be constructed on the same lot as a residential-design manufactured home shall comply with all requirements of the building codes adopted by the governing body and with all architectural and aesthetic standards, as specified above.

(i) All zoning regulations concerning lot sizes, setbacks, etc., that pertain to conventional housing in the zone will also be required of Residential Design Manufactured Housing.

(j) These regulations do not supersede covenants which are currently in force on any given parcel.

(Ord. 669, Sec. 2; Code 2005)

4-1004. PLACEMENT OF ALL OTHER TYPES OF MANUFACTURED HOUSING. All other manufactured housing (mobile homes) not meeting the above requirements, shall be required to be placed with an area zoned for mobile homes and shall be governed by the existing regulations, provided, however, that all manufacturing housing to be located in Cheney must be manufactured to the standards embodied in the federal Manufactured Home Construction Code established pursuant to 42 U.S.C. 5403. (Ord. 669, Sec. 3; Code 2005)

ARTICLE 11. MOBILE HOMES

4-1101.

DEFINITIONS. As used in this article:

(a) Building - means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

(b)(1) Mobile Home - means a moveable, detached single-family dwelling unit with all of the following characteristics:

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

(B) Designed and constructed on a chassis that is capable of being transported after fabrication on its own wheels (or detached wheels);

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

(2) Mobile Home - does not include a modular home which is constructed with standardized units and dimensions for the purpose of installation upon a permanent foundation.

(c) Mobile Home Park - means a parcel of tract of land used or intended to be used by one or more occupied mobile homes. Mobile home park does not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the sole purposes of storage, inspection or sale.

(d) Mobile Home Space - means a plot of ground within a mobile home park which is to accommodate one mobile home and which provides service facilities for water, sewerage and electricity.

(e) Motor Home - means a unit designed as temporary living quarters; a coach body specifically designed, built as a part of a truck or van chassis motor home

(f) Occupancy, occupy or occupied means the use of any mobile home, recreational vehicle or motor home by any person living, sleeping, cooking or eating purposes for any period.

(g) Park - means mobile home park.

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

(i) Recreational Vehicle - shall not mean a mobile home. Recreational vehicle shall mean a unit designed as temporary living quarters for recreation camping or travel use. Units may have their own power or be designed or be drawn or mounted on an automotive vehicle. A travel trailer which shall be further defined as a vehicle practically ready for use either upon detachment from the towing vehicle or while remaining attached, and shall include truck campers, camping trailers, converted buses, or other similar units as determined by the city building inspector.

(j) Roadway - means any private street located within a park or camp and providing for the general vehicular and pedestrian circulation within the park.

(k) Service Building - means a building housing all of the following: separate toilet facilities for men and women, laundry facilities and separate bath or shower accommodations. Such building may also include other associated uses such as an office and recreational facilities for the park.

(Ord. 643, Sec. 1:2; Code 2005)

- 4-1102. LOCATION IN PARK REQUIRED; EXCEPTIONS. It is unlawful for any person to occupy a mobile home in the city unless such mobile home is located in park, except that this section shall not apply to the following:
- (a) A mobile home may be occupied at a construction site as an office or by a night watchman, when approved by the city building inspector, when deemed necessary for security purposes. Such permission may be canceled by the building inspector upon three days' written notice when, in his or her opinion, the intent of this section is being violated.
 - (b)(1) The planning commission of the city may permit as an exception the placement of a mobile home on any property in any district on a temporary basis, subject to the following conditions and requirements:
 - (A) The planning commission shall determine a reasonable time limit to be attached to each individual case.
 - (B) The applicant shall show due cause that hardship exists and this hardship cannot reasonably be alleviated without the granting of this permit.
 - (C) The location of such homes shall conform with all height and setback requirements of the district in which located and the off-street parking requirement, if any.
 - (D) The planning commission may include additional conditions as they deem necessary, to include but not limited to, extraordinary setbacks, landscaping and installation of utilities.
 - (2) Such application must be made to the city council and shall be in triplicate, in writing, signed by the applicant, and shall include the following: the name, address and telephone number of the applicant, location and legal description of the property where the mobile home is requested to be located, three copies of a plot plan drawn to scale and not less than one inch equal to 30 feet, showing the boundaries and dimensions of the application area, location of existing buildings and/or structures, if any, and how such mobile home will be located and connected to the utilities.
(Code 1976)

- 4-1103. RECREATIONAL VEHICLES AND MOTOR HOMES; LOCATION. (a) Unless in a properly zoned and permitted recreational vehicle park, it is unlawful for any person or entity to occupy a recreational vehicle or motor home within the corporate limits of the City of Cheney, Kansas unless a permit is obtained from the City.
- (b) A recreational vehicle or motor home may occupy a mobile home space in a mobile home park. Under no circumstances shall the number of mobile home spaces within the park occupied by a recreational vehicle or motor home exceed three spaces or five percent of the total number of mobile home spaces provided, whichever is larger. Further, any such recreational vehicle or motor home located in a mobile home park shall comply with the other requirements of this article as to location and safety.
 - (c) In districts zoned for single family residential use, the permit shall not allow occupancy for a period longer than seven consecutive days unless the primary structure is uninhabitable as the result of a fire, natural disaster or other catastrophic event, or the lot upon which the primary structure is located is larger than nine acres, then the permit shall not allow occupancy for a period longer than 100 consecutive days. The permit shall specify the location upon the premises of the recreational vehicle or motor home. Not more than two such permits shall be issued to any person or entity in any 12 month period. The permit fee shall be \$50 per permit. (Ord. 844; Code 2016)

- 4-1104. LICENSE; REQUIRED. (a) All persons owning or operating parks in good standing and developed and existing on the date of first publication of the ordinance codified in this article shall obtain a park license upon the expiration of their existing license, with such new license being issued only after approval by the city building inspector or city health officer or both such city officers, and only after payment of the required fee. The park licenses for both existing and new parks shall be renewed annually 12 months from the date of the previous license, after approval by the building inspector and after the payment of the required fee. No person shall own or operate a park without a current park license. No license shall be renewed unless the owner and operator is in compliance with the terms of this article.
- (b) All existing mobile home parks in good standing as of the date of first publication of the ordinance codified in this article shall not be required to comply with sections 4-1108 through 4-1112, 4-1116 through 4-1119, and 4-1121. The parks at all times shall, however, strictly comply with all of the remaining sections of this article and with existing city laws, rules and regulations. Any additions, extensions or modifications to any existing mobile home park in good standing as of the date of first publication of the ordinance codified in this article shall comply in all respects with all of the terms and conditions of this article.
- (Code 1976)
- 4-1105. COMPLIANCE WITH ARTICLE REQUIRED. No person shall occupy a mobile home in a mobile home park unless the terms and conditions of this article are complied with. (Code 1976)
- 4-1106. LICENSE AND PERMIT FEES. (a) The annual license fee for park shall be \$50.00 plus \$5.00 per trailer.
- (b) A temporary permit may be issued in accordance with section 4-1102 upon payment to a fee of \$10.00.
- (Res. No. 151; Code 2005)
- 4-1107. LICENSE; APPLICATION; CONTENTS. All persons owning, operating or developing new parks after the effective date of the ordinance codified in this article shall make application to the city building inspector for the appropriate park license. Application for mobile home parks may be made only after a development plan has been submitted and approved by the city council. The development plans shall include a sketch plan showing the relationship of the mobile home spaces to the roadways, parking, open space and other information affecting the overall environment of the park, which shall be submitted to the city council for approval or rejection. The application shall be in triplicate, in writing, signed by the applicant, and shall include the following: the name, address and telephone number of the applicant; the name and address of the owner of the mobile home park; the name and address of all parties operating the park; the location and legal description of the property where the mobile home park is requested to be located; three copies of a plot plan drawn to scale at not less than one inch equal to 30 feet, showing the boundaries and dimensions of the application area; location of existing buildings and/or structures, if any and how such mobile home will be located and connected to the utilities. (Code 1976)

- 4-1108. STORAGE LOCKERS. Storage lockers shall be designed in a manner that will enhance the park and shall be constructed of suitable weather-resistant material. Storage lockers shall not exceed four feet by 12 feet in size and shall be limited to one for each mobile home. (Code 1976)
- 4-1109. OFF-STREET PARKING. Surfaced off-street parking shall be provided for each mobile home space and any additional parking as required under the zoning ordinances of the city. No portion of the park roadways shall be used to provide the required off-street parking. (Code 1976)
- 4-1110. IDENTIFICATION OF ROADWAYS AND SPACES. All park roadways and mobile home spaces shall be clearly identified with letters or numerals of light-reflecting materials. Such letters or numerals shall be a minimum of two inches in height. (Code 1976)
- 4-1111. SCREENING. Whenever a mobile home park adjoins an arterial street or an area zoned other than for residential use, special protection shall be provided for the park by planning of the setback from such adjoining boundary to create a landscape buffer consisting of coniferous and deciduous plant material. (Code 1976, 14.04.100)
- 4-1112. LIGHTING. All mobile home parks shall be lighted in such manner as may be required of residential areas by ordinance presently in effect or which may be adopted by the governing body of the city. (Code 1976, 14.04.110)
- 4-1113. WATER SUPPLY. (a) Required. An accessible, safe and potable supply of water, as approved by the Wichita, Sedgwick County, Department of Public Health shall be provided in each mobile home park. If city water is available to the park, it shall be used. If city water is available, a utility easement of the distribution system shall be granted to the city for operation and maintenance purposes. The distribution system shall become the property of the city.
- (b) Service Connections. Individual water service connections shall be provided each mobile home space. Each such connection shall be coated at least four inches above ground surface, at least three-quarters-inch in diameter, and equipped with a three-quarters-inch valve outlet. The outlet shall be protected against freezing. Below ground shutoff valves may be used, but stop and waste valves shall not be used.
- (c) Private Water Supply. An adequate water supply shall be provided to all occupants of the mobile home park. Such water supply shall be in strict accordance with all laws, rules and regulations of the state and the city. (Code 1976)
- 4-1114. SEWAGE DISPOSAL. (a) Individual Sewer Connections. Sewer connections shall be provided for each mobile home space in accordance with the city building code and in accordance with good, safe and sanitary procedures, as dictated by the Wichita, Sedgwick County, Department of Public Health.
- (b) Location and Specifications. The location and specifications of any sewage disposal system and water supply system, the existing topography, and a drainage grading plan may be approved by the building inspector for construction only after the submitted plans have been approved by the city council and one plan

returned to the applicant. Approval and issuance of a park license for new parks shall not be made until construction, in accordance with the approved plans, has been completed.

(c) Other Requirements. In addition, the sewage system connections shall in all respects comply with any laws, rules and regulations adopted or to be adopted by the city.

(Code 1976)

4-1115. ADDITIONS TO EXISTING PARKS. An application for any addition to an existing park shall be processed as an application for a new park. Only those existing parks determined to be in compliance with the terms of this article may be expanded. The expansion of any parks shall conform to this article, and under no circumstances shall the total park area be less than the area required for a new park. (Code 1976)

4-1116. ZONING COMPLIANCE REQUIRED. All mobile homes and mobile home parks shall comply strictly with the city zoning laws and shall be placed only in those areas specifically zoned for mobile homes or mobile home parks.

(Code 1976)

4-1117. MINIMUM PARK AND LOT AREA. (a) No mobile home park shall be located in any area having less than five acres.

(b) Individual mobile home lots shall conform and comply in all respects with a minimum lot area required of single-family residences in the existing city ordinances or in any subsequent amendments or modifications thereto.

(Code 1976)

4-1118. SETBACK REQUIREMENTS. Setback requirements shall be the same as those presently required of single-family residences in the existing city ordinances or any modifications or amendments thereto. (Code 1976)

4-1119. GRADING AND DRAINAGE. All mobile home parks shall be located in accordance with Title 17 and shall be located on a well-drained site, properly graded to insure adequate drainage and freedom from stagnant pools of water. Plans and specifications for the drainage and grading system, including roadways, storm sewers and appurtenances and general grading and drainage, shall be prepared by a professional engineer. (Code 1976)

4-1120. INDIVIDUAL HOME CLEARANCE. All mobile homes, notwithstanding any other provisions in this article to the contrary, shall be so located as to maintain a clearance of not less than 12 feet from another mobile home.

(Code 1976)

4-1121. ROADWAYS AND SIDEWALKS. All mobile homes shall abut upon a park roadway. All roadways shall not be less than 36 feet, including curbs on each side, four foot sidewalk not less than four inches thick being provided adjacent to each curb in all mobile home parks. In those instances where a park roadway adjoins a public street or highway, a sidewalk need only be provided adjacent to the interior side of such roadway. All roadways shall have unobstructed access to a public street or highway, with all dead end roadways being provided an adequate vehicular turn-around with a diameter of not less than 80 feet. All park roadway

shall be surfaced with concrete, asphaltic concrete or asphalt to the minimum standard insofar as flexible or rigid pavement is included in the minimum property standards for mobile home courts as published by the Federal Housing Administration.

(Code 1976)

- 4-1122. **RODENT AND INSECT INFESTATIONS PROHIBITED.** The mobile home parks shall be kept free of breeding, harboring and feeding places for rodents and insects. All such areas shall be kept free of litter, trash, salvage material, junk and weeds or other obnoxious vegetation growths in excess of 12 inches in height. Individual mobile home occupants shall be responsible for the extermination of any insect or rodent infestations occurring within individual mobile homes.

(Code 1976)

- 4-1123. **ELECTRIC WIRING.** A weatherproof electrical outlet supplying at least 110 volts shall be provided for each mobile home space. All electrical wiring shall comply with applicable provisions of the city electrical code. No power lines shall be permitted to lie on the ground or to be suspended less than 15 feet above the ground over any roadway, parking or service area. (Code 1976)

- 4-1124. **REGISTER REQUIRED; CONTENTS; RECORD KEEPING.** It shall be the duty of the person operating each mobile home park to keep a register containing a record of all mobile homes and tenants located within each park. The register shall contain the name and address of each occupant; the make, model, year and manufacturer of each mobile home; and the dates of arrival and departure of each mobile home, including the names of the contractors responsible for connections to the utilities. The person operating each mobile home park shall keep the register available for inspection, at all reasonable hours, by law enforcement officers, building inspectors and public health officials, and others whose duties necessitate the acquisition of the information contained in the register. The original records of the register shall not be destroyed for a period of three years following the date of registration. (Code 1976)

- 4-1125. **GROUND ANCHORS.** Every new or relocated mobile home installed after the effective of Ordinance No. 512 shall be anchored in the following manner:

(a) Ground anchors shall be attached both to the frame and to straps or cables that pass from one side over the top and down the opposite side.

(b) Ground anchors shall be clearly marked with identification as required by K.S.A. Supp. 75-1228, and as noted on approved certificates issued by the Director of the Architectural Service Division of the State Department of Administration.

(c) Each ground anchor shall be capable of withstanding a vertical pull force of 4,750 pounds in place.

(d) The number of anchors required shall be: three for mobile homes not less than 32 feet nor more than 50 feet in length; four for mobile homes more than 50 feet or not more than 70 feet in length; and five for mobile homes more than 70 feet in length. Anchors shall be spaced such that each anchor will resist approximately the same force as the others.

(e) In addition, when no inconsistent herewith, all mobile homes shall be tied down and contain ground anchors in accordance with K.S.A. 75-1226, et seq.

(Code 1976)

- 4-1126. GROUND ANCHOR CONNECTIONS. Every new or relocated mobile homes installed after the effective date of the ordinance codified in this article, and regulated under this article, shall have anchorage in the following manner:
- (a) Strap or cable tie-downs used to connect the mobile home to its anchors shall be of a type that is marked with identification as required by K.S.A. Supp. 75-1228, and as noted on approved certificates issued by the Director of Architectural Services Division of the State Department of Administration.
 - (b) Corner roof protectors shall be used with over-the-top cables or straps which are not factory-installed with the mobile home.
(Code 1976)
- 4-1127. FOUNDATIONS. Every new or relocated mobile home installed after the effective date of the ordinance codified in this article and regulated under this article shall be mounted on masonry piers as follows:
- (a) Footings shall be placed on undisturbed soil from which grass or organic material has been removed. Footings shall consist of not less than two eight-inch by eight-inch by 12-inch long concrete blocks, with flat faces against the soil and the long dimension of each block parallel with the frame.
 - (b) Mobile homes shall be supported by masonry piers having a bearing strength equal to an eight-inch by eight-inch by 16-inch concrete block with cells placed vertically. Blocks shall be not more than four units high unless specially designated by a registered architect or engineer. The pier blocks shall be set with their long dimension at right angles to the longitudinal frame of the mobile home. Piers shall be spaced immediately in front of and behind the axle mounting. Spacing shall not exceed eight feet on centers along the girders.
 - (c) Wood leveling shims may be inserted between the girder and pier but may be no more than four inches thick.
(Code 1976)
- 4-1128. COMPLIANCE RESPONSIBILITY. It shall be the responsibility of the owner of any mobile home park to see that the terms and conditions of this article are strictly complied with, and, in addition, the occupant of any mobile home shall likewise comply with the terms and conditions of this article insofar as the terms and conditions are applicable to the occupant. (Code 1976)
- 4-1129. PENALTY. Any person who violates any provision of this article is guilty of a code violation and shall be punished by a fine of not more than \$500.00 or by imprisonment in the county jail for a period of not exceeding one year, or by both such fine and imprisonment. Each day that a violation of this article occurs constitutes a separate offense and is punishable hereunder as a separate violation.
(Code 1976)

**ARTICLE 12. DRILLING AND OPERATION OF
OIL AND GAS WELLS**

- 4-1201. WELL DEFINED. A well or wells for the purpose of this article shall mean any well drilled, or to be drilled, or used, for the production of petroleum and natural gas. (Code 1976)
- 4-1202. DRILLING PERMIT; REQUIRED. It is unlawful for any person to drill or commence operations for the drilling of a well at any place where otherwise lawful within the corporate limits of the city without first having obtained from the governing body of the city a permit and authorization therefor as hereinafter provided. (Code 1976)
- 4-1203. DRILLING PERMIT; FILING APPLICATION WITH CITY CLERK; DEPOSIT. The applicant for a permit as provided for in the preceding section shall file with the city clerk an application in writing conforming to the further provisions of this article, and shall at such time deposit with the city clerk a fee of \$500.00, which shall, upon the granting of the permit, be paid into the city treasury to the credit of the general operating fund; provided, that in the event such permit is not granted, \$100.00 of such fee shall be retained by the city as an application fee and credited to the above fund and the balance shall be refunded to applicant. (Code 1976)
- 4-1204. DRILLING PERMIT; ACTION ON APPLICATION BY GOVERNING BODY; HEARINGS. The application for a permit to drill a well shall be submitted to the governing body by the city clerk at any regular or special meeting thereof within not to exceed 60 days after filing. Prior to such submission, the city clerk shall publish notice in the official city paper of the time and place of the hearing of the application by the governing body. Any such hearing may be adjourned by such board from time to time until completed without any new or additional published notice. (Code 1976)
- 4-1205. DRILLING PERMIT; CONDITIONS GENERALLY. The governing body shall, upon determination that the application for a well drilling permit conforms to the conditions of this article, authorize the issuance of a permit granting authority to drill the proposed well. The permit shall be conditioned to conform to the approval of the governing body; provided, that upon the completion of the well the permittee shall file a completion report with the city engineer showing the drilled depth of the well, the depth of the surface casing and the producing horizon being developed. Not more than one well shall be completed in the same producing horizon in a drilling unit. (Code 1976)
- 4-1206. DRILLING PERMIT; INFORMATION AND EVIDENCE TO BE SUBMITTED AS CONDITION FOR GRANTING PERMIT. The applicant for any permit to drill a well in the city shall submit the following information and evidence as a condition for the granting of a permit hereunder:
- (a) Satisfactory evidence that all owners of record of mineral interests or oil and gas leasehold interests in the area attributable or which might be attributed by unitization or declaration to drill-unit, where it is proposed to drill a well have and an opportunity to joint in the execution of the oil and gas lease of the applicant

covering the land included in such unit or attributed areas, and that such owners of mineral interests or oil and gas leasehold interests have been notified in writing that the applicants propose to seek a permit for the drilling of a well on the until described in such notice. In the event that such owners cannot with reasonable diligence be located, then affidavits setting forth the facts thereof may be substituted for the required proof of written notice;

(b) That the applicant has a valid oil and gas lease executed by persons owning at least 51 percent of the mineral interest included in the unit or attributed thereto, exclusive of streets and alleys, subject, however, to the provisions of the zoning ordinances relating to drilling of wells;

(c) Statements that the lease provide or is accompanied by an agreement in writing providing substantially as follows: That a royalty of at least one-eighth of the gross production of the well shall be distributed to the respective owners of the mineral rights within the unit pro rata; and that any owner, lessee, assigns or successors whose land shall not be under lease to the permittee, and shall be located within the unit, shall have the right, within 10 days after the granting and publication of notice of a permit for the drilling of any well to post with the city clerk a good and sufficient corporate surety bond, or a personal bond acceptable to the permittee, to guarantee payment of his, her or their proportionate share of the cost of the drilling and operation of the proposed well and be thereby entitled to participate in the entire working interest in the well after payment of his or her share of expenses in the portion that the mineral interests in the unit owned or leased by him or her bears to the total mineral interest contained in the unit;

(d) A map or plat of the area covered by the oil and gas lease, showing the proposed location of each well, together with the written consent of the owner of the land, which map or plat shall also show the location of all residences, buildings, and other structures within 150 feet of such proposed location;

(e) Agreements or statements showing reasonable and adequate plans for the handling and disposal of all drilling fluids, basic sediment, brines and other deleterious substances and wastes that may be produced in connection with the drilling and operation of the proposed well;

(f) Plans and drawings showing the facilities for the handling or storing of production of the proposed well;

(g) Statements of agreements that in the event the well is either nonproductive or abandoned, within 60 days after the determination thereof, that all tools, equipment, and machinery used in connection with the drilling of the well shall be removed, and that the premises shall be fully restored to their original condition as soon as practicable and in no case more than 60 days after such determination;

(h) Statements of agreement that if such well is productive, only the tools, machinery, structures and equipment necessary for the operation thereof shall be maintained at such well and that the premises surrounding the same shall be restored to their original condition as nearly as practicable and within 60 days after completion of the well.

(Code 1976)

4-1207. DRILLING PERMIT; DURATION. The permit to drill a well shall be valid only in the event and for so long as the permittee shall faithfully comply with the conditions of this article and of the permit authorized in accordance therewith, and only so long as there is production from or other lawful use made of the well.

(Code 1976)

- 4-1208. DRILLING PERMIT; NON-ASSIGNABLE. No permit authorized by this article shall be assignable or assigned without the approval of the governing body. (Code 1976)
- 4-1209. AUTHORIZATION TO LAY PIPELINES IN STREETS, ETC.; REQUIRED. If any applicant or other party shall desire to lay pipelines in the streets, public grounds, or alleys in the city for transmission of petroleum or gas or any waste fluid from any well or drilling location within the boundaries of the city, authorization therefore, as provided by law, shall be obtained from the governing body and as a prerequisite to such authorization. The person seeking same shall provide detailed plans and specifications for constructing and maintaining such pipelines and for restoration, so far as practicable, of streets, grounds and alleys, wherever damaged by such construction, to as good condition as existed immediately prior to the damage, which plans and specifications shall be approved by the city engineer prior to granting such authorization. (Code 1976)
- 4-1210. SURETY BONDS REQUIRED. (a) The applicant shall at the time of filing an application for a well permit, submit for the approval of the governing body a corporate surety bond executed by some bonding or surety company authorized to do business in the state, or a personal surety bond, in the amount of \$50,000 payable to the city, conditioned for the full and faithful compliance with all the terms and provisions of this article and the conditions of the permit authorized thereby, and to save and hold the city free and harmless from all suits or damages sustained by the city in the event that any claim for damage or injury is maintained against the city as a result of the activities of the applicant in drilling or operating a well. All such bonds shall be renewed immediately prior to their termination and shall remain in force and be binding upon the principal and surety unless canceled by giving 30 days' notice in writing to the city clerk, and the surety shall not be liable for any loss after the expiration of 30 days from the date specified in the notice, except for loss occurring while the bond is in full force and effect. Upon the expiration of any such bond, a new bond shall be filed by the principal in such amount as in the case of an original bond.
- (b) In the event that any permittee shall have furnished such bond as required for a permit and there shall be no unsatisfied claim upon such bond at the time of the application for a subsequent permit to drill a well, no further bond shall be required for any subsequent permit to drill a well, no further bond shall be required for any subsequent permit, but in such event there shall be endorsed on the bond the identification of the subsequent permit for which the bond is made applicable; provided, that if there shall be an unsatisfied claim against the existing bond at the time of the application for a subsequent permit, the governing body, at its discretion, may require an additional bond in the aforesaid amount or any lesser amount as may be determined.
- (c) The amount of the surety bond heretofore required may be reduced to \$5,000 from and after the completion of any well upon filing a new or amended bond conditioned and approved as in the case of the original bond, except for the amount. The bond shall be renewed and filed during the continued operation of the well and for a period of six months thereafter or until the premises have been cleared of obstructions and restored to their original condition as required by this article. (Code 1976)

4-1211. INDEMNITY OR CASUALTY INSURANCE REQUIRED. (a) The applicant for a well permit shall submit a policy of indemnity or casualty insurance, issued by some responsible insurance company authorized to do business in the state, and naming the city as co-insured, insuring against injuries, loss or damage for which the applicant may be liable as the result of the drilling, operation or maintenance of any well or any structure or machinery appurtenant thereto. The insurance coverage shall be in the following amounts:

- (1) \$300,000 for injury to any one person in any occurrence;
- (2) \$500,000 for injury to more than one person in any occurrence;
- (3) \$500,000 for loss or damage to property in any one occurrence.

(b) A copy or certificate of the policy shall be deposited with the city clerk, together with a certificate by the insurance company that such insurance is in force and shall not be canceled without 30 days' written notice thereof to the city. The insurance shall be renewed immediately prior to the end of the term thereof and shall be maintained during the entire period of drilling or operation of a well.

(Code 1976)

4-1212. DRILLING SITE. All wells hereafter commenced or drilled within the city limits of the city shall be drilled as nearly as practicable on a location consisting of at least 10 acres, more or less; provided, that the governing body of the city at the time of the granting of a license or a permit as hereinbefore provided, may permit such variations as may be deemed necessary in the amount of acreage required, the location of the drill site, and the shape of the location, depending upon geographical factors, and topographical features of the land embraced by the location. No well shall be drilled within 150 feet of any residence or commercial building or buildings unless the governing body of the city determines otherwise, based upon a satisfactory showing that all residences or commercial building or buildings will be adequately protected. (Code 1976)

4-1213. SPECIFIC DRILLING AND PRODUCTION REQUIREMENTS. The issuance and continued validity of a permit and the authorization for the drilling or operation of a well, authorized thereby, shall be conditioned upon compliance by the permittee with the following rules and regulations and any departure therefrom shall constitute a violation of this article:

(a) The surface pipe must be run and set at least 10 feet into the Wellington Shale and in no event less than 300 feet into the ground.

(b) The surface pipe must be solidly cemented from top to bottom on the outside of the pipe.

(c) Adequate precautions shall be taken and necessary well head safety devices used at all times during the drilling and completion of the well; and all drill stem tests shall be reverse circulated to confine fluids to pits in accordance with the most acceptable practices.

(d) Locations and equipment shall at all times during drilling operations be fenced by either a temporary portable type snow fencing at least four feet high or other fencing equally acceptable.

(e) Upon completion of a well, the pumping unit, tank battery and other permanent production equipment shall be enclosed within a chain or wire mesh fence six feet in height supported by steel posts set in concrete to a depth of at least 18 inches; and on top of such fence there shall be placed and maintained a protruding extension of three barb wires, the lowest of which shall be at least seven feet above ground, extended on bars at an angle of 45 degrees to the outside, and

all gates forming a part of such fence shall be kept closed and locked at all times except when in active use by the operator.

(f) All slush ponds and pits shall be of metal or concrete construction.

(g) At no time shall fluids of any kind be run into or stored in earthen pits.

(h) All pumping units shall be set on a steel or concrete base and the surface of the ground around the well shall be graded to surrounding ground.

(i) All pumping units must be electrically driven and equipped with belt safety guards.

(j) All petroleum storage tanks shall be of a vapor tight construction. No gas or fumes from any storage tank, oil separator or casing head shall be allowed to escape into the open air without burning; and such waste products from tanks, separators and casing heads shall be vented and burned at a height at least five feet above the nearest adjacent buildings to the site, but in no event less than 30 feet above ground level.

(k) All storage tanks shall be located within a diked area not less than two feet in height covering an area sufficient to contain and hold one and one-half times the entire liquid capacity of all tanks therein.

(l) All production equipment, structures and premises shall at all times be maintained and kept in a clean, sanitary and tidy condition; and all structures shall be of incombustible materials.

(Code 1996)

4-1214. ADDITIONAL REQUIREMENTS BY GOVERNING BODY. At the time of granting any permit under the provisions of this article, the governing body may make requirements in addition to those contained therein as may be reasonably necessary for the protection of persons and property in the city.
(Code 1976)

4-1215. LICENSES. (a) A license fee is levied upon the owner or operator of every completed and operated well in the corporate limits in the following amounts:

(1) Producing petroleum or gas wells - \$300.00 per year;

Such fees shall be paid to the city clerk within not more than 20 days after completion of any well. The city clerk thereupon shall issue a license which shall be valid for a period of 12 calendar months from and after completion date of the well. The license shall not be transferable nor prorated for any unused period. The fees so paid shall be deposited in the city treasury to the credit of the general operating fund and budgeted for the payment of the costs of administration of this article.

(b) The license required in this section shall be renewed annually and the fee therefor paid at 12 month intervals from the date of the first license and until the operation of any well so licensed shall be discontinued, the well abandoned, and the premises cleared as provided by section 4-1206.

(Res. No. 151; Code 2005)

4-1216. ABANDONED WELLS. All abandoned wells which shall not be used and equipped for disposal purposes shall be filled and plugged in accordance with applicable rules of the agencies of the state having jurisdiction thereof.
(Code 1976)

- 4-1217. ADDITIONAL REQUIREMENTS. At the time of granting any permit under the provisions of this article, the city may make such requirements in addition to those contained herein as may be reasonably necessary for the protection of persons and property in the city or in the territory likely to be affected by the drilling or operation of the well or wells. (Code 1976)
- 4-1218. REVOCATION OF PERMIT. Upon any violation of the conditions of any permit, license, authorization or any other provisions of this article, the city council may, upon a hearing, after five days' written notice by mail or personal service to a person committing such violation, or if the address of the permittee or licensee is unknown and he or she cannot be found in the city after the expiration of five days of the date of publication of notice of any such hearing in the official city newspaper, revoke such permit, license or authorization, providing; however, that if in the judgment of the city council restitution is made for any damage occasioned by such violation, together with adequate provisions to prevent any further violation by the permittee or licensee, the city council may waive revocation of any permit or license, but the same shall not affect any penalty otherwise provided for the violation of this article. (Code 1976)
- 4-1219. CORPORATION OF OFFICERS LIABLE. It is understood that the officers of any corporation applying for a permit hereunder shall be personally liable to the city and shall be personally responsible for complying with all of the terms and conditions of this article. (Code 1976)
- 4-1220. PENALTY. Any person hereafter drilling or commencing operations for the drilling of any wells in violation of this article, or thereafter pumping or operating any well in violation of this article, shall, upon conviction thereof, be punished by a fine of not less than \$200.00 nor more than \$500.00 or by imprisonment in jail for not more than 30 days, or both such fine and imprisonment. Each day's violation of this article shall be deemed a separate offense. (Code 1976)

ARTICLE 13. RESIDENTIAL CODE

- 4-1301. INTERNATIONAL RESIDENTIAL CODE INCORPORATED. There is hereby incorporated by reference that certain code known as the International Residential Code, 2012 Edition, prepared and published in book form by the International Code Council, Inc., 3060 Saturn Street, Suite 100, Brea, California 92821, as amended and applied by Sections 1 through 32 of Resolution Number 106-2015 of the Board of County Commissioners of Sedgwick County, Kansas. One copy of the International Residential Code, 2012 Edition, and Sedgwick County Resolution Number 106-2015 shall be marked "Official Copy as adopted by Ordinance No. 880," to which shall be attached a copy of this Ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. (Ord. 880; Code 2016)

ARTICLE 14. PORTABLE STORAGE UNITS

- 4-1401. DEFINITION For the purpose of this Article, "Portable Storage Unit" shall mean any container designed for the storage of personal property, which is placed upon any real property, and is typically rented to owners or occupants of real property for their temporary use, and is delivered or can then be transported to another location by an appropriate truck, tractor trailer or other motorized equipment (including those items known as Portable Storage Containers, portable on demand storage, and PODS). (Ord. 833; Code 2016)
- 4-1402. SAME; USE. (a) A Portable Storage Unit may be temporarily placed without a permit upon any real property zoned residential within the City of Cheney, Kansas for a time period not to exceed 30 days, no more than 2 times per calendar year. Upon showing of good cause, the City Administrator is hereby authorized to extend this time period for up to an additional 30 days (for a maximum time period of 60 days), or to increase the allowed frequency to 3 times per calendar year.
(b) Additionally, in conjunction with a building permit, a Portable Storage Unit may be temporarily placed upon the real property zoned residential subject to the building permit for the duration of the initial building permit period plus 10 days before and 10 days after the building permit period. However, the City Administrator has the discretion to shorten or otherwise limit this time period based upon evaluation of the scope of the permitted project. (Ord. 833; Code 2016)
- 4-1403. SAME; CONDITIONS. The placement and utilization of a Portable Storage Unit pursuant to this Article is conditioned upon compliance with the following requirements:
(a) The Portable Storage Unit must be maintained in a safe and clean manner, and in good condition and repair.
(b) The Portable Storage Unit cannot be placed in the right-of-way, in a manner blocking any sidewalk, fire department access or the line-of-sight of traffic, or in any other manner creating any peril or danger to persons or property.
(c) The Portable Storage Unit may only be used to store non-hazardous personal property that is directly related to the use of the real property upon which the Portable Storage Unit is placed or to the occupants or owners therein, and may not be used to store the personal property of any other person or entity who is not an owner or occupant of said real property, except when utilized in conjunction with a building permit.
(d) The Portable Storage Unit cannot contain any commercial personal property or be used for any commercial purpose, except to the extent used by a contractor in conjunction with any allowed construction or remodeling on or related to said property. (Ord. 833; Code 2016)
- 4-1404. SAME; VIOLATION. If the City Administrator determines that a Portable Storage Unit is being utilized and/or maintained in violation of any applicable provision of this Article, he or she shall issue a written notice of violation to the person utilizing said Portable Storage Unit describing the violation and providing a reasonable time to remove or bring the Portable Storage Unit into compliance. (Ord. 833; Code 2016)

4-1405. SAME; PENALTY. Any person who fails to comply with a written notice of violation issued by the City Administrator pursuant to this Article after the expiration of the time set forth therein, shall, upon conviction thereof by the Cheney Municipal Court, be required to pay a fine of not more than \$100.00 for each violation. (Ord. 833; Code 2016)