

(Published in the Andover Journal-Advocate on the 29th of May, 2008)

CITY OF ANDOVER, KANSAS
ORDINANCE NO. 1385

AN ORDINANCE REPEALING AND REPLACING ARTICLE 1 OF CHAPTER IV, BUILDING AND CONTRUCTION, OF THE CODE OF THE CITY OF ANDOVER;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANDOVER, KANSAS:

SECTION 1. Chapter IV, Article 1 of the Code of the City of Andover, Kansas shall be repealed and adopted to read as follows:

4-101 TITLE. This article shall be known as the Administration, Permits, Licensing and Fees section of Chapter IV of the Code of the City of Andover, Kansas.

4-102 CREATION OF ENFORCEMENT AGENCY. The Department of Building Inspection and Code Enforcement is hereby created and the official in charge thereof shall be known as the Building Official. The Building Official shall have the authority to enforce the Building, Residential Building, Electrical, Mechanical, Plumbing, Property Maintenance, and Nuisance Codes and other codes as adopted by the City of Andover, Kansas.

4-103 PERMIT FEES. Building, electrical, mechanical, plumbing and fire code permit fees are hereby established by the following tables. The rates identified by 'X' shall be set by resolution of the City Council, and may be subject to review and revisal as deemed necessary. Permits will be classified and billed according to the following system:

TABLE 3-A BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1.00 TO \$500.00	\$ x x
\$501.00 TO \$2,000.00	Base rate the first \$500 plus \$x.xx for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,0001.00 TO \$25,000.00	\$xx.xx for the first \$2,000.00 plus \$x.xx for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 TO \$50,000.00	\$xxx.xx for the first \$25,000 plus \$x.xx for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 TO \$100,000.00	\$xxxx.xx for the first \$50,000.00 plus \$x.xx for each additional \$1,000 or fraction thereof, to and including \$100,000.00

\$100,001.00 TO \$500,000.00	\$xxx.xx for the first \$100,000.00 plus \$x.xx for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 TO \$1,000,000.00	\$x,xxx for the first \$500,000.00 plus \$x.xx for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$x,xxx.xx for the first \$1,000,000 plus \$x.xx for each additional \$1,000.00 or fraction thereof

Other Inspections and Fees:

1. Inspections outside of normal business hours(minimum charge--two hours) \$xx.xx per hour
2. Reinspection fees assessed \$xx.xx per hour
3. Inspections for which no fee is specifically indicated (minimum charge--one half hour) \$xx.xx per hour
4. Additional plan review required by changes, additions or revisions to approved plans(minimum charge--one half hour) \$xx.xx per hour

*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

Plan Review Fees

Plan Review fees shall be calculated as 65% of the Building Permit fee.

TABLE 3-B ELECTRICAL PERMIT FEES

Permit Issuance

For the issuance of each permit	\$xx.xx
For issuing each supplemental permit	\$x.xx

SYSTEM FEE SCHEDULE

(Note: The following do not include permit-issuing fee.)

New Residential Buildings

The following fees shall include all wiring and electrical equipment in or on each building, or other electrical equipment on the same premises constructed at the same time

For new multifamily residential buildings (apartments and condominiums) having three or more living units not including the area of garages, carports and other noncommercial automobile storage areas constructed at the same time, per square foot	\$ x
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For new single-and two-family residential buildings not including the area of garages, carports and other minor accessory buildings constructed at the same time, per square foot.	\$ x
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For other types of residential occupancies and alterations, additions and modifications to existing residential buildings, use the UNIT FEE SCHEDULE.	
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Private Swimming Pools

For new private, residential, in-ground, swimming pools for single family and multifamily occupancies including a complete system of necessary branch circuit wiring, bonding, grounding, underwater lighting, water pumping and other similar electrical equipment directly related to the operation of a swimming pool, each \$x

For other types of swimming pools, therapeutic whirlpools, spas and alterations to existing swimming pools, use the **UNIT FEE SCHEDULE**.

Carnivals and Circuses

Carnivals, circuses, or other traveling shows or exhibitions utilizing transportable-type rides, booths, displays and attractions

For electric generators and electrically driven rides, each \$x

For mechanically driven rides and walk-through attractions or displays having electric lighting, each \$x

For a system of area and booth lighting, each \$x

For permanently installed rides, booths, displays and attractions, use the **UNIT FEE SCHEDULE**

Temporary Power Service

For a temporary service power pole or pedestal including all pole or pedestal-mounted receptacle outlets and appurtenances, each \$x

For a temporary distribution system and temporary lighting and receptacle outlets for construction sites, decorative light, Christmas tree sales lots, firework stands, etc., each \$x

UNIT FEE SCHEDULE

(Note: The following do not include permit issuing fee.)

Receptacle, Switch and Lighting Outlets

For receptacle, switch, lighting or other outlets at which current is used or controlled, except services, feeders and meters.

First 20 each \$x

Additional outlets, each \$x

Note: For multioutlet assemblies, each 5 feet or fraction thereof may be considered as one outlet.

Lighting Fixtures

For lighting fixtures, sockets or other lamp-holding devices \$x

First 20, each \$x

Additional fixtures, each \$x

For pole or platform-mounted lighting fixtures, each \$x

For theatrical-type lighting fixtures or assemblies, each \$x

Residential Appliances

For fixed residential appliances or receptacle outlets for same, including wall-mounted electric ovens; counter-mounted cooking tops, electric ranges, self-contained room, console, or through-wall air conditioners; space heaters; food waste grinders; dishwashers; washing machines; water heaters; clothes dryers; or other motor-operated appliances not exceeding one horsepower (HP) in rating, each \$ x

Note: For other types of air conditioners and other motor- driven appliances having larger electrical ratings, see Power Apparatus.

Nonresidential Appliances

For residential appliances and self-contained factory-wired nonresidential appliances not exceeding one horse-power (HP), kilowatt (KW, or kilovolt ampere (KVA) in rating including medical and dental devices; food beverage, and ice cream cabinets; illuminated show cases; drinking fountains; vending machines; laundry machines; or other similar types of equipment, each \$ x

Note: For other types of air conditioners and other motor-driven appliances having larger electrical ratings, Power Apparatus.

Power Apparatus

For motors, generators, transformers, rectifiers, synchronous converters, capacitors, industrial heating, air conditioners and heat pumps, cooking or baking equipment and other apparatus, as follows:

Rating in horsepower (HP), kilowatts (KW), kilovolt-amperes (KVA), or kilovolt-amperes-reactive (KVAR):

UP TO AND INCLUDING 1, each	\$ x
Over 1 and not over 10, each	\$ x
Over 10 and not over 50, each	\$ x
Over 50 and not over 100, each	\$ x
Over 100, each	\$ x

Note:

1. For equipment or appliances having more than one motor, transformer, heater, etc., the sum of the combined ratings may be used.
2. These fees include all switches, circuit breakers, contractors, thermostats, relays and other directly related control equipment.

Busways

For trolley and plug-in-type busways, each 100 feet or fraction thereof \$ x

Note: An additional fee will be required for lighting fixtures, motors and other appliances that are connected to trolley and plug-in-type busways. No fee is required for portable tools.

Signs, Outline Lighting and Marquees

For signs, outline lighting systems or marquees supplied from one branch circuit, each \$ x

For additional branch circuits within the same sign, outline lighting system or marquee, each \$ x

Services

For services of 600 volts or less and not over 200 amperes in rating, each \$ x

For services of 600 volts or less and over 200 amperes to 1000 amperes in rating, each	\$ x
For services over 600 volts or over 1000 amperes in rating, each	\$ x
Miscellaneous Apparatus, Conduits and Conductors	
For electrical apparatus, conduits and conductors for which a permit is required but for which no fee is herein set forth	\$ x
Note: This fee is not applicable when a fee is paid for one or more services, outlets, fixtures, appliances, power apparatus, busways, signs or other equipment.	

TABLE 3-C MECHANICAL PERMIT FEES

Permit Issuance

For issuance of each permit	\$xx.xx
For issuing each supplemental permit	\$x.xx

UNIT FEE SCHEDULE

(Note: The following do not include permit-issuing fee.)

1. For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, up to and including 100,000 Btu/h \$ x
2. For the installation or relocation of each forced-air or gravity-type furnace or burner including ducts and vents attached to such appliance over 100,000 Btu/h \$ x
3. For the installation or relocation of each floor furnace, including vent \$ x
4. For the installation or relocation of each suspended heater, recessed wall heater or floor-mounted unit heater \$ x
5. For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit \$ x
6. For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, absorption unit, or each heating, cooling, absorption, or evaporative cooling system, including installation of controls regulated by this code \$ x
7. For the installation or relocation of each absorption system to and including three horsepower, or each absorption system to and including 100,000 Btu/h \$ x
8. For the installation or relocation of each boiler or compressor over three horsepower to and including 15 horsepower, or each absorption system over 100,000 btu/h including 500,000 Btu/h and including 500,000 Btu/h \$ x
9. For the installation or relocation of each boiler or compressor over 15 horsepower to and including 30 horsepower, or for each absorption system over 500,000 Btu/h to and including 1,000,000 Btu/h \$ x
10. For the installation or relocation of each boiler or compressor 30 horsepower to and including 50 horsepower, or for each absorption system over 1,000,000 Btu/h to and including 1,750,000 Btu/h \$ x
11. For the installation or relocation of each boiler or refrigeration compressor over 50 horsepower, or each absorption system over 1,750,000 Btu/h \$ x
12. For each air-handling unit to and including 10,000 cubic feet per minute, including ducts attached thereto \$ x

Note: this fee shall not apply to an air-handling unit which is a portion of a factory-assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in this code

13. For each air-handling unit over 10,000 cfm	\$ x
14. For each evaporative cooler other than portable type	\$ x
15. For each ventilation fan connected to a single duct	\$ x
16. For each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit	\$ x
17. For the installation of each hood which is served by mechanical exhaust, including the ducts for such hood	\$ x
18. For the installation or relocation of each domestic-type incinerator	\$ x
19. For the installation or relocation of each commercial or industrial-type incinerator	\$ x
20. For each appliance or piece of equipment regulated by this code but not classed in other appliance categories, or for which no other fee is listed in this code	\$ x

TABLE 3-D PLUMBING PERMIT FEES

Permit Issuance

For issuance of each permit	\$xx.xx
For issuing each supplemental permit	\$x.xx

UNIT FEE SCHEDULE

(Note: The following do not include permit-issuing fee.)

1. For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping, and backflow protection therefore)	\$ x
2. For each building sewer and each trailer park sewer	\$ x
3. Rainwater systems--per drain (inside building)	\$ x
4. For each cesspool (where permitted)	\$ x
5. For each private sewage disposal system	\$ x
6. For each water heater and/or vent	\$ x
7. For each industrial waste pretreatment interceptor including its trap and vent, excepting kitchen-type grease interceptors functioning as fixture traps	\$ x
8. For installation, alteration, or repair of water piping and/or water treating equipment, each	\$ x
9. For repair or alteration of drainage or vent piping, each fixture	\$ x
10. For each lawn sprinkler system on any one meter, including backflow protection devices therefore	\$ x
11. For atmosphere-type vacuum breakers not included in Item 2:	
1 to 5	\$ x
over 5, each	\$ x
12. For each backflow protective device other than atmospheric-type vacuum breakers:	
2 inches and smaller	\$ x
over 2 inches	\$ x
13. For each gas piping system of one to four outlets	\$ x
14. For each gas piping system of five or more outlets per outlet	\$ x

TABLE 3-E FIRE CODE PERMITS & OTHER FEES**Operational Permits**

Wood Products Storage Permit (in excess of 1000 cubic feet); Each:		\$ xxx annually
Flammable and Combustible Liquid Tanks at Construction Sites; Each:		
500 gallons	\$ xx per tank	
501-1000 gallons	\$ xx per tank	
1001 gallons or more	\$ xx per tank	
Pyrotechnic Special Effects Display Permit – indoor/outdoor; Each:		\$ xx per event
Special Amusement Facility or similar operation – indoor/outdoor; Each:		\$ xx per event
Storage of scrap tires and tire byproducts (in excess of 1000 cubic feet); Each:		\$ xx annually
Temporary membrane structures, tents and canopies; Each:		\$ xx per structure

Other Fees

Printed Copy of Fire Code Amendments; Each:		\$ xx per copy
Fire Hydrant flow test; Each:		\$ xx per request
Fire Run reports; Each:		
0 to 2 years after the incident	\$ xx per incident	
2 to 4 years after the incident	\$ xx per incident	
Over 4 years after date of incident	\$ xx per incident	

Construction and Plan Review fees

All construction and plan review fees, including Fire Alarm and Sprinkler System plan reviews are included in the fee structure established by the Code of the City of Andover, Chapter IV, Article I.

TABLE 3-F BOARD OF APPEALS FEES

Appeals Fee:	\$xxx.xx per appeal
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4-104 CONTRACTOR LICENSING REQUIREMENTS.

- A. POLICIES.** All City policies shall be in effect after the approval of the governing body and published once in the official city newspaper. The Building Official shall keep an official record of all city policies and make the same available to the general public during regular city office hours.
- B. CONTRACTOR; DEFINITION.** A contractor, within the meaning of this Chapter, is any person who undertakes, with or for another, to build, construct, alter, repair, add to or wreck any building or structure, or any portion thereof, within the city, for which a permit is required; or who

advertises or otherwise represents to the public to have the capacity or ability to undertake to build, construct, alter, repair, add to or wreck any building or structure, either on his own or other property, for purposes of speculation. A contractor shall be responsible for all work included in his contract, whether or not he does such work directly or by subcontractor. He shall be responsible for all funds or property received by him for prosecution or completion of a specific contract or for a specific purpose.

C. LICENSE REQUIRED.

1. A contractor's license shall be issued to a person in responsible charge, an owner or employee of a business or corporation. Provided that the employee, owner or person in responsible charge applying for the license has the required training, education and proof of said education and training. A contractor's license shall not be issued to a business or corporation without naming an individual as the license holder. Contact information for any licensed individual must include; name, current address – both work and home addresses, e-mail address and any phone, fax or mobile telephone numbers assigned to the individual or the business or corporation represented by the individual. He or she shall also have and provide proof of continuing education credits as required by Kansas State regulations. No building permit for any work covered by the provisions of this Chapter shall be issued to any contractor who has not first obtained the applicable license, who is delinquent in any payment or fee(s), or whose license has been by action of the governing body or any action of the Board of Appeals. It is further unlawful for any person to enter into a contract with another so as to bring him/herself under the classification of a contractor as defined in this Chapter for any work under a contract, without having first obtained a contractor's license. It is unlawful for any person issued a license as required to contract for any work other than specified by said license.
2. **WORK BY OWNER.** The owner of any single family dwelling not exceeding two stories in height, shall not be required to obtain a contractor's license, but shall be required to obtain permits, to construct, enlarge, alter, repair, improve, convert or perform any work on the residence, except as exempted by the Residential Building Code as referenced in Article 13 of this Chapter of the Code of the City of Andover. Licenses shall be required for all work performed by subcontractors. Owners of commercial or industrial properties shall comply with licensing and permitting requirements prior to the performance of any work regulated by this Section.

D. EXAMINATION.

1. Except as otherwise provided in this section, prior to the issuance of any contractor licenses to any individual, said person shall first pass a competency examination proctored for the International Code Council, or Block and Associates in compliance with the Kansas State Law. A minimum score of 75% is required for all examinations.

The following categories of licenses may be issued upon obtaining a passing examination score on the appropriate category test:

BUILDING CATEGORIES

GENERAL CONTRACTOR – Class A

Unlimited in Scope

BUILDING CONTRACTOR – Class B

Limited to the construction and remodeling of commercial buildings or multiple-dwelling residential buildings not to exceed three stories in height.

RESIDENTIAL CONTRACTOR – Class C

Limited to the construction, remodeling, repair or improvement of one, two or three-family residences not exceeding two stories in height.

SWIMMING POOL CONTRACTOR

Limited to the construction of swimming pools.

FIRE PROTECTION CONTRACTOR

FIRE SUPPRESSION INSTALLATION CONTRACTOR

Those who have the skills of a fire suppression system installer as they apply to repairs and new installation.

ELECTRICAL CATEGORIES

ELECTRICAL CONTRACTOR

Those who have the knowledge and skill to install, repair, alter, add to or change any electrical wires, fixtures, appliances, apparatus, raceways, conduit or any part thereof, which generates, transmits or utilizes electrical energy in any form for light, heat, power or communications.

MECHANICAL CATEGORIES

MECHANICAL CONTRACTOR

Those qualified to install, repair, alter, extend or design central air conditioning, refrigeration, heating and ventilation, including duct work and unfired pressure vessel systems, lift stations, gasoline tanks and pumps, fuel transmission lines and appurtenances, apparatus or equipment used in connection therewith.

MECHANICAL CONTRACTOR *with GAS*

Those qualified to install, repair, alter, extend or design central air conditioning, refrigeration, heating and ventilation, including duct work and unfired pressure vessel systems, lift stations, gasoline tanks and pumps, fuel transmission lines and appurtenances, apparatus or equipment used in connection therewith to maintain or repair gas piping, appliances, lines, laterals, tanks and other appurtenances used in connection therewith.

PLUMBING CATEGORIES

PLUMBING CONTRACTOR

Those who have the knowledge and skill to install, maintain, repair, alter or extend plumbing, septic tanks, water supply systems, storm sewer and all fixtures, appliances, appurtenances, apparatus or equipment used in connection therewith, inside of, or attached to any building, lot or premises.

PLUMBING CONTRACTOR *with GAS*

Those who have the knowledge and skill to install, maintain, repair, alter or extend plumbing, septic tanks, water supply systems, storm sewer and all fixtures, appliances, appurtenances, apparatus or equipment used in connection therewith, inside of, or attached to any building, lot or premises and also install, maintain or repair and install gas piping, appliances, lines, laterals, tanks and other appurtenances used in connection therewith.

2. **RECIPROCITY.** No applicant for any City of Andover contractor's license, or renewal hereof, shall be subject to examination if either: (i) the applicant has achieved a 75% score on the applicable competency examination or;
(ii) the applicant holds a valid corresponding City of Wichita license. for the purposes of this paragraph, the following competency examinations and City of Wichita licenses shall be recognized in exempting the applicant from examination for the corresponding City of Andover licenses:

CITY OF ANDOVER LICENCE	APPLICABLE COMPETENCY EXAM	CITY OF WICHITA RECOGNIZED LICENSE
General Contractor – A	General Contractor	Class A
Building Contractor – B	Building Contractor	Class B
Residential Contractor – C	Residential Contractor	Class C
Electrical Contractor	BUILDING CATEGORIES Master Electrician	Master Electrician
Plumbing Contractor Plumbing Contractor <i>with Gas</i>	ELECTRICAL CATEGORIES Master Plumber Master Plumber with Gas	Master Plumber Master Plumber <i>with Gas</i>
Mechanical Contractor Mechanical Contractor <i>with Gas</i>	PLUMBING CATEGORIES Mechanical Contractor Mechanical Contractor with Gas	Mechanical Contractor Mechanical Contractor <i>with Gas</i>

FIRE PROTECTION SYSTEM CATEGORIES	Fire Suppression Installation Contractor	Fire Sprinkler Contractor
Fire Protection Contractor		
SWIMMING POOL CATEGORIES	Unlimited Swimming Pool	Swimming Pool Contractor
Swimming Pool Contractor		

- E. LICENSE FEE.** The license fee for Electrical, Plumbing, Mechanical, General Contractor, Fire Protection Contractor and Swimming Pool Contractor licenses shall be thirty-five dollars (\$35.00) for each license issued.
- F. LICENSE EXPIRATION.** All contractor licenses shall expire on December 31st of the year in which the license is issued. License renewal application forms will be mailed by the Building Department to all currently licensed contractors prior to the expiration date. Any licenses renewed on or before December 31st shall require payment of the license fee set forth in Paragraph (E) of this section. Any licenses renewed from January 1st through February 15th of any year will require payment of a fee in the amount of thirty-five dollars (\$35.00) per license. Any licensee who shall not renew by February 15th of any year will require payment of a fee in the amount of forty-five dollars (\$45.00).
- G. LICENSES IN EFFECT.** All valid and existing contractors licenses issued prior to the adoption of this Ordinance shall remain valid and may be renewed as required by Section 4-103 (F).
- H. CERTIFICATE OF INSURANCE OR SURETY BOND.** Prior to the issuance of a contractors license, the applicant shall file a certificate of insurance reflecting comprehensive general liability insurance coverage in an amount not less than five hundred thousand dollars (\$500,000.00) for each occurrence and aggregate for bodily injury and property damage combined. Comprehensive general liability shall include the following coverage: independent contractor and contractual. Such certificates of insurance shall also reflect that the applicant maintains workers compensation insurance and automobile liability insurance as required by state law. The certificate of insurance shall be approved as to form by the City Attorney. Such certificate shall also contain substantially the following statement: "The insurance covered by this certificate will not be cancelled or materially altered except after thirty (30) days written notice has been received by the City of Andover, Kansas." Upon receipt of any notice of cancellation or alteration of said insurance, Contractor shall within five (5) days procure other policies of insurance in compliance with this Article of the Code of the City of Andover, Kansas, and if the Contractor fails to provide, procure and deliver acceptable certificates thereof, it shall be cause for immediate cancellation of the Contractor's license.

As an alternative to providing a certificate of insurance for comprehensive general liability coverage as hereinabove provided, the applicant may comply with this Section by filing a Surety Bond in the amount of five thousand dollars (\$5,000.00) with the City Clerk, the condition of such bond to be that the principle therein will comply with all the provisions of this Code and other Ordinances of the City of Andover regulating building trades, and to hold and save the City harmless on any and all damages to persons or property resulting from or arising out of any opening made, material stored or placed upon, or any operation in any street, alley or public property.

- I. REVOCATION OF LICENSE.** Any person, firm or corporation licensed to do business as a Contractor may have said license revoked, suspended or denied by the governing body or Board of Appeals to provided that person, firm or corporation is served with notice to appear at a hearing before the governing body or Board of Appeals to show cause why said license should not be revoked. The Building Official may issue a letter of conditions or violations prior to serving such notice. A notice to appear must be served not less than five (5) days prior to the hearing. Failure to appear shall constitute a waiver to show cause and the governing body or Board of Appeals may revoke, suspend or deny a license application without further consideration.
- J. PENALTIES.** Any person, firm or corporation violating or failing to comply with the provisions of the codes and ordinances provided for in Chapter IV of the Code of the City of Andover shall, upon first conviction thereof, be fined in a sum not less than fifty dollars (\$50.00) nor more than seventy-five dollars (\$75.00); upon second conviction thereof, shall be fined the sum of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00); and upon the third and each subsequent conviction thereof, shall be fined a sum of not less than four hundred dollars (\$400.00) nor more than five hundred dollars (\$500.00).

4-105 BOARD OF APPEALS. In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of sections of the Code of the City of Andover contained in Chapter 4 of same code with the exception of the Fire Code of the City of Andover, there shall be and is hereby created a Board of Appeals.

4-105.1 AUTHORITY. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The Board shall have no authority to waive requirements of this code.

4-105.2 APPLICATION. The application for appeal shall be filed on a form obtained from the Building Official within 20 days after notice is served.

4-105.2.1 MEMBERSHIP OF THE BOARD. The Board of Appeals shall consist of persons appointed by the governing body as follows:

1. One for three (3) years; one for two (2) years; and one for one (1) year.

2. Thereafter, each new member shall serve for three (3) years or until a successor has been appointed.

The Building Official shall be an ex officio member of said board but shall have no vote on any matter before the board.

4-105.2.2 ALTERNATE MEMBERS. The governing body shall appoint two alternate members who shall be called by the board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for five (5) years, or until a successor has been appointed.

4-105.2.3 QUALIFICATIONS. The Board of Appeals shall consist of three individuals, from the following professions or disciplines:

1. Registered design professional with architectural experience or a builder or superintendent of building construction with at least ten years' experience, five of which shall have been in responsible charge of work.
2. Registered design professional with structural engineering experience.
3. Registered design professional with mechanical and plumbing experience or a mechanical contractor with at least ten years' experience, five of which shall have been in responsible charge of work.
4. Registered design professional with electrical engineering experience or an electrical contractor with at least ten years' experience, five of which shall have been in responsible charge of work.
5. Registered design professional with fire protection engineering experience or a fire protection contractor with at least ten years' experience, five of which shall have been in responsible charge of work.

4-105.2.4 RULES AND PROCEDURES. The Board is authorized to establish policies and procedures necessary to carry out its duties.

4-105.2.5 CHAIRPERSON. The Board shall annually select one of its members to serve as Chairperson.

4-105.2.6 DISQUALIFICATION OF MEMBER. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

4-105.2.7 SECRETARY. The governing body shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

4-105.3 NOTICE OF MEETING. The board shall meet upon notice from the Chairperson, within 10 days of the filing of an appeal or at stated periodic meetings.

4-105.3.1 OPEN HEARING. All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the building official and any person whose interests are affected shall be given an opportunity to be heard.

4-105.3.2 PROCEDURE. The Board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

4-105.3.3 POSTPONED HEARING. When three members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

4-105.4 BOARD DECISION. The Board shall modify or reverse the decision of the Building Official by a concurring vote of two-thirds of its members.

4-105.4.1 RESOLUTION. The decision of the Board shall be by resolution. Certified copies shall be furnished to the appellant and to the building official.

4-105.4.2 ADMINISTRATION. The Building Official shall take immediate action in accordance with the decision of the Board.

SECTION 2.

4-105.5; EFFECT ON PRIOR ORDINANCES. All prior ordinances of the City of Andover, Kansas in conflict with the forgoing are hereby repealed to the extent that such conflicts exist.

SECTION 3.

4-105.6; SEVERABILITY. If any section, sub-section, sentence, clause or phrase of this ordinance or of the Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance and Code.

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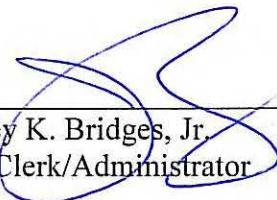
SECTION 4. This Ordinance shall take effect 60 days after its passage and publication in the official City newspaper.

PASSED AND APPROVED ON 13th day of May, 2008



Ben Lawrence, Mayor

Jeffrey K. Bridges, Jr.
City Clerk/Administrator



I hereby certify that the foregoing is the original ordinance; that said ordinance was passed on the 13 day of May, 2008; that the record of the final vote on its passage was on page 14 of the May 13, 2008 issue of the Andover published in the Andover on the 29 day of May, 2008.

City Clerk

