

(Summary Published in the McPherson Sentinel _____, 2016, once)

ORDINANCE NO. 3199

AN ORDINANCE OF THE CITY OF MCPHERSON, KANSAS AMENDING DIVISION 1 CONSTRUCTION BOARD OF TRADES AND BOARD OF APPEALS TO ARTICLE II, CHAPTER 18 OF THE CODE OF THE CITY OF MCPHERSON, KANSAS RELATING TO THE ESTABLISHMENT AND OPERATION OF A CONSTRUCTION BOARD OF TRADE AND BOARD OF APPEALS.

WHEREAS, the City of McPherson, Kansas adopted and enforces the International Building Codes, International Residential Codes, International Fire Codes, International Plumbing Codes, International Mechanical Codes, and other building codes (“Codes”);

WHEREAS, from time to time, disputes arise regarding the interpretation and application of the various Codes;

WHEREAS, changes to the Codes from time to time need to be developed and recommended to the governing body.

WHEREAS, it is decided to be in the best interests of the City of McPherson, Kansas to establish a unified construction advisory Board of Trades and Board of Appeals.

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

Section 1. Addition of new Code section. From and after the effective date of this Ordinance, the following Division 1, Article II, Chapter 18 of the Code of the City of McPherson shall be added as follows:

Section 18-31. Establishment. There is hereby established the City of McPherson Construction Advisory Board of Trades and Board of Appeals (“CABT” or “Board”) which will consist of seven (7) members who shall be residents of the City and have the following qualifications:

- (a) One City of McPherson licensed residential contractor;
- (b) one City of McPherson licensed general commercial contractor;
- (c) one City of McPherson licensed master electrician;
- (d) one City of McPherson licensed master plumber;
- (e) one City of McPherson licensed master mechanic (HVAC);

- (f) the then current President of the McPherson Board of Realtors or designee (“Realtor”);
- (g) one member at large.

A building official of the City of McPherson and a representative of the McPherson Fire Department shall also serve as ex officio members. In the event the required license is not currently available in the City or if no suitable licensed individuals are able and willing to serve, the governing body may appoint a suitable alternative in its sole discretion.

Section 18-32. Membership; terms of office; vacancies; conflict of interest; rules and regulations; compensation.

- (a) The Membership of the Board shall be nominated by the Commissioner of Streets and Utilities with the consent of the governing body, at the first regular meeting of the governing body in May of each year, or whenever a vacancy shall occur.
- (b) Except for the Realtor, the members of the Board shall be appointed for terms of three (3) years each. The initial appointments may be shorter so that terms are staggered. The Realtor’s term shall correspond to their term of service with the McPherson Board of Realtors
- (c) In case of death, incapacity, resignation or disqualification of any member, appointment to such vacancy on the Board shall be made for the unexpired term by the governing body.
- (d) Should any member have a conflict of interest in any matter coming before the Board, the member shall not discuss or vote on the matter.
- (e) The governing body may adopt rules and regulations providing for removal of members of the Board.
- (f) Members of the Board shall serve without compensation, but may be reimbursed for expenses actually incurred in the performance of their duties, as deemed desirable by the governing body.
- (g) Create by-laws to govern the Board’s internal procedures, meeting calendar and proceedings.

Section 18-33. Recording Secretary; actions; records of proceedings.

- (a) When the Secretary is a member of the Board, a recording Secretary or recording Secretary pro temp may also be elected.
- (b) All actions of the Board shall be taken by a majority vote of the membership thereof present at the meeting.

(c) Minutes of all proceedings of the Board shall be kept.

Section 18-34. Powers and duties. The CABT will work directly with the relevant City staff and have the following duties:

- (a) To study current code relevant to the construction advisory Board and make recommendations for changes and amendments;
- (b) to review the current codes and potential for updating and adopting new codes to replace or extend the existing Code;
- (c) make recommendations to resolve disputes with Code interpretation and establish general policy for enforcement;
- (d) regularly review and monitor contract licensing and continuing education requirements including any initial licensing requirements, the qualifications for specific individual candidates for licensing and disciplinary action for current license holders.
- (e) to act as the construction Board of Appeals.
- (f) except when acting as the construction Board of Appeals, the Board will function in an advisory capacity only. The Board's interpretations and recommendation will be subject to the approval of City staff and ultimately the governing body. The Board's decisions but not recommendations shall be considered final if not appealed in writing to the governing body within ten (10) days by the aggrieved party or if appealed by the City staff to the governing body within ten (10) days.
- (g) The Board shall prioritize matters as requested by the governing body and investigate or not matters as requested by the governing body.

Section. 2. Repeal. All or parts of the Code conflicting with the provisions of this Ordinance are hereby repealed.

Section 3. Publication and Effective Date. This ordinance shall take effect and be in full force and effect from and after its passage, signature and publication of a summary of this ordinance in the official city newspaper and posting of the full text of the ordinance on the city's website in compliance with K.S.A. 12-3007(b).

PASSED by the city commission and signed by the Mayor this 15th day of February, 2016.

CITY OF MCPHERSON, KANSAS

Thomas A. Brown, Mayor

[SEAL]

Attest:

Tamra K. Seely, City Clerk

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ORDINANCE NO. 3199, SUMMARY

On February 15, 2016, the City of McPherson, Kansas adopted Ordinance No. 3199 to amend Division 1 construction Board of Trades and Board of Appeals to Article II, Chapter 18 of the Code of the City of McPherson, Kansas relating to the establishment and operation of a construction Board of Trade and Board of Appeals. A complete copy of this Ordinance is available at www.mcpcity.com or at the Municipal Center, 400 E. Kansas, McPherson, Kansas. Jeffrey A. Houston, City Attorney, certified this summary.