

**ORDINANCE NO. 2652**

**AN ORDINANCE AMENDING SECTIONS 8.06.020(B), (E) AND (J), 13.10.060, 13.30.010, 17.05.040(B), 17.05.040(G)(2), AND 17.05.050(Y)(9) LEVYING CERTAIN FEES TO BE ESTABLISHED BY THE GOVERNING BODY BY RESOLUTION**

WHEREAS, the City of Gardner strives to increase and maintain clarity, consistency, and transparency in the fee process;

WHEREAS, the City's fee schedules need to be updated to establish fees for certain types of services not previously established;

WHEREAS, said fees are directly related to the cost reasonably necessary to provide each service;

WHEREAS, it is the intent of the Governing Body to accomplish a general housekeeping ordinance to establish said fees;

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

**SECTION ONE: GMC Chapter 8.06.020(B) is hereby amended to read as follows:**

B. Foundation. The foundation of a structure shall be maintained higher than the adjacent ground level and have no openings large enough to allow animals to enter under the structure, except for necessary crawlspace ventilation. All crawlspace ventilation shall be properly maintained in accordance with the adopted building codes and shall prevent the intrusion of animals into the structure. The foundation elements shall support all the structure's bearing points. Any repair or replacement of the foundation shall be done using materials approved by the adopted building codes and that are compatible with the existing foundation.

1. *Permits.* There is hereby levied a foundation repair permit fee. Said permit fee shall be set by the Governing Body by resolution.

**SECTION TWO: GMC Chapter 8.06.020(E) is hereby amended to read as follows:**

E. Roof, Guttering and Drainage. The roof and flashing shall be sound, tight, and not admit rain into the interior portions of the walls or to the occupied spaces of the building. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair, free from obstructions, and shall be properly anchored so as to be kept in a safe and sound condition. Roof water and water from intermittent sources such as discharges from sump pumps, foundation drains, or other similar sources, excluding lawn sprinklers, shall not be discharged at a point closer than four feet to any adjoining property line nor in a manner that creates a public or private nuisance.

1. *Permits.* There is hereby levied a roof permit fee. Said permit fee shall be set by the Governing Body by resolution.

**SECTION THREE: GMC Chapter 8.06.020(J) is hereby amended to read as follows:**

J. Fences. All fencing, including gates, shall be maintained in sound condition free of damage, broken pieces or sections, or missing structural members. Areas that are leaning, buckling, sagging, deteriorating, or have fallen down shall be repaired or replaced with materials that are compatible with the undamaged portions of the fence or removed. New fencing materials shall also be compliant with the fence materials listed in GMC 18.140.100(C). Where fencing has been previously painted or stained and there are areas of chipping, peeling, scaling or missing paint greater than 20 percent inside or outside of the fence surface area, then such surface shall be repainted or stripped of all paint and given a water-resistant coating if necessary. The inside face will count separate of the outside face of the fence when a calculation for 20 percent of the surface area is made, therefore one or both surfaces could constitute a violation.

1. *Permits.* There is hereby levied a fence permit fee. Said permit fee shall be set by the Governing Body by resolution.

**SECTION FOUR: GMC Chapter 13.10.060 is hereby amended to read as follows:**

All service pipes shall be laid by the applicant or their designee from the main to the structure. Parties desiring water shall pay a meter installation charge which shall include tapping of the water main and the installation of the water meter. There is hereby levied a water tap fee. Said water tap fee shall be set by the Governing Body by resolution. No plumber, customer or other person shall extend pipes from one property or street address to another without special written consent from the City of Gardner

**SECTION FIVE: GMC Chapter 13.30.010 is hereby amended to read as follows:**

Every building where persons reside, congregate, or are employed which abuts a street or alley in which there is a public sanitary sewer, or which is within 200 feet of a public sanitary sewer, shall be connected to the sewer, by the owner or agent of the premises, in the most direct manner possible, and with a separate connection for each home or building, and installed within 12 months after sewers are available to the premises. Each connection and each fixture emptying through the connection shall be installed in the manner prescribed by the Plumbing Code of the City. There is hereby levied a sewer tap inspection fee. Said inspection fee shall be set by the Governing Body by resolution.

**SECTION SIX: GMC Chapter 17.05.040(B) is hereby amended to read as follows:**

B. **Accessory In-Home Day Care.** Where in-home day care services for children are permitted as an accessory use to a residence subject to additional standards (as indicated in Table 5-2), the use shall be approved by the Business and Economic Development Director or designee after being found to be in accordance with the following standards:

1. The day care provider shall provide evidence of any applicable license, certification or registration required by a state or federal agency.
2. The primary day care provider shall reside on the premises.
3. Outdoor play areas shall be fenced. Outdoor play shall only occur between the hours of 8:00 a.m. and 9:00 p.m.
4. No traffic shall be generated by any day care operation in substantially greater volume than would normally be expected in a residential neighborhood. No vehicle or delivery truck shall block or interfere with normal traffic circulation. If parking for a day care operation occurs in a manner or frequency causing disturbance to the normal traffic flow for the neighborhood, the operation shall be considered best permitted according to applicable regulations as a day care center

