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ARTICLE I. FIRE DEPARTMENT; FIRE CODES

Sec. 9-101 Created; appointments.

There is hereby created a Fire Department which shall be composed of a Chief of the Fire Department and such other officers and members as may be necessary for the control and prevention of fires. The City Manager shall appoint the Chief of the Fire Department and such other officers.

REVISED: (Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02, Ord. No. 3704-08, 09-17-08)

Sec. 9-102 Fire Chief.

The Chief of the Fire Department shall, under the direction of the City Manager, shall have complete control of the Fire Department and all of the firefighting equipment of the City. The Fire Chief shall be responsible for the proper organization, training, discipline and functioning of the personnel of the Fire Department and for the fire apparatus of the City. The Fire Chief is hereby authorized to suspend, in accordance with the personnel rules and regulations of the City, any member of the Fire Department for refusal to obey orders, for misconduct, or for failure to perform duties. It shall be the duty of the Fire Chief to enforce all City ordinances, laws of the state, and administrative rules and regulations of the Office of the State Fire Marshal. The Fire Chief shall have the power to adopt and enforce reasonable rules and regulations governing the Fire Department, subject to the approval of the City Manager. These rules and regulations shall contain provisions which call for the Fire Chief or an officer designated by the Fire Chief to be on duty during each and every day and night. In the absence of the Fire Chief, the senior officer in charge shall have authority to perform all the duties of the Fire Chief.

REVISED: (Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02, Ord. No. 3704-08, 09-17-08)

Sec. 9-103 Physical examinations.

No person shall be employed as a member of the Fire Department of this City until determined to be physically fit for duty as a firefighter after examination by a physician designated by the City Manager. The Fire Chief or City Manager may, at any time, require a physical examination of any member of the Fire Department as a condition to the continued employment of such person.

REVISED: (Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02, Ord. No. 3704-08, 09-17-08)

Sec. 9-104 Records.

The Chief of the Fire Department shall keep in convenient form a complete record of all fires as may be necessary for the submission of any reports to the state fire marshal. Such information shall include:

1. The time and location of all fires;
2. Construction of building involved;

State law references-Firefighters, K.S.A. 14-10a08, 14-10a09, 31-145; qualifications, K.S.A. 44-1110; compensation and salary, K.S.A. 80-1904.

State law reference-Adoption of codes by reference, K.S.A. 12-3009 et seq., 12-3301 et seq.

3. Owner and occupancy of building involved;
4. Manner as to how fires were extinguished;

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5. Value of the buildings and contents;
6. Loss on building and contents;
7. Amounts of insurance on buildings, and contents; and
8. Logs containing the time of departure and return of equipment to station.

REVISED: (Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02, Ord. No. 3704-08, 09-17-08)

Sec. 9-105 International Fire Code -Adopted; copies on file; penalty.

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code and standards known as the International Fire Code, 2006 Edition, including appendix chapters B,C,D,E,F,G,H, of the 2006 Edition, published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001-2070, are hereby adopted and incorporated by reference as fully as if set out at length herein and, from the date on which this chapter shall take effect, a copy of the named code has been and is now filed in the Office of the City Clerk. Any person violating the provisions of the International Fire Code shall be deemed guilty of a Class C misdemeanor.

State law reference-Rules and regulations of the State Fire Marshal, Kansas Fire Prevention code, K.S.A. 31-134(b).

REVISED: (Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02, Ord. No. 3704-08, 09-17-08)

Sec. 9-106 Same-Enforcement.

The International Fire Code, 2006 Edition, shall be enforced by the Fire Chief or such other members of the Fire Department that the Fire Chief designates as inspectors.

REVISED: (Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02, Ord. No. 3704-08, 09-17-08)

Sec. 9-107 Same-Definitions.

Whenever the word "jurisdiction" is used in the International Fire Code, it shall mean the City, and whenever the words "Bureau of Fire Prevention" and "Chief of the Bureau of Fire Prevention" are used, such terms shall mean "Fire Department" and "Fire Chief," respectively.

REVISED: (Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02, Ord. No. 3704-08, 09-17-08)

Sec. 9-108 Construction Board of Appeals.

As referenced and adopted by the City of Ottawa in the International building Code, Article 1, Section 6-105 of the Municipal Code.

REVISED: (Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02, Ord. No. 3704-08, 09-17-08)

Sec. 9-109 Same-Penalties.

Any person who shall violate any of the provisions of the code adopted in Section 9-105, or fail to comply therewith, or who shall build in violation of any detailed statement of specifications or plans submitted and approved there under, or any certificate or permit issued there under, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Manager or by a court of competent jurisdiction, within the time fixed therein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a Class C misdemeanor.

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REVISED: (Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02, Ord. No. 3704-08, 09-17-08)

Sec. 9-110 Amendments

Section 105 – Permits – Delete this section in its entirety except section 105.6.30 (open burning).

Section 108 – Board of Appeals – Delete this section in its entirety.

Section 109.3 – Violation penalties – Delete this section in its entirety.

Section 111.4 – Failure to comply – Delete this section in its entirety.

APPENDIX H

RESIDENTIAL DAY-CARE FACILITIES

Section H-101 Purpose. The **purpose** of this Appendix is to provide a reasonable degree of safety to children and providers attending residential day-care facilities.

Section H-102 Scope. The provisions of this Appendix shall apply to all newly established or existing Registered, Licensed and Group Day-Care facilities within the City of Ottawa.

Section H-103 Definitions.

1. Registered Day-care- Care provided for a maximum of six (6) children less than 16 years of age.
2. Licensed Day-Care – Care provided for at least seven (7) but no more than (10) children less than 16 years of age.
3. Group Day-care – Care provided for at least seven (7) but no more than twelve (12) children less than less than 16 years of age

Section H-104 Exits.

1. Escape Corridor. Every escape path, including all stairways, shall be clear of obstructions and all doors shall be in proper working condition.
2. Exit Doors. Every required exit door must be capable of being easily opened from the inside at all times when the facility is operating.
3. Exit Pathway Passing by a Basement stairway. If an exit pathway passes by a basement stairway, the stairway must be separated by a door or gate to prevent children from accidentally entering the basement.

Section H-105 Doors.

1. Closet Doors. At all times, every closet door must be capable of being easily opened from the inside by children.
2. Bathroom Doors. Every bathroom door must be capable of being unlocked from the inside at all times. The unlocking key/device must be readily accessible to the staff.

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Section H -106 Basements and Second Floor Use.

1. Before May 1, 1998. Facilities which possess a Certificate or Day-care License dated before May 1, 1998 may use a basement or second floor for day-care only if there are at least two separate exits to the outside. One exit must be a door and one exit may be an approved escape window. Day-care providers must be able to demonstrate that everyone under their care can safely exit the house and go to a designated safe area within four (4) minutes. The code official may require day-care providers to demonstrate their ability to conduct such an exit drill.
2. On or After May 1, 1988. Facilities which possess a Certificate or Day-care License dated on or after May 1, 1998 may use a basement for day-care only if there are at least two (2) exits to the outside. One exit must be a door leading directly to the outside. Residential day-care is not allowed on the second floor of a residence.

Section H-107 Portable fire Extinguishers.

1. Type and location. A fire extinguisher rated at 2A:10BC is required and must be placed or mounted so that the units operating and mounting mechanisms are located no higher than 48 inches from the floor and no lower than 15 inches above the floor.
2. Maintenance. Fire extinguishers provided for day-care must be inspected, serviced and tagged within the previous 12 months by a person or business licensed by the Kansas State Fire Marshal. If the fire extinguisher is purchased new, a purchase receipt must be retained that shows the date of purchase. Such a new fire extinguisher does not need to be inspected within the first 12 months after the date shown on the purchase receipt.

Section H-108 Smoke Detectors.

1. Smoke detector Installation. Smoke detectors shall be installed on every level of the residence according to the manufacturer's instructions. Smoke detectors shall be located in the pathways serving sleeping and use areas and in each sleeping room used for children.
2. Smoke Detector Maintenance. Smoke detectors shall be tested monthly. The records of the test shall be kept on file for review upon request of the code official.
3. Smoke Detector Types. New day-care centers must have hard wired smoke detectors with battery backup or 10-year lithium smoke detectors if installed after January 1, 2003. Any existing facility prior to this date may utilize single station battery operated detection. If single station detectors have been approved the batteries shall be changed every six (6) months and documentation maintained of such.

Section H – 109 Heating Devices.

1. Venting. All natural gas, kerosene, wood, propane heaters, and other open flamed heating devices shall be properly vented to the outside of the residence.
2. Protective Barriers. All heating devices shall be shielded by a noncombustible barrier that prevents accidental contact with the devices.
3. Combustible Storage. No combustible storage is allowed within 36 inches of the furnace or hot water heater or other open flame device. All heating devices shall be kept clean and dust free.

Section H -110 Emergency Procedures.

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1. Exit Drills. Exit drill procedures shall be posted and exit drills shall be conducted monthly. Accurate written records of the exit drills conducted in the previous twelve months shall be kept and posted in plain view.
2. Tornado Procedures. Written emergency procedures for tornadoes shall be posted and shall be practiced monthly. Accurate written records of the emergency tornado procedures practice conducted in the previous twelve months shall be kept and posted in plain view.

Section H – 111 General Fire Safety.

1. Electrical Outlets. All unused electrical outlets in licensed areas shall have child-resistant protective covers in place.
2. Flashlights. A working flashlight shall be available for each staff member in the day-care.

REVISED: (Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02, Ord. No. 3704-08, 09-17-08)

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**ARTICLE II. HANDLING, STORAGE AND TRANSPORTATION
OF ANHYDROUS AMMONIA**

Sec. 9-201 Adoption of state regulations; copies on file.

The State Board of Agriculture regulations pertaining to the handling, storage and transportation of anhydrous ammonia, published in Kansas Administrative Regulations by the Kansas Revisor of Statutes, are hereby adopted by reference and made a part of this article the same as if fully set forth in this article. Not less than three (3) copies of such administrative regulations are on file in the Office of the City Clerk.

REVISED: (Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02)

State law reference-Regulations, K.S.A. 2-1212.

Sec. 9-202 Truck routes when transporting anhydrous ammonia.

- (a) All tank trucks and semi-trailer trucks used for the transportation of anhydrous ammonia shall travel in and through the City to the nearest point of unloading only on United States and Kansas highways, as follows: U.S. Highway 59 and 50, Interstate 35, and Kansas Highway 68.
- (b) All nurse tank trailers used for the transportation of anhydrous ammonia shall only travel in and through the City on the following designated streets: North Locust, West and East Wilson, U.S. 59 North, north of Marais des Cygnes River, K-68 bypass, K-68 East, and 23rd Street East and West.
- (c) Exceptions to the established routes of travel provided in this section shall only be granted if specifically approved by the Fire Chief.

REVISED: (Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02)

Sec. 9-203 Penalty for violation of article.

Any person who shall be found guilty of violating the provisions of this article shall be deemed guilty of a Class B misdemeanor. Each day of continued violation shall be a separate offense.

REVISED: (Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02)

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ARTICLE III. FIREFIGHTERS RELIEF ASSOCIATION

Sec. 9-301 Composition; officers; bylaws.

- (a) The Firefighters' Relief Association shall be composed of members of the Fire Department of the City and shall be incorporated under the laws of the State.
- (b) The officers of the Firefighters' Relief Association shall consist of a president, vice-president, secretary and treasurer. Such officers shall be selected as provided in the bylaws of such association.
- (c) The Firefighters' Relief Association shall adopt such bylaws, rules and regulations as it may deem advisable in carrying out and promoting the objectives of such association, not inconsistent with the provisions of this article or the laws of the State. The secretary shall keep a complete record of the transactions of the association, which shall at all times be subject to inspection by the Board of Commissioners.

REVISED: (Code 1982; Ord. No. 2962-90 NEED DATE HERE; Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02)

State law reference-Firefighters Relief Association, K.S.A. 40-1701 et seq.

Sec. 9-302 Treasurer, duties; bond.

- (a) The treasurer of the Firefighters' Relief Association shall receive from the State Commissioner of Insurance all money issued to the Firefighters Relief Fund of the Firefighters Relief Association of the City and other money collected, and shall deposit such funds to the credit of the City's Firefighters' Relief Fund. The treasurer shall pay out such funds only on warrants issued by such association, which warrants shall be signed by the president, countersigned by the secretary, and bear the seal of the association.
- (b) The treasurer shall give bond for the safekeeping of funds received from the Firefighters Relief Fund and for faithful performance of such sum with such sureties as may be approved by the Board of Commissioners.

REVISED: (Code 1982; Ord. No. 2962-90 NEED DATE HERE; Ord. No. 2978-91, 08-07-91; Ord. No. 3338-00, 01-05-00; Ord. No. 3392-02, 01-16-02)

State law reference -Treasurer, bond, etc., K.S.A. 40-1706(g).

Sec. 9-303 Authorized use of funds-Generally.

All monies received by the treasurer of the Firefighters Relief Association shall be set apart and used by the Firefighters' Relief Association solely and entirely for the objectives and purposes of this article and as set forth in K.S.A. 40-1707, and shall be paid to and distributed by the Firefighters' Relief Association under such provisions as shall be made by the Commission; provided, that in all cases involving expenditures or payments in an amount of \$1,500.00 or more, prior certification shall be obtained from the City Attorney that such expenditures or payment complies with such requirements.

REVISED: (Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02)

State law references-Authorization by attorney, K.S.A. 40-1706(g); authorized uses of funds, K.S.A. 40-1707.

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Sec. 9-304 Same-Insurance; purchase of or payment of premiums.

Monies collected and received under the provisions of this article may be expended for the purchase of, or payment of premiums on, policies of life, accident and health insurance upon members of the Fire Department of this City, which policies may be owned either by the Firefighters' Relief Association of this City or by the individual members thereof; however, before any premium is paid on such policies of insurance, the provisions thereof shall be approved by such Firefighters Relief Association as suitable to carry out the objectives for which such association was established.

REVISED: (Code 1982; Ord. No. 2962-90 NEED DATE HERE; Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02)

State law reference-Authorized use of funds, payment of premiums, K.S.A. 40-1707(b).

Sec. 9-305 Same-Investments.

The officers of the Firefighters' Relief Association may invest any amount not to exceed ninety (90) percent of all monies received in purchasing bonds of the City; provided, that when bonds of the City are not obtainable, United States government securities may be purchased or any municipal bonds of this State where the bonded indebtedness of such municipality shall not exceed fifteen (15) percent of its total assessed valuation, as shown by the last assessment preceding such investment. Such investments must be approved by the Commission. It shall be the duty of the City Attorney to examine all such bonds as to their validity and report thereon in writing to the Commission and the Firefighters' Relief Association. No bonds shall be purchased by such Association until they have been approved and found valid by the City Attorney.

REVISED: (Code 1982; Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02)

State law reference-Investment of funds, K.S.A. 12-1675, 40-1707(h).

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ARTICLE IV. FIREWORKS

Sec. 9-401 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Fireworks- means and includes any combustible or explosive composition of any substance, or combination of substances, or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used; any type of balloons which require fire underneath to propel them; firecrackers, torpedoes, skyrockets, bottle rockets, roman candles, dago bombs, sparklers or any other fireworks of like construction, or any fireworks containing any explosive or flammable compound; or any tablets or any device containing any explosive substance. Nothing in this article shall be construed as applying to toy paper caps and cap guns, and to the manufacture, storage, sale or use of safety or signal flares, nor as prohibiting the sale and use of blank cartridges for ceremonial, theatrical or athletic events, nor as prohibiting the firing of skyrockets or missiles when produced by a science instructor, and when the place of firing the skyrocket or missile has been approved by the Fire Chief or his designee.

REVISED: (Code 1982; Ord. No. 2962-90 NEED DATE HERE; Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02)

Cross reference-Definitions and rules of construction generally, §1-101; 1-102.

Sec. 9-402 Sale, etc., prohibited.

It shall be unlawful for any person to expose or keep for sale or sell or barter or give away any fireworks within the corporate limits of the City.

REVISED: (Code 1982; Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02)

Sec. 9-403 Discharge or possession prohibited; exception.

The discharge, firing, possession or igniting of fireworks within the corporate limits of the City is hereby prohibited; provided, that the Board of Commissioners may grant permission for the public display of fireworks by responsible persons. Such display shall be of such character and so located, discharged and fired as shall not be hazardous to surrounding property or endanger any person.

REVISED: (Code 1982; Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02)

Sec. 9-404 Penalty for violation of article.

Any person violating any of the provisions of this article shall be deemed guilty of a Class B misdemeanor.

REVISED: (Code 1982; Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02)

State law references-State Fire Prevention Code, K.S.A. 31-183; authority to regulate, K.S.A. 31-134(b); bottle rockets, K.S.A. 31-156, 74-139.

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ARTICLE V. INSURANCE PROCEEDS

Sec. 9-501 Regulations established; requirements of insurance companies.

The city is hereby authorized to establish and does hereby enact the procedures set forth in K.S.A. 40-3901 et seq., whereby no insurance company doing business within the City shall pay a claim of a named insured for a loss or damage to a building or other structure arising out of any fire, explosion, or windstorm located within the City where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of seventy-five (75) percent of the face value of the policy covering such building or other insured structure unless there is compliance with the following procedures:

- (1) When final settlement on a covered claim has been agreed to between the named insured or insured's and the company or companies, and such final settlement exceeds seventy-five (75) percent of the face value of the policy covering a building or other insured structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company or companies shall execute a draft payable to the City Clerk in an amount equal to the sum of fifteen (15) percent of the covered claim payment, unless the City Manager has issued a certificate to the insurance company or companies that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt or otherwise made the premises safe and secure.
- (2) The transfer of proceeds under this section shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the City shall be disbursed in accordance with the policy terms, except as otherwise provided in this article.
- (3) Upon transfer of the funds as required in Subsection (A) of this section, an insurance company shall provide the City with the names and addresses of the named insured or insured's, the total insurance coverage applicable to such building or other structure, and the amount of the final settlement agreed to between the insurance company or companies and the insured or insured's, whereupon the City Manager shall contact the named insured or insured's by restricted mail to notify them that such insurance proceeds have been received by the City and apprise them of the procedures to be followed under this article.

REVISED: (Code 1982; Ord. No. 2978-91, 08-07-91; Ord. No. 3360-01, 01-17-01; Ord. No. 3392-02, 01-16-02)

State law references-Procedures, K.S.A. 40-3901; certificate of repair, removal or rebuilding of structure, K.S.A. 40-3906.

Sec. 9-502 Fire insurance proceeds fund.

The City Treasurer is hereby authorized and shall create a fund to be known as the Fire Insurance Proceeds fund. All monies received by the City Treasurer as provided for by in this ordinance shall be deposited by him/her in an interest bearing account.

REVISED: (Code 1982; Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02)

Cross reference-Finance funds, § 2-401 et seq.

State law references-Claims against fire insurance policy proceeds, shall be deposited by the treasurer in an interest bearing account.

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State law reference-Funds to be deposited in an interest bearing account, K.S.A. 403901(b).

Sec. 9-503 Receipt of insurance proceeds; duties of City.

- (a) Upon receipt of moneys under this article, the City Treasurer shall immediately notify the City Manager of such receipt and transmit all documentation received from the insurance company or companies to the City Manager.
- (b) Within twenty (20) days of the receipt of moneys under this article, the City Manager shall determine after prior investigation whether the City shall instigate proceedings under the provisions of K.S.A. 12-1750 et seq.
- (c) Prior to the expiration of the twenty (20) day period established in subsection (B), the City Manager shall notify the City Treasurer whether s/he intends to initiate proceedings under K.S.A. 12-1750 et seq.
- (d) If the City Manager has determined that proceedings under K.S.A. 12-1750 et seq. shall be initiated, s/he shall do so immediately but no later than thirty (30) days after receipt of such monies by the City Treasurer.
- (e) Upon notification to the City Treasurer by the City Manager that no proceedings shall be initiated under K.S.A. 12-1750 et seq., the City Treasurer shall initiate the return of monies plus accrued interest to the insured or insured's as identified in the communication from the insurance company or companies. Such return shall be accomplished within thirty (30) days of the receipt of such monies from the insurance company or companies.

REVISED: (Code 1982; Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02)

Sec. 9-504 Excess proceeds paid; duty of City.

If the City Manager has proceeded under the provisions of K.S.A. 12-1750 et seq., all monies in excess of that which is ultimately necessary to comply with the provisions for the removal of the building or structure, less salvage value, shall be paid to the insured.

REVISED: (Code 1982; Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02)

State law reference-Release of proceeds to insured, K.S.A. 40-3901.

Sec. 9-505 Payments made from fund; liens established and released.

If the City Manager, with regard to a building or other structure damaged by fire or explosion, determines that it is necessary to act under K.S.A. 12-1756, any proceeds received by the City Treasurer under authority of section 9-501 relating to that building or other structure shall be used to reimburse the City for any expenses incurred by the City in proceeding under K.S.A. 12-1756. Upon reimbursement from the insurance proceeds, the City Manager shall immediately effectuate the release of any lien resulting there from. Should the expenses incurred by the City exceed the insurance proceeds paid over to the City Treasurer under Section 9-501, the City Manager shall establish a new lien as authorized by K.S.A. 12-1766 in an amount equal to such excess expenses incurred.

REVISED: (Code 1982; Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02)

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Sec. 9-506 Lien established; other encumbrances.

- (a) In addition to the liens and procedures created and adopted by the foregoing sections, the City, in accordance with K.S.A. 40-3901 et seq., does hereby create and establish a lien in favor of the City in and to the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the City caused by or arising out of any fire or explosion, where the amount recoverable for all loss or damage to the building or other structure under all policies is in excess of seventy-five (75) percent of the face value of the policy or policies covering such building or other insured structure. Such lien shall arise by virtue of any unpaid tax, special ad valorem levy, special assessment or other charge imposed upon any real property by or on behalf of the City which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one (1) year prior to the filing of a proof of loss on such property.
- (b) Prior to final settlement of any claim covered by this section, the insurer or insurers shall contact the County Treasurer to determine whether any such encumbrances are presently in existence. If an encumbrance is found to exist, the insurer or insurers shall execute and transmit in an amount equal to that amount owing under such encumbrance a draft payable to the County Treasurer.
- (c) A transfer of proceeds under this section shall be on a pro rata basis by all insurance companies insuring the building or other structure.

REVISED: (Code 1982; Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02)

State law reference-Creating lien, K.S.A. 40-3902.

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ARTICLE IX. INSURANCE PROCEEDS; APPLICATION

Sec. 9-901 thru 9-907 Reserved.

Sec. 9-908 Application of article.

This article shall apply to fire and explosion claims arising on all buildings or structures.

REVISED: (Code 1982; Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02)

State law reference-Similar provisions, K.S.A. 40-3907.

Sec. 9-909 Interpretation.

This article does not make the City a party to any insurance contract, nor is the insurer liable to any amount in excess of the proceeds otherwise payable under its insurance policy.

REVISED: (Code 1982; Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02)

State law reference-Similar provisions, K.S.A. 40-3908.

Sec. 9-910 Immunity granted insurers complying with article.

Insurers complying with this article or attempting in good faith to comply with this article shall be immune from civil and criminal liability, and such action shall not be deemed in violation of K.S.A. §40-2404 and any amendments thereto, including withholding payment of any insurance proceeds pursuant to this article, or releasing or disclosing any information pursuant to this article.

REVISED: (Code 1982; Ord. No. 2978-91, 08-07-91; Ord. No. 3392-02, 01-16-02)

State law reference-Similar provisions, K.S.A. 40-3909.