



CODE OF ORDINANCES  
Saline County, KS

**CHAPTER 5**  
**Buildings**

*The resolutions in this chapter and all other chapters, sections, and appendices shall constitute and be designated the “Code of Saline County, KS”. The construction of this codebook was done for the convenience of users of the Code and shall have no legal effect. The resolutions used for the construction shall supersede and have legal effect. Reference Chapter 1: Overview of Codes for further details.*

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## ARTICLE 5-1 IN GENERAL

### 5-1.1 - LEGAL AUTHORITY AND TITLE

This chapter is adopted under the authority granted to the board of county commissioners by K.S.A. 19-101, 19-101a and 19-212, as amended, and shall be designated as the County Code for building permits.

### 5-1.2 - DECLARATION OF FINDING AND POLICY

The board of county commissioners find that provisions for adequate and reasonable control over buildings in unincorporated areas of the county is necessary and desirable; that adoption of a county building permit procedure to prevent the development of conditions that are hazardous to health and safety is in the public interest; and that the use of said building permit to promote the economical and orderly development of the county is in the public interest. For these reasons and objectives it will be the policy of the board of county commissioners to adopt this chapter and to amend it from time to time in order to regulate the practices and procedures affecting buildings and uses.

### 5-1.3 - PURPOSE AND INTENT OF CHAPTER

The purpose and intent of this chapter is to prescribe the substantive rules and the administrative procedures that shall be followed in carrying out the objectives of section 5-1.2.

### 5-1.4 - AREA OF APPLICABILITY AND EFFECTIVE DATE

This chapter shall be in effect for all unincorporated areas of the county and shall become effective upon adoption and publication, and any amendments shall become effective on the date of publication thereof.

### 5-1.5 - DEFINITIONS

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

*Administrative agency* means the Saline County Planning and Zoning Department which shall be responsible for administering and enforcing this chapter.

*Alteration* means a change or rearrangement of the structural parts of existing facilities, or an enlargement by extending the sides or increasing the height or depth, or the moving from one location to another. For the purposes of this chapter, the Uniform Building Code and amendments thereto, shall be used to make the final determination as to whether an alteration is proposed to non-agricultural or non-single family structures.

*Authorized representative* means any employee of the administrative agency who is designated to administer this chapter and any other building codes that may be adopted.



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*Board of county commissioners* means the board of county commissioners, Saline County, Kansas.

*County*, for the purposes of these regulations, means all unincorporated areas of Saline County, Kansas.

*Structure* means a combination of materials constructed and erected permanently on or in the ground or attached to something having a permanent location on or in the ground, to include a manufactured home, above ground gas or liquid storage tank, swimming pools, billboards, advertising signs and wind chargers.

## **ARTICLE 5-2 ADMINISTRATIVE POWERS AND PROCEDURES**

### **5-2.1 - RIGHT OF ENTRY**

Representatives of the administrative agency shall have the right to enter, examine and/or survey at any reasonable time such premises, establishments and buildings as they shall deem necessary for the enforcement of this chapter and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

### **5-2.2 - OBSTRUCTION OF ADMINISTRATIVE AGENCY**

No person shall impede or obstruct representatives of the administrative agency in the discharge of their official duties under the provisions of this chapter.

### **5-2.3 - NOTICE OF VIOLATIONS**

Whenever the administrative agency determines that there has been, or is likely to be, a violation of any provision of this chapter, they shall give notice of such alleged violation to the person responsible therefor. The notice shall: 1) be in writing; 2) include a statement of why the notice is being issued; 3) allow a reasonable period of time for performance of any work required by the notice; and 4) be served upon the owner or his agent by delivery of a copy thereof in person or by registered mail to the last known address of the owner or agent.

### **5-2.4 - EMERGENCY ABATEMENT**

Whenever, in the judgment of the administrative agency, an emergency exists which requires immediate abatement to protect the environment and public health, safety or welfare, an order may be issued directing the owner, occupant, operator or agent to take appropriate action to immediately correct or to immediately cease the construction or use that is causing the emergency. If the owner, occupant, operator or agent does not take immediate action to correct or abate the emergency or is not immediately available, the administrative agency may act to correct or abate the emergency with any costs incurred to be assessed to the legal owner.



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### **5-2.5 - ENFORCEMENT PROCEDURES**

The county attorney shall enforce the provisions of this chapter and is hereby authorized and directed to file appropriate actions for such enforcement, upon request of the administrative agency.

### **5-2.6 - PENALTIES FOR VIOLATION OF CHAPTER**

In addition to, and independently of, the enforcement procedures provided in Section 5-2.5, any violation of any provision of this chapter shall be punishable by a fine of not to exceed five hundred dollars (\$500.00) for each offense or imprisonment for not more than six months for each offense, or by both such fine and imprisonment and that each day's violation shall constitute a separate offense.

## **ARTICLE 5-3 PERMITS**

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### **5-3.1 - APPLICATIONS**

Every person required to obtain a permit under this article shall make an application for such permit to the administrative agency. Applications for permits shall be filed in the office of the administrative agency.

### **5-3.2 - PERMITS NONTRANSFERABLE**

No permit required by this chapter shall be transferable.

### **5-3.3 - SALINE COUNTY BUILDING PERMIT**

- a. *Purpose and intent.* The purpose of the building permit is to ensure a thorough and comprehensive review of proposed construction for compliance with applicable construction, floodplain, zoning, driveway entrance, subdivision, private sewerage, and groundwater regulations, policies and procedures; and to provide to the public information on other construction-related topics, including, but not limited to, road type, road maintenance and Saline County road improvement policy.
- b. *Permits required.* No building or structure, including signs, shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed or converted unless a separate permit for each building or structure has first been obtained from the administrative agency.
- c. *Exempted work; agricultural structures and single-family dwellings.* A building permit shall not be required for the following:
  1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected roof area does not exceed 120 square feet, and provided that zoning setback requirements shall be met.



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2. Exterior alterations that do not enlarge or expand an existing structure and interior alterations, except that any alterations in excess of 50 percent of the value of a structure located in the 100-year floodplain shall require a building permit.
3. Residential fences not over six feet high. However, requirements for vision clearance at intersections and alleys shall still be met.
4. *Walks and driveways.* New driveway entrances shall be approved by the public works department.
- d. *Uniform Building Code; nonagricultural and nonsingle-family structures.* Such structures shall meet the standards of the Uniform Building Code, and amendments thereto. The Uniform Building Code shall be used to determine whether said structures are exempted from the requirement for a building permit. Review and inspection of said structures shall be conducted by the city permits and inspection office, as per agreement between the City of Salina and Saline County.
- e. Exemptions from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws, policies or procedures of the county.
- f. *Application for permit.* To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the administrative agency for that purpose.
- g. *Fees.* There shall be no fee for the county building permit. However, fees may be assessed for a city building permit, health department permits and public works driveway entrance permits. Fees may also be charged for associated permits from the state and federal governments. Half of the city building permit fee may be refunded by the county for businesses that qualify.
- h. *Review.* Whenever a building permit is submitted, review shall include, but not be limited to, the county health, public works and planning and zoning departments. If deemed necessary by the administrative agency, the permit shall also be reviewed by cities, state agencies, federal agencies, school districts and utility companies that may be impacted by the proposed work. In most instances, other required permits must be obtained prior to issuance of a building permit.
- i. *Validity of permit.* The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or approval of, any violation of any of the provisions of this Code or of any other regulation of the county. Permits presuming to give authority to violate or cancel the provisions of this Code or other county regulations shall not be valid.

The issuance of a permit based upon plans, specifications and other data shall not prevent the administrative agency from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of this Code or of any other county regulations.



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- j. *Expiration.* Every permit issued by the administrative agency under the provisions of this Code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 120 days from the date of such permit, or if the building or work authorized by such permit is not completed within one year from the date of such permit.
- k. *Suspension or revocation.* The administrative agency may, in writing, suspend or revoke a permit issued under the provisions of this Code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any county resolution or regulation or any of the provisions of this Code.

#### 5-3.4 - OTHER PERMITS AND APPROVALS

- a. *Responsibility of property owner.* It shall be the responsibility of the property owner, developer, builder or other authorized representative to obtain all required permits. The property owner is hereby advised that in instances where a building permit is not required, other permits may still be required. Conversely, depending on the circumstances, a building permit may be all that is required.
- b. *List of other permits and approvals.* Other permits and approval that may be required include, but are not limited to, the following:
  - 1. *Salina-Saline County Health Department permits:* Private sewerage; water well; day care; solid waste collector.
  - 2. *Saline County Public Works Department:* Driveway entrance permit; signposts in county right-of-way; roadway improvement petitions.
  - 3. *Saline County Clerk:* Moving permit when houses and wide/heavy loads will be transported on county roadways; alcohol beverage permit; cable TV franchise; roadway vacations.
  - 4. *Saline County Planning and Zoning Department:* Zoning certificate; floodplain development permit; zoning changes; subdivision approval; zoning variances.
  - 5. *Saline County Emergency Management Department:* Open burning permit; fireworks permit.
  - 6. *Saline County Parks Department:* Use of Kenwood Park facilities.
  - 7. *City of Salina:* Building permit for nonagricultural and nonsingle-family structures.
  - 8. *State of Kansas permits:* Floodplain development; landfill; commercial feedlot; etc.
  - 9. *United States of America permits:* Army Corps of Engineers approval for development within streambeds and within 1,000 feet of the flood-control levee; Environmental Protection Agency; etc.



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### **5-3.5 - APPLICATION FOR PERMIT TO MOVE BUILDING**

The application for a permit to move a building attached to Resolution No. 03-1810 and marked as Exhibit A is hereby approved.

(Res. No. 03-1810, 11-4-03)

### **5-3.6 - REIMBURSEMENT OF PERMIT FEES**

Saline County will, upon issuance of a certificate of occupancy, reimburse 50 percent of the cost of building permit fees for all newly constructed buildings, building additions or renovations to existing buildings that are used exclusively for eligible business activities and located anywhere within the unincorporated areas of Saline County. Eligible businesses shall only include businesses engaged in the following activities:

- a. Manufacturing articles of commerce;
- b. Conducting research and development; or
- c. Storing goods or commodities sold or traded in interstate commerce.

(Res. No. 92-1315, 12-15-92)