

ORDINANCE NO. 7824

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS, CHAPTER 22, BUILDING AND BUILDING REGULATIONS: ADDITION OF ARTICLE XIV, RESIDENTIAL CODE: PROVIDING FOR THE ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE, 2006 EDITION, BY REFERENCE AND REPEALING ALL SECTIONS IN CONFLICT AND ORDINANCE NO. 7385.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:

Section 1: That the Code of Ordinances of the City of Leavenworth, Kansas, Chapter 22, Building and Building Regulations; Article XIV, Residential Code shall be added as follows:

DIVISION 1. GENERALLY

Section 22-851: Minimum standards for residential construction and repair.

This article, including the International Residential Code, 2006 Edition as published by the International Code Council, 5360 South Workman Mill Road, Whittier, California, 90601, is hereby adopted by reference as the residential code of the city. This code is a complete code providing the minimum standards to safeguard life and limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use of, and maintenance of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress, and providing for issuance of permits and collection of fees therefore.

Section 22-852: International Residential Code and Appendix - Adoption.

The code known as the International Residential Code, 2006 Edition, including Appendices G, H, and L, published by the International Code Council is hereby incorporated by reference and made a part of this article, the same as if fully set forth herein, except such parts or portions thereof as are specifically changed, omitted, or added to in this article.

Section 22-853: Same - Marked Copies on File.

There shall be not less than three (3) copies of the International Residential Code adopted in section 22-852 kept on file in the Office of the City Clerk and made available for inspection by the public at all reasonable hours. The file copies of the code shall be marked or stamped, "Official Copy as Incorporated by the Code of the City of Leavenworth, Kansas", with all sections or portions thereof intended to be omitted clearly marked to show any such omission, or showing the sections, articles, parts or portions that are incorporated as the case may be and to which shall be attached a copy of this article.

Section 22-854 – 22-875: Reserved

DIVISION 2. AMENDMENTS TO RESIDENTIAL CODE

Section 22-876: Generally.

The amendments to the International Residential Code adopted by Section 22-852 shall be as set out in this division. All references to section and chapter numbers in the text of this division shall be construed as if followed by the words "of the International Residential Code", unless clearly indicated in the contrary.

Section 22-877: Chapter 1, Administration, Section R103.1, Creation of Enforcement Agency, shall be amended as follows:

The "Building Inspection Division" shall be designated in the administrative division annually established as provided in Chapter 2, Administration, Article IV, Departments, Officers, and Employees of the Code of Ordinances of the City of Leavenworth, Kansas.

Any reference to the "Building Official" shall mean the "Director of Public Works" or his designated agent.

Section 22-878: Chapter 1, Administration, Section R105.2, Work exempt from permit shall be amended as follows by including:

Electrical: Replacement of receptacles, switches, light fixtures, ceiling fans, bath fans, attic fans and hard wired smoke detectors

Mechanical: Replacement of thermostats, registers, filters, and duct cleaning

Plumbing: Replacement of water closets, bidets, urinals, hose bibs, residential sinks, water faucets, residential icemakers, residential humidifiers, exposed traps, residential garbage disposals and dishwashers

Section 22-879: Chapter 1, Administration, Section R108 Fees, shall be amended as follows:

R108.6 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an investigation fee. The investigation fee shall be equal to the permit fee as established in Appendix F of the Code of Ordinances of the City of Leavenworth.

108.7 Bond required. Each applicant desiring to maintain a monthly charge account with the city for permit or inspection fees shall file a surety bond or other cash security in the amount of \$5000.00 to guarantee payment of such charges.

Section 22-880: Chapter 1, Administration, Section R112, Board of Appeals, shall be amended as follows:

R112.1 General. In order to determine the suitability of alternate materials and methods of construction, and to provide for a reasonable interpretation of the provisions of this code, there shall be and is hereby created a Board of Appeals consisting of five (5) members, who are qualified by experience and training to pass upon matters pertaining to building construction. The five (5) members shall consist of: One (1) architect or engineer; one (1) citizen at large; and three (3) people engaged in the trade. The Director of Public Works or his designated agent shall be an ex-officio member and shall act as secretary of the board. The Board of Appeals shall consist of five (5) members who shall be appointed by the mayor, which appointment shall be subject to the approval of the Board of Commissioners of the Governing Body of the City. In appointing the first member of the board, the mayor shall appoint one member who shall serve one (1) year, one member so designated shall serve two (2) years, one member so designated shall serve three (3) years, one member so designated shall serve four (4) years, and one member so designated shall serve five (5) years. Terms of all subsequent members of the board shall be for five (5) years and until their successors are appointed and qualified. The members shall select one (1) of their number to serve as chairman. Each appointee shall not succeed himself to more than one succeeding five (5) year term. All vacancies shall be filled for any unexpired term in a similar manner. The board shall adopt reasonable rules and regulations for conducting its meetings and investigations and shall render all decisions and findings in writing to the Director of Public Works or his designated agent with a copy to the appellant and may recommend to the City Commission such new legislation as is consistent therewith. The decisions of the Board of Appeals shall be subject to review by the Governing Body of the City upon request of any involved party. The fee for an application for an appeal to the board shall be fifty dollars (\$50.00), no part of which is refundable. The Director of Public Works or his designated agent shall be responsible for the collection of the application fee.

Section 22-881: Chapter 1, Administration, Section R112, Board of Appeals, R112.3 Qualifications shall be deleted.

Section 22-882: Chapter 1, Administration, shall be amended to include as follows:

Section 115 Licenses

Section 115.1 Licenses. It is unlawful for any person to conduct, carry on, or engage in the business of electrical, mechanical, fuel gas systems and gas fired appliances, or plumbing, or to labor in the trade of electrical, mechanical, fuel gas systems and gas fired appliances, or plumbing without first having had issued a valid license, nor shall any person advertise for electrical, mechanical, fuel gas systems and gas fired appliances, or plumbing work in the City of Leavenworth, without such license. Licenses for electrical, mechanical, fuel gas systems and gas fired appliances, or plumbing covered by this code shall be issued in accordance with Article IV, V, VI, or VII, Chapter 22, Building and Building Regulations of the Code of Ordinances of the City of Leavenworth.

Section 110.2 When Unlicensed Persons May do Work. It shall be unlawful for any person other than a licensed contractor to do any electrical, mechanical, fuel gas systems and gas fired appliances, or plumbing work regulated by this article except in the following circumstance.

Homeowners:

1. A letter shall accompany the permit application stating that the owner will live in the dwelling for a minimum of one year from the day of final inspection and is able to do the work to pass all inspections.
2. The owner shall submit a sketch with the permit application showing all electrical, mechanical, fuel gas systems and gas fired appliances, or plumbing work desired to be done.
3. When the work is done in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings.
4. When the person doing the work is the bona fide owner of such dwelling and accessory buildings and quarters, and the same are occupied or designed to be occupied by such owner.
5. When such owner shall personally perform all labor in connection therewith.

Kansas Gas Meter Relocation:

1. Kansas Gas's trained personnel shall be allowed to disconnect and reconnect gas meters to remove from inside a building to outside the building subject to the following:
 - a. Kansas Gas identifies all the houses by address or area.
 - b. Limit pipe-outs to ten feet (10') or less.
 - c. Plumbing permits will be secured on all meter sets.
 - d. Shut-in tests performed for leakage, Kansas Gas will contact a licensed plumbing contractor if test fails.
 - e. City inspectors may request air tests be performed by a plumbing contractor at any time.
 - f. City inspectors measure all meter sets prior to any work being performed to determine the ten foot limit.
 - g. All meter sets in excess of ten feet will be done by a licensed plumber.
 - h. At the end of the project, all piping on the customer side of the meter will be done by a licensed plumbing contractor.

Section 110.3 Working Without a License. When an individual performs electrical, mechanical, fuel gas systems and gas fired appliances, or plumbing work that requires a license by this code without first obtaining a license, they shall be fined the amount equal to twice the license fee and all work must immediately cease until proper licensing is obtained.

Section 22-883: Chapter 3, Building Planning, Table R301.2(1) Climatic and Geographic Design Criteria, shall be amended as follows:

GROUND SNOW LOAD	WIND SPEED ^d (mph)	SEISMIC DESIGN CATEGOR Y ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^e	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
			Weathering ^a	Frost line depth ^b	Termite ^c					
20	90	A	SEVERE	30"	YES	6	NO	See Ord. # 7803	1015	54.4

Section 22-884: Chapter 26, General Plumbing Requirements, shall be amended as follows:

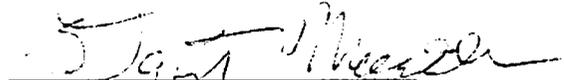
Section P2603.6.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 12 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 12 inches below grade.

Section 22-885 – 22-1000: Reserved

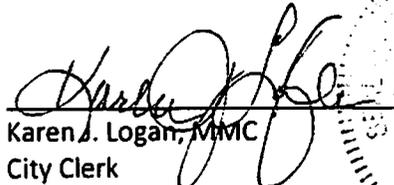
Section 2: That all sections of ordinance or portions thereof in conflict herewith are, and the same, are hereby repealed.

Section 3: That this Ordinance shall take effect upon passage and publication as required by law.

Passed by the Leavenworth City Commission on this 22nd day of December, 2009


Davis T. Moulden, Mayor

ATTEST:


Karen A. Logan, MMC
City Clerk

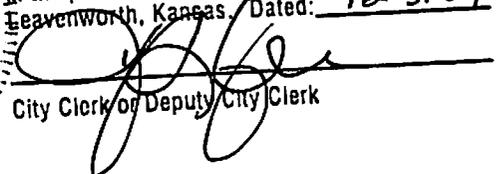


Passed and Approved: December 22, 2009

Published: December 29, 2009

State of Kansas
County of Leavenworth

I certify that this is a true and correct copy of
Ordinance No. 7824
in the possession of the City Clerk of the City of
Leavenworth, Kansas. Dated: 12-31-09


City Clerk or Deputy City Clerk

