

**ORDINANCE NO. 7822**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS, CHAPTER 22, BUILDING AND BUILDING REGULATIONS: ARTICLE VI, FUEL GAS CODE (GAS FITTING AND PIPING CODE): PROVIDING FOR THE ADOPTION OF THE INTERNATIONAL FUEL GAS CODE, 2006 EDITION.**

**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 VI, Fuel Gas Code shall be amended as follows:

**DIVISION 1. GENERALLY**

**Section 22-421:** Minimum standards for Fuel Gas Systems.

This article, including the International Fuel Gas 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 fuel gas code of the city. This code is a complete code covering all buildings hereafter constructed, erected, enlarged, altered or moved into the city and its purpose is to provide 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 fuel gas systems, and providing for issuance of permits and collection of fees therefore.

**Section 22-422:** International Fuel Gas Code and Appendix - Adoption.

The code known as the International Fuel Gas Code, 2006 Edition, including Appendices A, B, C, and D, 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 22-423:** Same - Marked Copies on File.

There shall be not less than three (3) copies of the International Fuel Gas Code adopted in section 22-422 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.

**Sections 22-424 – 22-440: Reserved**

## **DIVISION 2. AMENDMENTS TO FUEL GAS CODE**

### **Section 22-441:** Generally.

The amendments to the International Fuel Gas Code adopted by Section 22-422 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 Fuel Gas Code", unless clearly indicated in the contrary.

### **Section 22-442:** Chapter 1, Administration, Section 103, shall be amended as follows:

#### Section 103 Department of Building Safety

Section 103.1 Creation of enforcement agency. 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 "Code Official" shall mean the "Director of Public Works" or his designated agent.

### **Section 22-443:** Chapter 1, Administration, Section 103.2, Appointment shall be deleted.

### **Section 22-444:** Chapter 1, Administration, Section 106.5.2, Fee schedule, shall be amended as follows:

The fees for work shall be in accordance with Appendix F of the Code of Ordinances of the City of Leavenworth.

### **Section 22-445:** Chapter 1, Administration, Section 106.5.3, Fee refunds, shall be amended as follows:

The code official shall authorize the refunding of fees as follows.

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than 80% of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permit holder not later than 180 days after the date of fee payment.

### **Section 22-446:** Chapter 1, Administration, Section 106.5, Fees, shall be amended by adding as follows:

Section 106.5.4 Bond. Each license holder 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 \$5,000 to guarantee payment of such charges.

**Section 22-447:** Chapter 1, Administration, Section 108.4, Violation penalties, shall be amended as follows:

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair a fuel gas system in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred (\$500.00) dollars or by imprisonment not exceeding one hundred eighty (180) days, or by both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**Section 22-448:** Chapter 1, Administration, Section 108.5, Stop work orders, shall be amended as follows:

Upon notice from the code official, work on any fuel gas system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform by the code official to remove an unsafe condition shall be in violation of this code.

**Section 22-449:** Chapter 1, Administration Section 109, Means of Appeal, shall be amended as follows:

109.1 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, the Board of Appeals for the International Plumbing Code, appointed in accordance with Article V, Chapter 22, Building and Building Regulations, shall serve as the Board of Appeals for this code. 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.

109.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not apply or an equally good or better form of construction is proposed. The board shall have no authority to waive the requirements of this code.

**Section 22-450:** Chapter 1, Administration, shall be amended to include as follows:

## Section 110 Licenses

Section 110.1 Licenses. It is unlawful for any person to conduct, carry on, or engage in the business of fuel gas systems and gas fired appliances or labor in the trade of fuel gas systems and gas fired appliances without first having had issued a valid license, nor shall any person advertise for fuel gas systems and gas fired appliances work in the City of Leavenworth, without such license. Licenses for fuel gas systems and gas fired appliances covered by this code shall be issued in accordance with Article V 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 Fuel Gas Work. It shall be unlawful for any person other than a licensed Plumbing Contractor or Mechanical Contractor to do any construction or 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 fuel gas 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 fuel gas work that requires a license by this code without first obtaining a license, they shall be fined the amount

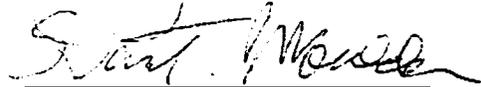
equal to twice the license fee and all work must immediately cease until proper licensing is obtained.

**Sections 22-451 – 22-465: Reserved**

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

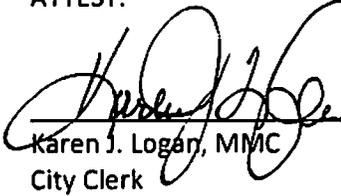
**Section 3:** That this Ordinance shall take effect upon passage and publication as required by law.

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



Davis T. Moulden, Mayor

ATTEST:



Karen J. Logan, MMC  
City Clerk



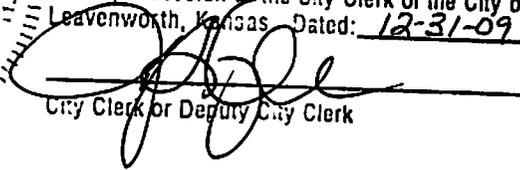
Passed and Approved: December 22, 2009

Published: December 29, 2009



State of Kansas  
County of Leavenworth

I certify that this is a true and correct copy of  
Ordinance No 7522  
in the possession of the City Clerk of the City of  
Leavenworth, Kansas. Dated: 12-31-09



City Clerk or Deputy City Clerk