

ORDINANCE NO. 7819

AN ORDINANCE AMENDING CHAPTER 22, BUILDING AND BUILDING REGULATIONS; ARTICLE VII, MECHANICAL CODE, ADOPTING THE 2006 EDITION OF THE INTERNATIONAL MECHANICAL CODE, REGULATING AND GOVERNING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF MECHANICAL SYSTEMS IN THE CITY OF LEAVENWORTH; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ORDINANCE NO. 7383 OF THE CITY OF LEAVENWORTH, KANSAS AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

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

Section 1: That the Code of Ordinances, City of Leavenworth, Kansas, Chapter 22, Building and Building Regulations; Article VII, Mechanical Code, shall be amended as follows:

DIVISION 1. GENERALLY

Section 22-466: Minimum Standards for Mechanical Systems.

This article, including the International Mechanical 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 mechanical 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 mechanical systems, and providing for issuance of permits and collection of fees therefore.

Section 22-467: International Mechanical Code and Appendix - Adoption.

The code known as the International Mechanical Code, 2006 Edition, including Appendix A, 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 22-468: Same -- Marked Copies on File.

There shall be not less than three (3) copies of the International Mechanical Code adopted in section 22-467 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 22-469 – 22-480: Reserved

DIVISION 2. AMENDMENTS TO MECHANICAL CODE

Section 22-481: Generally.

The amendments to the International Mechanical Code adopted by Section 22-467 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 Mechanical Code", unless clearly indicated in the contrary.

Section 22-482: Chapter 1, Administration, Section 101.1, Title, shall be amended as follows:

These regulations shall be known as the International Mechanical Code of the City of Leavenworth, Kansas, hereinafter referred to as "this code."

Section 22-483: 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 22-484: Chapter 1, Administration, Section 103.2, Appointment shall be deleted.

Section 22-485: 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 22-486: 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 that was erroneously paid or collected.
2. Not more than 80 percent 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 percent 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 the 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 22-487: 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 22-488: 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 mechanical 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 22-489: Chapter 1, Administration Section 108.5, Stop work orders, shall be amended as follows:

Upon notice from the code official, work on any mechanical 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 22-490: 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, 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.

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 22-491: Chapter 1, Administration, shall be amended to include the following:

Section 110 Licenses

Section 110.1 Licenses. It is unlawful for any person to conduct, carry on, or engage in the business of mechanical systems or labor in the trade of mechanical systems without first having had issued a valid license, nor shall any person advertise for mechanical work in the City of Leavenworth, without such license. Licenses are not transferable from one person to another and the lending of any license or the obtaining of permits thereunder for any other person shall be deemed cause for revocation.

It shall not be necessary for Mechanical Contractors, Master Mechanical license holders or, Residential Landlord Mechanical license holders who are presently licensed in the City at the time of the passage of this code to take an examination for a Certificate of Qualification if they obtain a license during the next subsequent year.

Section 110.2 Type of Licenses.

1. A Mechanical Contractor is a person who may conduct, carry on, or engage in the business of mechanical system work. The Mechanical Contractor must provide a copy of Master Mechanical exam score of a 75% or better, in accordance with K.S.A 12-1541, et. seq., and amendments thereto. The Mechanical Contractor shall file an insurance certificate with the City certifying public liability insurance in the amount of One Million Dollars for (\$1,000,000) for any one (1) accident or more, and property damage and products liability in the amount of Fifty Thousand Dollars (\$50,000), provided, however, that if the licensee is insured under an existing policy, the individual insurance certificate is required only if the individual engages in work not covered by the existing insurance. Notice in writing shall be given to the City at least Thirty (30) days before the date of cancellation or expiration of any of the insurance policies referred to in required certificates and new certificates shall be issued immediately upon the issuance of new or renewed policies. A Mechanical Contractor License is not transferable and the right of a firm, partnership, or corporation to do business under a Mechanical Contractor License depends upon the retention of the person holding the license as an acting member or officer of the firm, partnership, or corporation.
2. A Master Mechanical license holder is a person who may conduct, carry on, or engage in the business of mechanical work as an employee of a Mechanical Contractor. The Master

Mechanical license holder must provide a copy of master plumbing exam score of a 75% or better, in accordance with K.S.A 12-1541, et. seq., and amendments thereto.

3. A Mechanical Apprentice is a person who labors at the mechanical trade as an employee of a Mechanical Contractor.
4. A Residential Landlord Mechanical license holder is a person who may do mechanical work on residential structures up to three individual living units that he/she owns. The Residential Landlord Mechanical license holder must provide a copy of Residential Air Conditioning exam score of a 75% or better, by an approved testing agency acceptable to the jurisdiction having authority.

Section 110.3 Display of Mechanical License. All Mechanical license holders, Contractors, Masters and Apprentice, shall carry their licenses on their persons and exhibit the license on the demand of the inspector, his assistants or any officer of the city.

Section 110.4 Renewal. All mechanical licenses pursuant to this article shall expire on December 31 of each year. In addition, proof of 12 hours of continuing education of a type acceptable to the building official shall be submitted biennially at the time of license renewal in order to renew. Any license holder who fails to make proper application for renewal before March 1st shall be required to make an original application and take the qualifying examination.

Section 110.5 Revocation of License. The Board of appeals may cancel or revoke any license issued to any person if such person later shows incompetency or lack of knowledge in matter relevant to such license or if such license was obtained by fraud. If the license is canceled or revoked, another such license shall not be granted to such person within twelve months after the date of cancellation or revocation.

Section 110.6 Fees. License fees shall be in accordance with Appendix F of the Code of Ordinances of the City of Leavenworth.

If a new license application is made after January 1, of any year, the amount of the fee shall be determined by dividing the annual fee by four and multiplying the figure obtained by the number of quarters, or fractions thereof remaining until the next year.

Section 110.7 When Unlicensed Persons May do Mechanical Work. It shall be unlawful for any person other than a licensed 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 mechanical 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.

Section 110.8 Working without a License. When an individual performs mechanical 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.

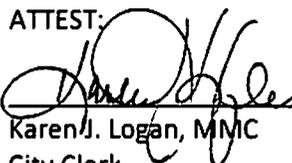
Sections 22-492: Chapter 9, Special Appliances, Fireplaces and Solid Fuel Burning Equipment, Section 903.3, Unvented gas log heaters, shall be deleted.

Sections 22-493 – 22-530: 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

ATTEST:

 Karen J. Logan, MMC
 City Clerk




 Davis T. Moulden, Mayor

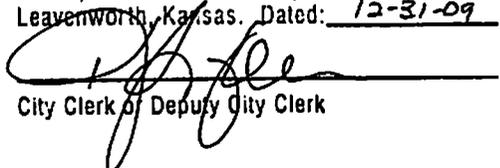
Passed and Approved: December 22, 2009

Published: December 29, 2009



State of Kansas
 County of Leavenworth

I certify that this is a true and correct copy of
Ordinance No 7819
 in the possession of the City Clerk of the City of
 Leavenworth, Kansas. Dated: 12-31-09


 City Clerk or Deputy City Clerk