



Neighborhood and Community Development Committee

Standing Committee Meeting Agenda

Monday, July 11, 2016

5:00 PM

Location:

Municipal Office Building
701 N 7th Street
Kansas City, Kansas 66101
5th Floor Conference Room (Suite 515)

Name

Absent

Commissioner Hal Walker, Chair

☐

Commissioner Brian McKiernan

☐

Commissioner Gayle E. Townsend

☐

Commissioner Ann Brandau-Murguia

☐

Commissioner James Walters

☐

- I. Call to Order/Roll Call**
- II. Revisions to July 11, 2016 Agenda**
- III. Approval of standing committee minutes from May 2, 2016**
- IV. Measurable Goals**
- V. Committee Agenda**

Item No. 1 - ORDINANCE: AMENDMENTS TO VARIOUS CONSTRUCTION CODE SECTIONS

Synopsis: Proposed updates and amendments to the Unified Government's Electrical Code, Building Code, Fire Code, Plumbing Code, Property Maintenance Code, Mechanical Code, and Residential Code for One- and Two-Family Dwellings, submitted by Ryan Haga, Attorney.

Tracking #: 16679

Item No. 2 - ORDINANCE: EXPANDING UG ABILITY TO PLACE A LIEN FOR DAMAGE TO A STRUCTURE

Synopsis: Proposed amendments to expand the ability of the UG to place a lien on the proceeds of any covered claims for damage to a structure in excess of 75% of the face value of the insurance policy, submitted by Ryan Haga, Attorney.

Tracking #: 16683

Item No. 3 - COMMUNICATION: LAND BANK TRANSFERS

Synopsis: Request review by the Neighborhood & Community Development Committee of the proposed packets and forward them to the Land Bank Board of Trustees for final consideration, submitted by Chris Slaughter, Land Bank Manager.

Side-lots

36 S Hallock St - Distant Vista Properties, LLC
38 S Hallock St - Distant Vista Properties, LLC
3014 N 17th St - Maria Fernandez
1716 N 25th St - Claude Johnson

Rehab

3023 S 23rd Cir - Residential Revival, LLC

Transfers from Land Bank

2921 S 53rd St - Argentine Betterment Corporation (ABC)
4714 Vista Dr - Argentine Betterment Corporation (ABC)
ABC will be building a Single Family home using CDBG funds on these properties.

Tracking #: 16682

VI. Public Agenda

VII. Adjourn

**NEIGHBORHOOD AND COMMUNITY DEVELOPMENT
STANDING COMMITTEE MINUTES
Monday, May 2, 2016**

The meeting of the Neighborhood and Community Development Standing Committee was held on Monday, May 2, 2016, at 5:00 p.m., in the 5th Floor Conference Room of the Municipal Office Building. The following members were present: Commissioner Walker, Chairman; Commissioners McKiernan, Townsend (via conference call), Murguia, and Walters. The following officials were also in attendance: Patrick Waters, Senior Attorney; Melissa Mundt, Joe Connor and Gordon Criswell, Assistant County Administrators; Emerick Cross, Commission Liaison; Charles Brockman, Management Analyst; Kathleen VonAchen, Chief Financial Officer; George Brajkovic, Economic Development Director; Debbie Pack, County Treasurer; Maddie Waldeck, Deputy County Treasurer; Marlon Goff, Urban Redevelopment Manager; Mike Tobin, Interim Public Works Director; Chris Slaughter, Land Bank Manager; and Chris Blake, Sergeant at Arms.

Chairman Walker called the meeting to order. Roll call was taken and members were present as shown above.

Approval of standing committee minutes from March 7, 2016. **On motion of Commissioner Murguia, seconded by Commissioner McKiernan, the minutes were approved.** Motion carried unanimously.

Committee Agenda:

Item No. 1 – 16561....COMMUNICATION: LAND BANK APPLICATIONS

Synopsis: Communication requesting consideration of the following Land Bank applications, submitted by Chris Slaughter, Land Bank Manager.

Charles Brockman, Management Analyst, Economic Development, stated I'm filling in for Chris Slaughter. He's out on some business tonight.

Applications

2811 S. 37th St. - June Gutierrez, yard extension
(Applicant owns house at 2814 S. 36th St.)

2605 N. 11th St. - Rogelio Cedillo, yard extension
1504 New Jersey Ave. - Jose Gomez, yard extension
1716 N. 25th St. - Moises Sanchez, yard extension

We're looking at four applications and some property acquisitions and some property deeded back to Mt. Carmel tonight.

Yard Extension Applications

- June Gutierrez – 2811 S 37th St
- Rogelio Cedillo – 2605 N 11th St
- Jose Gomez – 1504 New Jersey Ave
- Moises Sanchez – 1716 N 25th St

I wanted to start off with the applications. There are four applications. There are the addresses. What I'll do is, I'll go through them and then I'll show where they're at on the map, then I'll go into detail what the projected tax is on them.



Our first one is 2811 S. 37th St. The structure to the left is the property owner. The outline in green is the property.

Yard Extension – June Gutierrez
2811 S 37th St

- Applicant owns property at 2814 S 36th St
- Applicant purchased property from Land Bank in January 2015 (2813 S 37th St)
- Applicant is current on property taxes & has no open Code cases
- Appraised Value of 2811 S 37th St: **\$13,440.00**
- Potential Taxes: **\$300.00**

The applicant owns 2814 S. 36th St. They purchased that property from the Land Bank in January 2015. They're current on their property taxes. The Advisory Board voted to forward this to Commission for final approval. The appraised value is \$13,000 with an estimated potential tax of \$300.



Our next property is located at 2605 N. 11th St.

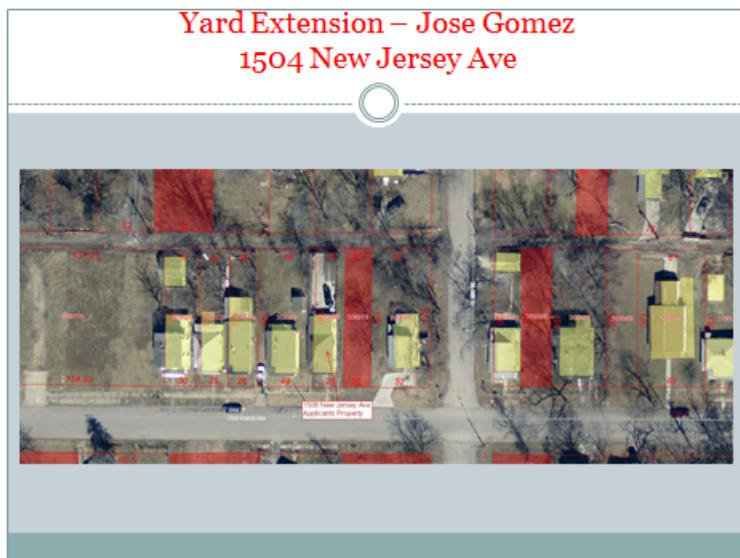
Yard Extension – Rogelio Cedillo
2605 N 11th St

- Applicant owns property at 1050 Rowland Ave
- Applicant is current on property taxes & has no open Code cases
- Appraised Value of 2605 N 11th St: **\$180.00**
- Potential Taxes: **>\$5.00**

The property is north of the property owner. That's at 1050 Rowland. The applicant is current on their taxes. It has no open code cases. Its appraised value is \$180; roughly \$5 in projected tax.

Commissioner McKiernan said, Charles, hang on just a second please. That's 1050; not 1510? I guess it doesn't matter. The agenda, there's a table that has the first 15 pieces of property. It lists it as 1510 Rowland. **Mr. Brockman** said I'll double check that with Chris and get back with you, Commissioner. **Commissioner McKiernan** said I'm fine with either way. It should be clear on what piece of property it actually is.

(The following comments were made while looking at a previous slide.) **Commissioner Walters** said so that's 2605 N. 11th is the property we're talking about. **Mr. Brockman** said correct. **George Brajkovic** said so the applicant's address is probably 1050 Rowland. **Commissioner Walters** asked where is the applicant's home address. Is it on this map? **Mr. Brockman** said 1050 Rowland Ave. **Commissioner Walters** asked can you orient us to where that is on your aerial there. (Mr. Brockman pointed out the address on the map.)



The next yard extension is 1504 New Jersey Ave.

**Yard Extension – Jose Gomez
1504 New Jersey Ave**

- Applicant owns property at 1506 New Jersey Ave
- Applicant is current on property taxes & has no open Code cases
- Appraised Value of 1504 New Jersey Ave: **\$130.00**
- Potential Taxes: **>\$5.00**

The applicant owns those two homes; the property to the right. The applicant owns property at 1506 New Jersey Ave. He's current on taxes and has no open code cases. The appraised value at 1504 New Jersey is \$130 with a \$5 estimated tax.

**Yard Extension – Moises Sanchez
1716 N 25th St**



The last yard extension is 1716 N. 25th.

Yard Extension – Moises Sanchez
1716 N 25th St

- Applicant owns property at 1706 N 25th St
- Applicant is current on property taxes & has no open Code cases
- Appraised Value of 1716 N 25th St: **\$340.00**
- Potential Taxes: **\$7.00**

1706 is the applicant's address. Current on taxes. No open cases. Appraised value is \$340; potential tax is \$7.

With those four properties, the total is \$317 in new taxes estimated.

**LAND BANK ADVISORY
BOARD RECOMMENDATION**

**THE ADVISORY BOARD VOTED
TO FORWARD APPLICATION(S)
FOR FINAL APPROVAL**

We want to move on. The Advisory Board voted to forward to full commission for final approval of the properties.

(Motion and roll call for the above four yard extensions was made later in the meeting. See page 12.)

1602 S. 11th St. - Mark O'Bryan, property acquisition
 1610 S. 11th St. - Mark O'Bryan, property acquisition
 1618 S. 11th St. - Mark O'Bryan property acquisition
 1624 S. 11th St., Mark O'Bryan, property acquisition
 1630 S. 11th St., Mark O'Bryan, property acquisition
 1629 S. Bethany St. - Mark O'Bryan, property acquisition
 (Applicant wants to maintain property, gardening; minimal impact on existing area.)

(Motion and roll call for the above six property acquisitions by Mark O'Bryan was made later in the meeting. See page 12.)

1852 S. Early St. - Netherland, LLC, property acquisition
 1854 S. Early St. - Netherland, LLC, property acquisition
 1876 S. 8th St. - Netherland, LLC, property acquisition
 841 Shawnee Ave. - Netherland, LLC, property acquisition
 (Applicant wants property for recreation purposes, maintain/clean property and possibly develop in the future.)

6918 Sloan Ave. - Leslie Galloway, property acquisition
 (Applicant wants property across from home to maintain and place a camper on it.)

PROPERTY ACQUISITION APPLICATIONS	
• Mark O'Bryan ○ 1602 S 11th St ○ 1610 S 11th St ○ 1618 S 11th St ○ 1624 S 11th St ○ 1630 S 11th St ○ 1629 S Bethany St	• Netherland, LLC ○ 1852 S 8th St ○ 1854 S Early St ○ 1876 S 8th St ○ 841 Shawnee Dr • Leslie Galloway ○ 6918 Sloan Ave

Mary O'Bryan: 1602/10/18/24/30 and 29 Bethany. Netherland, LLC, and Leslie Galloway.



There are Mark O'Bryan's properties right there. There are four properties. **Commissioner McKiernan** said it is the hillside.

Property Acquisition – Mark O'Bryan
S 11th St Property(s)

- Applicant owns property at 1640 S Baltimore St
- Applicant is current on property taxes & has no open Code cases
- Appraised Total Value of property(s): **\$9,500.00**
- Potential Total Taxes: **\$200.00**
- Applicant has family ties to area and wants property(s) for gardening, fruit trees and to take care of area for current home

Chairman Walker asked is Mark O'Bryan here tonight. **Mr. Brockman** said yes, he is. **Chairman Walker** asked could you approach the podium, please. I'm glad someone wants these properties. Is this some kind of a good Samaritan project of yours to maintain these or do you have some long-range goal here? **Mark O'Bryan, 1640 S. Baltimore**, said I actually have a long-range goal. A yard extension to extend the agricultural capabilities of where I live. My folks moved in in 1941. I've been there since I was born. When I was a child, I can remember asparagus beds

growing and a full garden. Over the past 50 years, the overgrowth is such that there's hardly any light down there. What I'd like to do is take out some of the larger trees and let the native grasses take over and possibly put in some fruit trees, possibly grape vines, just basically an extension of my yard. It's like a rain forest down there in the summertime.

Commissioner Murguia said, Mr. O'Bryan, I'm having a hard time picturing—you live in this area? **Mr. O'Bryan** said yes, adjoining to the right, that is actually doubled what I am requesting. **Commissioner Murguia** asked are you the one that lives across the street from your parents. **Mr. O'Bryan** said no. That would be the Tuckers. I live at 1640 just to the right of what's highlighted. **Commissioner Murguia** said show me where that is. **Mr. O'Bryan** (pointed on the map) that's three and one-half acres there. There are another two acres that I'm requesting. **Commissioner Murguia** asked what street do you take to get to your house. **Mr. O'Bryan** said Baltimore. **Commissioner Murguia** asked are you at the bottom where the...**Mr. O'Bryan** said I'm on the dead end. **Commissioner Murguia** said you're at the bottom of like a—and there are hills all around you. **Mr. O'Bryan** said correct. **Commissioner Murguia** asked and you have the little wooden bridge that you crossover. **Mr. O'Bryan** said that's across the street. **Commissioner Murguia** said but it's your neighborhood. **Mr. O'Bryan** said yes. **Commissioner Murguia** said I know where you're at.

Commissioner Walters asked is that a platted street that divides those parcels. **Mr. O'Bryan** said no. It's all wooded.

Mr. Brajkovic said, Commissioners, I think at agenda review there was a discussion on this. Maybe to kind of back step just a little bit. There was some discussion about maybe having some different internal UG departments review properties. As I remember the discussion on this in particular, and you can almost see by just looking at it, there are some major issues with the terrain here. One of the concerns was should we have—it would probably be a good idea to have Public Works or someone review if we're removing—if the applicant is going to remove a lot of trees because that changes the stability of the ground and what long-term effects it may possibly have. In advance, these items had already appeared on the agenda and so we think, in general, that's a good idea and we should add that as a process as we're reviewing applications. In short of maybe

having a moratorium on Land Bank applicants until we can define what the new process is. It's probably a point of discussion still here. I certainly don't speak for Public Works. I'm looking over at Melissa because I think she probably recalls the conversation.

Melissa Mundt, Assistant County Administrator, said yes, in fact, I was supposed to have heard back from our Public Works' staff on this but it was pretty short notice. There was some concern about how much removal and of what on this hillside. I do believe it would behoove us to let staff look at this before it goes any further. It seemed like a benign request if you just look at it from an aerial, but if you know the topography in the area, that's where the concern comes in. It could have impact on other adjacent properties if not done properly.

Commissioner Murguia said I understand that you're concerned. I do know this area that Mr. O'Bryan is talking about in fact I've been right to the front part of his house on Hymen. I think there's maybe one or two neighbors max within a very long range of each other. They keep some of the most immaculate property I've ever seen. I don't know if you all have been to where this is actually at where Mr. O'Bryan lives. It's amazing. It sits at the bottom and then all around them are just hills that go straight up. They sit at the bottom and built their own little bridge. They're not in one of the nicest, older, smaller properties we have in my district. I'm not as concerned, but I bet Mr. O'Bryan would be more than happy to work with our Engineering Department if there were some concerns. I'm sure he doesn't want anything to happen to his property.

Mr. Brajkovic said I would agree. I was looking at Mr. Slaughter's notes on the review of it. I think the concern was if, again, if I recall correctly, Rob Richardson, the Planning Director, had stated removing trees brings up a variety of issues and possibilities. Are you just cutting them down or are you using a bulldozer to clear them out. Just kind of having that unknown but knowing the topography of the area made for a possible hesitation or maybe amending this approval and requiring interaction with Public Works prior to doing any of the tree removal. Maybe that's a stipulation we could add to this to keep it advancing.

Commissioner Murguia said, Mr. O'Bryan, so that you can move forward with your project that you want to do, do you have any objections to us making a special amendment to this that you'll meet with Public Works. **Mr. O'Bryan** said absolutely. **Commissioner Murguia** said just to make sure it's safe. **Mr. O'Bryan** said I'll be happy to answer any questions. **Commissioner**

Murguia said that's fine. None of us up here are engineers. I think if you're willing to work with Public Works as you work forward, that's all we're really asking for. **Mr. O'Bryan** said okay.

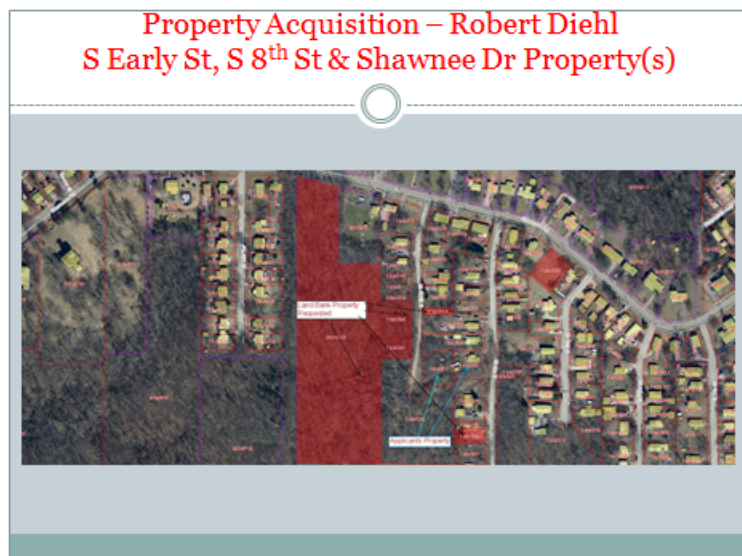
Action: **Commissioner Murguia** said we're going to back up a little bit. I'm going to make a motion to approve the four yard extensions. **Commissioner Walters** seconded the motion. Roll call was taken and there were five "Ayes," Walters, Murguia, Townsend, McKiernan, Walker.

Action: **Commissioner Murguia** made a motion to approve **Mr. O'Bryan's** request for the property in the S. 11th St. area with the amendment that before he proceeds with any tree removal, he'll go over his plan with our Public Works Department. **Commissioner Walters** seconded the motion. Roll call was taken and there were five "Ayes," Walters, Murguia, Townsend, McKiernan, Walker.

Chris Slaughter, Land Bank Manager, said sorry for being late. Just for my clarification, did you want this meeting to happen before the final approval...**Commissioner Murguia** said no...**Mr. Slaughter** said or just some time before the property was actually transferred over. **Commissioner Murguia** said yes. **Commissioner Walters** said actually, the way I understood it was before he cleared any trees he had to talk to them. We didn't want to hold up transfer. **Chairman Walker** said no. **Commissioner Murguia** said yes. **Mr. Slaughter** said so this stipulation is only if the trees are going to be removed or stuff. **Chairman Walker** said correct.



Mr. Brockman said the Advisory Board voted to not recommend forwarding to Commission this following property.



Mr. Slaughter said we are moving onto the Netherland, the Early St., S. 8th St. and Shawnee Dr. properties as shown on the picture right there. The main block of property there with the arrows is the Land Bank property in question. There are two properties listed by the applicant there that are in the blue arrows to the kind of bottom right.

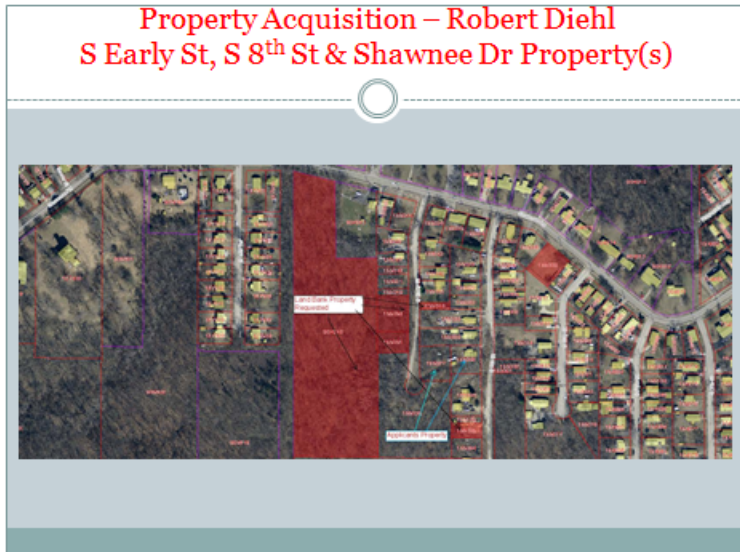
Property Acquisition – Robert Diehl
S Early St, S 8th St & Shawnee Dr Property(s)

- Applicant owns three properties near requests
- Applicant is current on property taxes & has no open Code cases
- Appraised Total Value of property(s): **\$15,130.00**
- Potential Total Taxes: **\$315.00**
- Applicant wants to expand property, use for recreational use and enhance area by thinning existing trees

Just some basic information. You've probably seen some of this information on some of the others. I went ahead and took the total value of all the properties which is a little bit over \$15,000. With the current mill levy, you're looking at roughly about \$315 into our coffers each year with the purchase of these properties.

The applicant has explained to me that there will be some possible thinning of existing trees mainly to use this for recreational use. I'll just leave it at that in case there are any more questions. I believe the applicant is present for questions as well. **Chairman Walker** asked what kind of recreation, paintball, 3-wheelers.

Bob Diehl, 1860 S. 8th St., said no, actually kind of my initial plan is—I'm very involved with the Boy Scouts. **Commissioner Murguia** asked you live there. **Mr. Diehl** said I do. With the property that I already have, and I don't know if you want to go back a screen if this is helpful.



To the right of the big red piece of land, I own a couple of the properties around the cul-de-sac. One of the things I've been working on this spring—I'm very fortunate to have some friends that have some skid loaders and bobcats. They have lend me some of their—but I have cleared off kind of one area that I intend to use for our troop to have a campsite. I'd like to just kind of make some trails back through there through the rest of the property. The Land Bank owns it. I own the contiguous property. It just kind of seems to make sense to see what I can do to kind of make it a fun little area for a little campground, make trails back through there. I'm a big gardener; do some gardening. There's a lot of rubbish that has been there for decades that I'd like to remove and clean up and thin out. There are a lot of volunteer trees and there are a lot of dead trees. I'd like to just be able to clear that out and make it look nicer for the area.

Commissioner Murguia asked, staff, do we have access to Google Earth. Mr. Diehl, I'll be really direct with you. I may have had the wrong address. I spoke with Mr. Slaughter about this request specifically. When I drove out to what I thought was your address, which I may have gotten wrong; I'm admitting that, it looked to be an abandoned house so I must have the wrong address is why I'm asking.

Mr. Diehl said it's possible. I will add I just bought the house in December of 2014. When I purchased it, the person I purchased it from had started renovation. He basically had gutted the house, done a lot of—he did spray foam insulation, did some really high end finish but he didn't finish it. I bought it. I purchased it from him and I'm still in the process of renovating it.

I live there. For example, the front door has a piece of plywood on it. I haven't replaced the door yet because it was winter. I'm going to replace the door, not just repair it, put glass in it. That may be why it appeared abandon because there is a piece of plywood on that front door. I don't use that door as my front door. There's another side door.

Commissioner Murguia said there was nothing about this house that had high end finishes on it. **Mr. Diehl** said okay then it must have been a different house. **Commissioner Murguia** said it appeared to have a lot of cutup logs in front of it. **Mr. Diehl** said that's it. I just had the trees trimmed. I just had the trees trimmed all around the house. **Commissioner Murguia** said it looked like a lot of large trees were taken down and the logs were just sort of stacked up. **Mr. Diehl** said there are some logs. It's probably an area—it was probably right at the front porch about 12' wide. I mean it's not a very tall stack. I left those there because people—because that house wasn't being lived in for a long time. What people were doing is they were driving in the driveway and going all the way around through the yard to Early St. because there's another entrance off of Early. People had been driving back through there so I left those logs right there at that driveway so people would stop doing that. It looked like a common...

Commissioner Murguia asked can we see that address. It's 1860. What did you say? **Mr. Diehl** said S. 8th St. **Commissioner Murguia** said S. 8th St. Can we see the front of that? (The property was pulled up on Google Maps.) **Mr. Diehl** said you can see how all those trees are covering the house. I just had all those trees around the house trimmed down. You can't see it. It would be to the right. The front of the house drops off and the house next door—my driveway runs in front of the house next door. **Commissioner Murguia** asked is that it right there. **Mr. Diehl** said that's not it. **Commissioner Murguia** said that's the house I thought was yours. That frightens me. **Mr. Diehl** said I got you. I rarely drive down that way so I didn't even notice that. No, that's not my house. My house is up the hill. **Commissioner Murguia** said I saw no other house on this really wooden, winding road. I have not—I've seen only this property.

Mr. Diehl said my house—I don't know if you notice that steep cliff right there. If you were to go to the right, right there is a pretty steep cliff and my house is at the top of that cliff, just maybe 100 yards from that house. It goes up. It's right across the street from here. There you go. If you go up to the left, that's my house.

Mr. Slaughter said if I could add. I did drive out there and I did still notice that there were some

boarded windows, I think a boarded door. Actually I was wrong. It's not this one. When you go further pass this, it's going to be back here in these trees. I think that's a concern I still have too is that Mr. Diehl has had this property since the end of '14. I understand renovations take time but now we're talking about also the steward of land. He also mentioned the topography of the land. Once you get to the south of this area here, I think, it just questions that or I should say concerns.

Commissioner Murguia said Mike Tobin is our Director of Public Works. Can you come forward, Mike? You had some comments about this property.

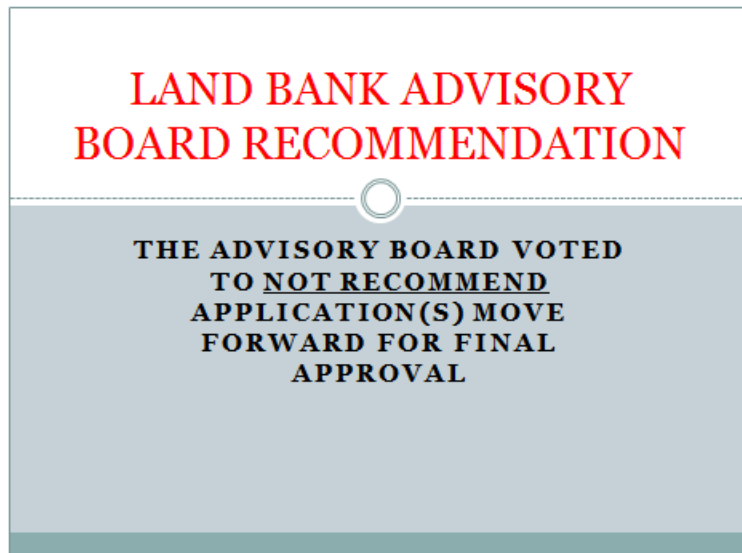
Mike Tobin, Interim Public Works Director, said this particular hillside that we're talking about that's up for discussion right here, was part of an engineering study that was done a long time ago. Before there's a property transfer here, it really should be noted that this hillside is moving. It's moving to the north. It's collapsed before twice where we've had to spend substantial money to clean it up.

Commissioner Murguia said, Mr. Diehl, I'm the commissioner for this district so I'm your commissioner so I'll take full responsibility for this. **Mr. Diehl** said awesome. No problem. **Commissioner Murguia** said I think your motivation and intentions are good but I admit, I agree with staff that I'm concerned that you've owned this house for a long time and not a lot of progress has been made. I would tell you for tonight from my perspective as the Third District Commissioner; I would like to see you wait on this. We've had it in the Land Bank a long time. I don't think it's going to go anywhere anytime soon. Maybe when you make a little more progress with your renovations and we see what the final product is going to be, you can come back in front of us at that time and then that will give Public Works some time to do some engineering and see what can actually happen.

Mr. Diehl asked can I ask that question about the land to the north. What you're talking about—and maybe we can go back a slide and he can point out what exactly is happening. We can go back to an aerial. Just go back to the topography with the red highlights. **Commissioner Murguia** said sure. I think what might be easier for you and for our engineering team, Mike Tobin is the Director of that team. I think what would work great is if we sort of table this for tonight and you

meet with Mr. Tobin and his engineering staff, you look it over, you make some progress on your renovation. You're welcome to call me personally. I think I have a card with me I can give you. I think you'll be fine. **Mr. Diehl** said okay. That sounds fine. **Commissioner Murguia** said like I said, I think you're going to be fine too. I don't think it's going to go anywhere anytime fast. **Mr. Diehl** said that sounds great. I'm totally good with that.

Action: **Commissioner Murguia said so I have to deny my motion and to deny this application. Commissioner Walters seconded the motion.** Roll call was taken and there were five "Ayes," Walters, Murguia, Townsend, McKiernan, Walker.





Mr. Brockman said the Advisory Board voted to forward this to the commission for final approval.

Property Acquisition – Leslie Galloway
6918 Sloan Ave

- Applicant owns property at 6917 Sloan Ave
- Applicant is current on property taxes & has no open Code cases
- Appraised Value of 6918 Sloan Ave: **\$8,430.00**
- Potential Taxes: **\$175.00**
- Applicant states they already maintain property and would like to park their camper on it

Chairman Walker said it says they want to place a camper on it. I have trouble sometimes determining—is there an improved surface on there? **Mr. Slaughter** said no, there is not. You have some grass right here. You have a bunch of trees. It does drop off as you can see there's a slope here. I believe the camper may be right here in this picture. I don't know how old this picture is. I did drive out there. It is a dead end. This is the applicant's house and then, of course, this is the property in question. The request is to improve that so they can put the camper there on

that property. **Chairman Walker** said are you saying that they understand that it has to have an improved surface to park a camper on it. **Mr. Slaughter** said yes, I relayed that...**Chairman Walker** said you can't just park it on the grass forever. **Mr. Slaughter** said correct. Currently, when I went out there, it was parked on the street basically at the dead end. I believe Ms. Galloway is present if there are any questions. **Chairman Walker** asked the Advisory Committee recommended approval. **Mr. Slaughter** said correct. It should be part of this presentation after this slide.



Action: **Commissioner McKiernan made a motion, seconded by Commissioner Murguia, to approve.** Roll call was taken and there were five “Ayes,” Walters, Murguia, Townsend, McKiernan, Walker.

Best & Final

407 Cleveland Ave. - Trinity AME Church for development/Benjamin Caruthers for yard extension

BEST & FINAL APPLICATIONS

407 CLEVELAND AVE

TRINITY AME CHURCH
BENJAMIN CARUTHERS

Mr. Slaughter said next we have a best and final for 407 Cleveland between Trinity AME Church and Benjamin Caruthers.

Best & Final – 407 Cleveland Ave



Outlined is the property. We have referenced Mr. Caruthers' property as the house to the west.

May 2, 2016

Best & Final – 407 Cleveland Ave

- **Trinity AME Church – Development**
 - Property part of area development plan
 - Trinity also requested this property be placed into a tax sale (Tax Sale 333 Dec '14)
- **Benjamin Caruthers – Yard Extension**
 - Property at 411 Cleveland Ave been in family since 1950's
 - Applicant states he has been maintaining/cleaning property

Here's some information on the applicants.

Mr. Slaughter said Trinity should all be familiar. They're working on a development plan. I also added this because they were the ones that did request that this delinquent property go into the tax sale and was in last December's tax sale. This was going to be approved and then we pulled it at the commission meeting back in March.

The other applicant, Benjamin Caruthers, he's wanting the property for yard extension. He does own the property at 411 Cleveland. It's been in his family for some time. He claims he's been maintaining the property, cleaning the property.

**LAND BANK ADVISORY
BOARD RECOMMENDATION**

**THE ADVISORY BOARD VOTED TO
FORWARD THE APPLICATION
FROM 411 CLEVELAND AVE, FOR
YARD EXTENSION, FOR FINAL
APPROVAL**

May 2, 2016

The Advisory Board has recommended for moving forward the application for 411 Cleveland for yard extension.

Commissioner Townsend said, Mr. Chairman, I have a question about this best and final. My question dealt with the issue of money. For some reason I was expecting to see that there was a dollar proposal from both of the applicants. **Mr. Slaughter** said, Commissioner, those submissions have been sent and received by our office. The deadline was Friday, this past Friday at noon, so I didn't get a chance to put them on the PowerPoint as I wasn't in the office today. I can read what each applicant is proposing if you like. **Commissioner Townsend** said yes, please. **Mr. Slaughter** said I believe both applicants are here too to answer any questions. The bid amount offered from Trinity is \$500.50. The bid amount offered from Mr. Caruthers is \$1,000. **Commissioner Townsend** said well, as to the money, there's a clear preference. I would say that I know the Caruthers' family intends to keep the property up. It is to the east of the residence that is there that his family own.

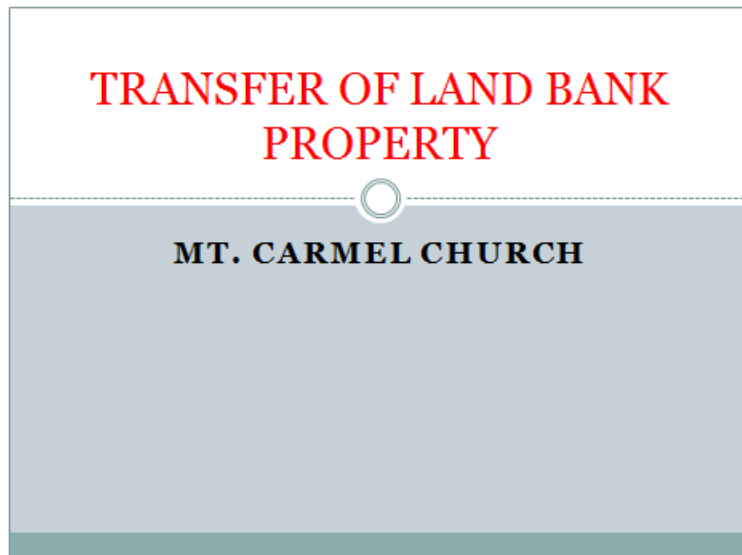
Action: **Commissioner Townsend made a motion, seconded by Commissioner Walters, that the property at 407 Cleveland be awarded to Mr. Benjamin Caruthers, subject to his application for yard extension.** Roll call was taken and there were five "Ayes," Walters, Murguia, Townsend, McKiernan, Walker.

Transfers from Land Bank

1950 N. 11th St. to Mt. Carmel Church of God in Christ
 1934 N. 12th St. to Mt. Carmel Church of God in Christ
 1929 N. 13th St. to Mt. Carmel Church of God in Christ
 1931 N. 13th St. to Mt. Carmel Church of God in Christ
 1937 N. 13th St. to Mt. Carmel Church of God in Christ
 1939 N. 13th St. to Mt. Carmel Church of God in Christ
 1927 N. Bethany St. to Mt. Carmel Church of God in Christ
 1124 Garfield Ave. to Mt. Carmel Church of God in Christ
 1138 Garfield Ave. to Mt. Carmel Church of God in Christ
 1200 Garfield Ave. to Mt. Carmel Church of God in Christ
 1137 Garfield Ave. to Mt. Carmel Church of God in Christ
 1140 Garfield Ave. to Mt. Carmel Church of God in Christ
 1139 Troup Ave. to Mt. Carmel Church of God in Christ.
 (Request to go back to the ownership of the church.)

May 2, 2016

1944 N. 11th St. to Mt. Carmel Redevelopment Corporation, Inc.
 1948 N. 11th St. to Mt. Carmel Redevelopment Corporation, Inc.
 (Building a single family home in partnership with the Community Development Department.)



Mr. Slaughter said next we have some transfers.



Got a little history on this. This is for basically Mt. Carmel Church. Back in July of 2013, we had an agreement with the church that we would take delinquent property that they owned, move them into the Land Bank and we would hold them in exchange for them to maintain the property. That agreement will expire July 3 of this year. We are currently working on a new agreement and we hope to have that next month before you guys. What we're here tonight is there are some of the

May 2, 2016

current list, there's some that are requested to go back to the church.

Transfer of property back to Mt Carmel Church of God in Christ	
• 1950 N 11th St • 1934 N 12th St • 1929 N 13th St • 1931 N 13th St • 1937 N 13th St • 1939 N 13th St • 1927 N Bethany St	• 1124 Garfield Ave • 1138 Garfield Ave • 1140 Garfield Ave • 1200 Garfield Ave • 1237 Garfield Ave • 1139 Troup Ave

This list here, there's, I believe, 13 that are being requested to go back to the church. Up bold at the top it will go back to Mt. Carmel Church of God in Christ.

Transfer of property back to Mt Carmel Redevelopment Corporation, Inc.
• 1944 N 11th St • 1948 N 11th St • Building 2 single family home(s) in partnership with the Community Development Department

Then we have 1944 and 1948 N. 11th that is requested to be transferred back to Mt. Carmel Redevelopment Corporation, Inc., to build two single-family homes in partnership with our Community Development Department.



I did have a map here. Anything in the blue is the first list and then the two in yellow are the last two requested that will have the single-family properties.

Commissioner Murguia asked do they have funding from our Community Development Office. Have they been awarded funding? **Mr. Brockman** said I spoke with Community Development staff today and its HOME dollars to build. **Commissioner Walters** asked what do you mean by that. **Mr. Brockman** said HOME dollars is Community Development HUD money that will build vertically. **Commissioner Murguia** said yes, but don't they have to apply for that. **Mr. Brockman** said well, the way that I understand it from Community Development staff; they want to break ground by June 1. They will build it and then they already have applicants in the que to apply for it. **Commissioner Murguia** said wait, Charles.

Ms. Mundt said it's different than the CDBG dollars; the HOME funding. I'm not sure exactly how that works but I do know that it's not CDBG like the other ones we've been working on. This is HOME funding.

Commissioner Murguia asked so they just cut a deal with Community Development for HOME money. **Ms. Mundt** said I don't know. I don't understand—**Commissioner Murguia** said on the side with no public process.

Marlon Goff, Urban Redevelopment Manager, said I believe they're a CHDO. I believe there's a certain percentage that's set aside every year for the active CHDOs to make use of HOME dollars for permanent homes. **Ms. Mundt** said yes. I think it's a CHDO. **Commissioner Murguia** asked but who picks the CHDO. **Mr. Goff** said its part of the Annual Action Plan, I

believe, that's outlined.

Chairman Walker said well, I don't recall seeing anything about Mt. Carmel being the recipient of the HOME dollars other than a specific amount being allocated to them, to that fund, HOME dollars. Did I miss that in the budget? You tell me it's in the budget where we agreed to allocate this money to them? **Mr. Brockman** said I can find out for you, Commissioner. In talking with staff on this briefly on the two homes, they're—**Chairman Walker** said I don't know what my fellow commissioners want to do and I have no problem with Mt. Carmel building houses and giving this property, but we don't have enough information to make an intelligent decision.

Mr. Slaughter said, Commissioner, I will add that through an email correspondence with the HOME Program Supervisor, Stephanie Moore, she does state that yes, they are partnering with them. That was good enough reason for me to bring it forward was confirmation from their own program coordinator that I assumed everything was in place. Again, I think there is a deadline that needs to be met and that's kind of why they're here this month for consideration.

Ms. Mundt said I think it is different because they are a CHDO as Marlon was saying. Again, this is not an area that I've dealt into as much as CDBG. I have tried to contact Ms. Miller but I didn't realize there was an issue. **Chairman Walker** asked so we have nobody from CDBG here tonight, Melissa. **Ms. Mundt** said no, because I didn't see this was an issue at least on these two properties.

Commissioner Murguia said I think Mt. Carmel does a great job also and I don't have any objections to them building homes or even getting HOME money. I'm just a little bit shocked because this summer it was a major deal about following process and having a very public process for distributing HOME and CDBG funds and funds through Community Development. I just was unaware of this. Now sort of what I'm hearing is that staff decides who receives that funding and then it doesn't come through the Commission again, which I don't really know how I feel about that. It just is very contrary to what when on this summer.

Chairman Walker asked is anybody from Mt. Carmel here. **Mr. Slaughter** said I don't believe so. I think there were some scheduling conflicts that were going to prevent them from being here. **Chairman Walker** said I'll speak for myself. If you're going to come up here and ask us to give you property and you don't bother to show up, then I'm not going to vote to give you property. I

mean, come on. We don't have any of the answers to any of the questions we want here tonight and we're supposed to vote on this because we're told they've got a June 1 deadline? **Mr. Brockman** said, Commissioner, it's not—**Chairman Walker** said this is a hot button item with some of the commissioners because of the CDBG and the way it was dealt with this summer. I don't have any problems if everything is copasetic but I don't like the idea of just giving out property, giving out HOME funds and nobody being able to tell me one thing about how this occurred. It's just not right. I'm not going to vote for it.

Action: **Chairman Walker made a motion, seconded by Commissioner Murguia, to table the two properties (1944 N. 11th & 1948 N. 11th St.) until next month.** Roll call was taken and there were five "Ayes," Walters, Murguia, Townsend, McKiernan, Walker.

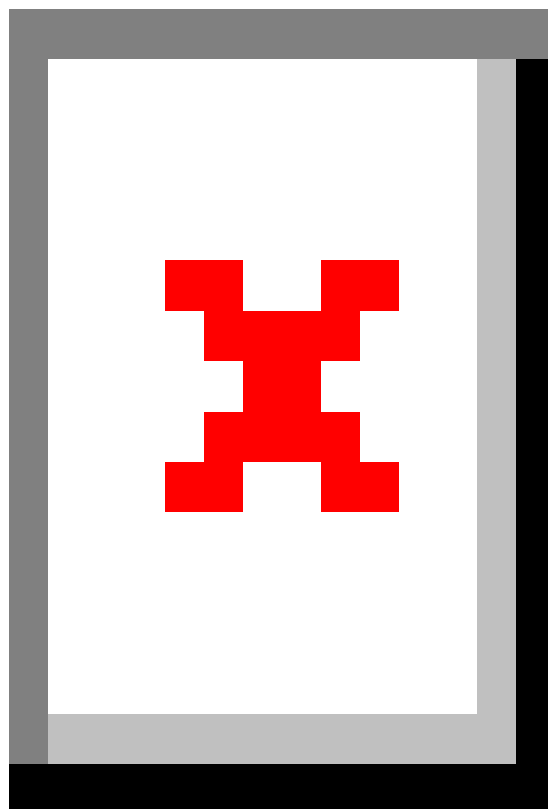
Ms. Mundt said, Commissioner, I'm sorry. I did just receive a message from Ms. Miller. I'm sorry. I did the best I could. I didn't realize this was a controversial matter. She says that Mt. Carmel's two houses HOME funds and the HOME proceeds are from sales of houses. It's kind of a revolving fund of some sort. That's all I can tell you at this point. **Commissioner Murguia** said I understand that part. I know that much about HOME money. What I care about is the process in which that money is distributed. Does everyone that is a CHDO in the county have fair access to this money? Was it publicized? Did everyone have the opportunity to apply for this money or did staff just say on their own behind closed doors hey, we're going to give this money to Mt. Carmel? Again, I'm with Commissioner Walker. I don't have any objections to Mt. Carmel receiving this money, but I do remember this summer where Mt. Carmel is one of the organizations that complained and wrote a letter to the Mayor complaining that they were unaware of the application process for CDBG money. I just find that a little bit concerning since nobody seems to know what the public application process is for this money. I just think the money should be available to everyone for everyone to apply for. **Ms. Mundt** said we'll find out.

Action: **Commissioner Walker made a motion, seconded by Commissioner Murguia, to approve the transfers to the Mt. Carmel Church (excluding 1944 N. 11th & 1948 N. 11th St.).** Roll call was taken and there were five "Ayes," Walters,

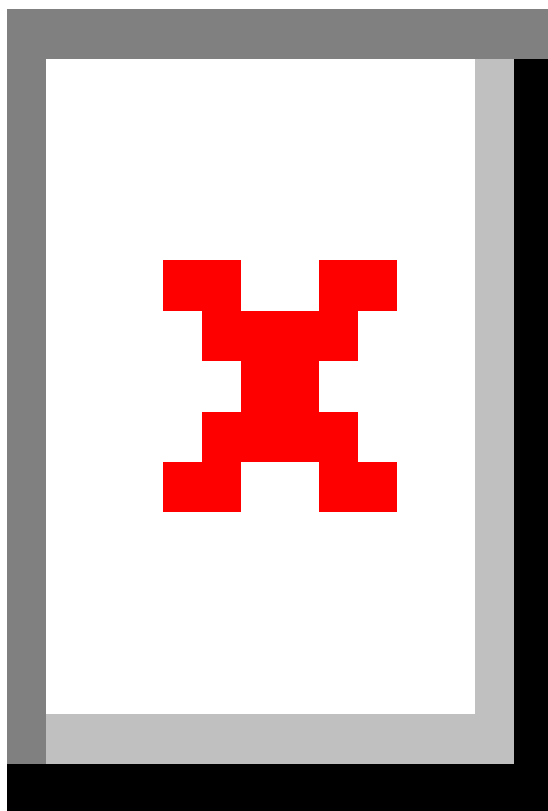
Murguia, Townsend, McKiernan, Walker.

Transfers to Land Bank

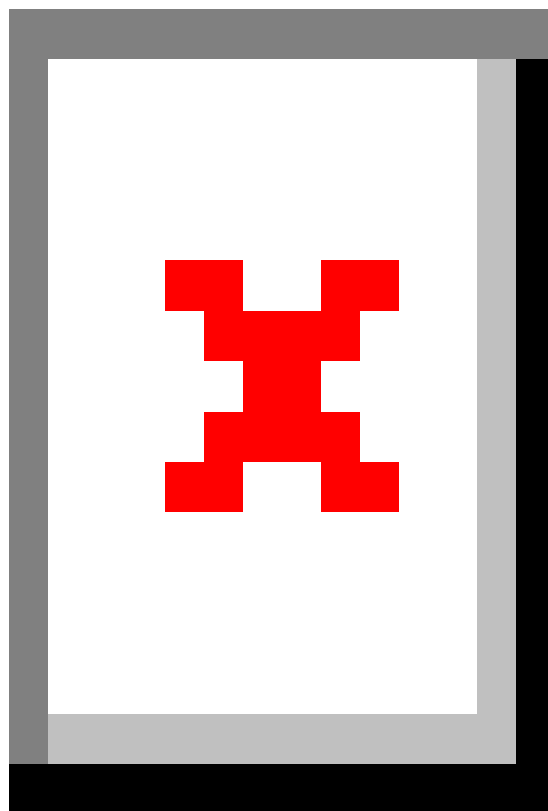
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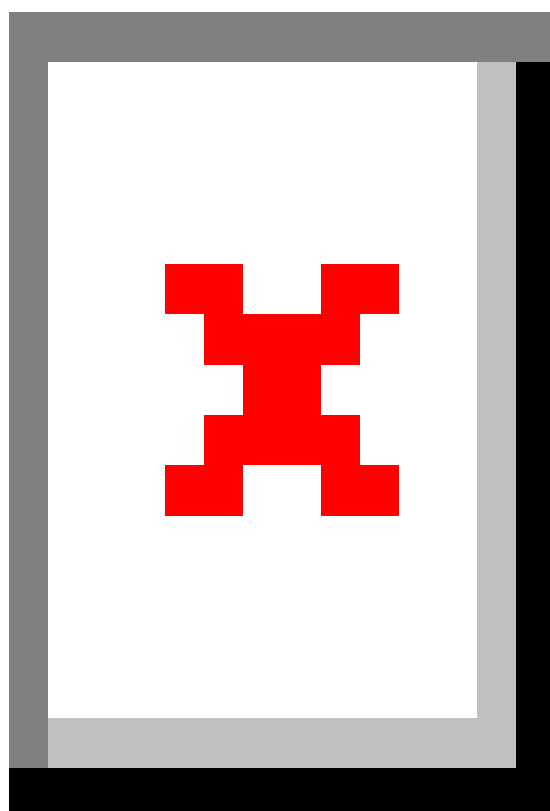
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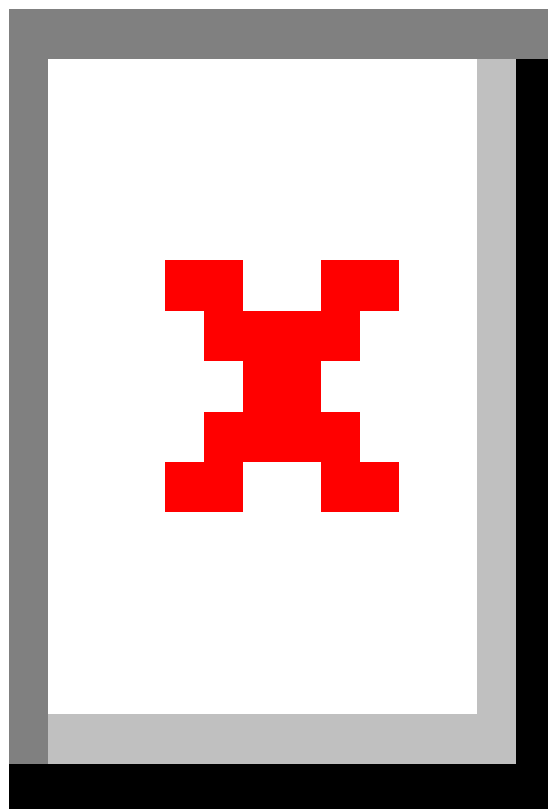
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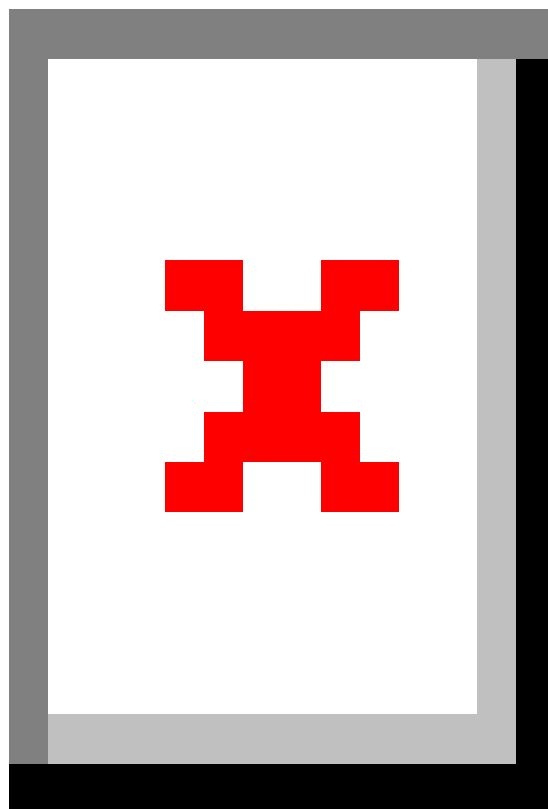
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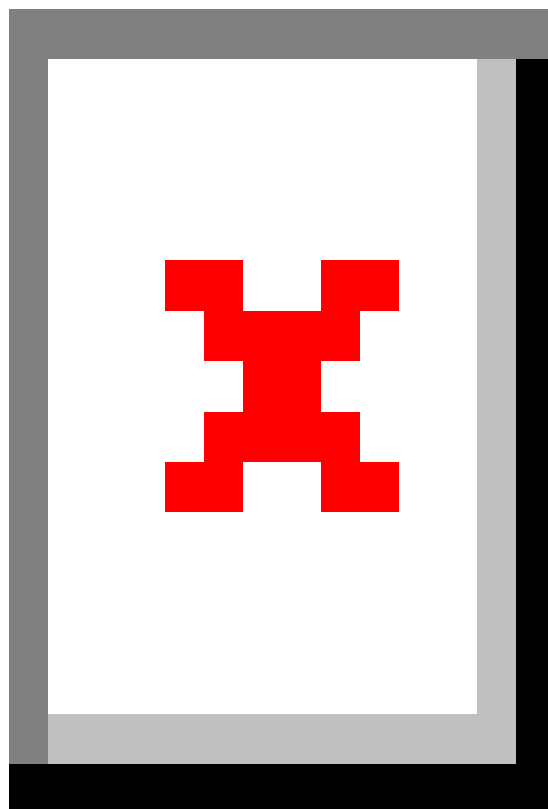
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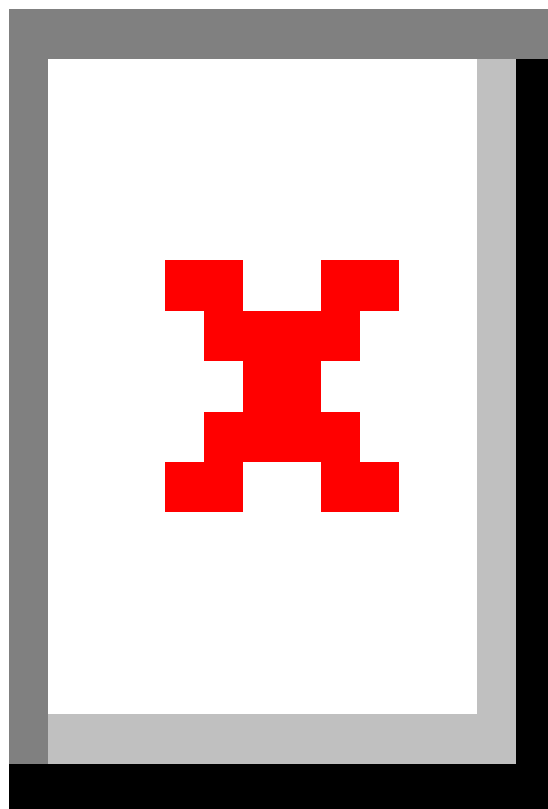
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May 2, 2016

Chairman Walker said there is a substantial list of 303 properties that I assume were tax sale unpurchased. **Mr. Slaughter** said this is the remainders of the list we started back in December '14. We were asked to just get the rest of them on the list. There may be more coming. The way I look at it, once we get them on and get these taxes abated, I will run some more lists just to make sure there's not a couple of extra stragglers out there.

Action: **Commissioner McKiernan** made a motion, seconded by **Commissioner Murguia**, to approve the transfers to the Land Bank. Roll call was taken and there were five votes. **Commissioner McKiernan**, **Walker**.

Commissioner Murguia said, Chris, I just wanted to tell you, great job in getting the Land Bank organized and cleaned up in that last motion that we made. I really appreciate all your effort in that.

Item No. 2 – 16568....DISCUSSION: LAND BANK ADVISORY BOARD

Synopsis: Discussion on the current recommendation practices involving the Land Bank Advisory Board and future recommendations, submitted by Chris Slaughter, Land Bank Manager.

Chairman Walker said I'd like to say that we'll conclude this by 6:00 so we can start the next meeting. I don't see any reason to belabor it.

Chris Slaughter, Land Bank Manager, said I'll just start by saying we've had this discussion before. I believe a couple of months ago I did a presentation on it. This was kind of a request by the Mayor to have, I think, a discussion on maybe more in line of what you guys wanted to see the involvement of the Land Bank Advisory Board be. I think there were some suggestions of comparing it to maybe what Planning & Zoning goes through. Does it need to be that complicated? I don't have a recommendation at this time. I just wanted to open it up to get some discussion from you guys on this matter.

Commissioner McKiernan said I've said this before and I said this in one of our commission meetings is—and I'm not sure that everybody necessarily agrees with me, but I do see some sort of an analog between the Planning Commission and the Land Bank Advisory Board in that they are first pass. They vet the applications. They know some of the properties. They know some of the areas. They can create a recommendation that then comes forward to us as the Land Bank Board of Commissioners. Just as we do with Planning Commission, we can then, as a Commission, either uphold or overturn the recommendations as brought forward by the Land Bank Advisory Board. There's a lot of—the grassroots membership of that Advisory Board, I think, is valuable in that it gives us a street level view and may uncover, as part of the vetting process, some things that we're unaware of in terms of the dynamic of a property, the history of a property, the potential impact of a property. Ultimately, as I understand the whole organization, it is the Land Bank Board of Commissioners, which is the Board of Commissioners, which would make the final decision based on a recommendation from the Advisory Board. That's just kind of how I see it go.

Chairman Walker said I have no issue with retaining the Advisory Board. I think citizen input is good. I mean obviously it's only as good as the people we appoint to the Board. We don't make selections that are interested then the Board is not going to produce much in the way of thoughtful decision-making. I still believe as many people involved in government as possible, the better. I'm in favor of basically maybe we fine tune it in ways about criteria, otherwise, I don't want to change it.

Commissioner Townsend said it's hard to see. I'm working with a delay here. I agree with the comments already expressed by Commissioner McKiernan about the relationship. I agree with your comments, Mr. Chairman, that the Advisory Board plays an essential role in an essential function in helping identify what's good and what may be less than good about certain real estate transactions from the Land Bank. The comment though that I have often heard expressed by some members of the Advisory Board is that they would like to have available to them more information. By that I mean the type of information that comes to us as the standing committee about the nature of the request. To that extent, that would be the only thing I would offer.

Commissioner Murguia said so, Chris, do you have concerns or comments you'd like to make about as far as how you feel about the Advisory Board and how they are to work with since you're the one who has to work with them on these Land Bank lots. **Mr. Slaughter** said first off, let me just say they do a great job. The Advisory Board is an important part of what the Land Bank process is. For the most part, I think we get along good. We are starting to provide more information to them as I've heard those requests as well.

From the Land Bank perspective and, again, we don't have any recommendations, but I think there's going to be some scenarios where we definitely need that eyes and ears on the street advice. There's going to be some projects that come forward that may be their input is going to be important but it's only going to may be—we're going to also need to get may be some subject matter expert advice on it too.

We did rewrite the policy to include some members of staff to be part of that. I've always said having staff involved in the Land Bank process keeps us all on the same page instead of turning around and disposing of some property whether it's for a side yard or a garden or just for someone who wants to keep it up because we can't maintain it. I've been told why did you

let go of that six months ago? Well, I didn't know you guys were working on that project. I think that's something we should look at. Again, it's an important role. I think it's just a matter of further defining what that role is; further defining. Do we keep it in the current structure it is? Are there other recommendations to be made? Maybe. I will say we're one of the few Land Banks in the country that allows citizens to have this kind of input in the process. Most of the Land Bank Advisory Boards are Citizen Advisory Boards, as they're called, are just advocates for the Land Bank.

Hey, we're rolling out a new Adopt-a-Lot Program. Please spread the word to your constituents, your neighbors and all that stuff. We are probably a little bit above and beyond the national curb and that might be the right way to go or maybe we can fine tune it some more. I've done some research on this but tonight I just wanted to get more of you guys' input on this.

Commissioner Murguia said I didn't hear, Chris, I didn't hear anything that you said that is alarming to me or concerning at all. I think it sounds like you want some more professional discretion sometimes about what goes in front of the Advisory Board because it's more complicated and you'd like to utilize staff's recommendation. From my perspective, I would tell you sort of draft something and bring it forward if my fellow commissioners are supportive of that. I surely don't want to waste your time, but I can see like what we went over tonight why residents wouldn't necessarily be the most knowledgeable of the terrain of the land or underground springs or moving hillsides. That's why relying on staff would be nice and not having to go through that process. That would be my input to you.

Commissioner McKiernan said having said earlier that I really value the appointment of citizens to the Advisory Board—you and I have had discussions before and I totally agree with Commissioner Murguia. We've had discussions where sometimes it takes someone with more expertise than the citizens who are a part of that Board in terms of economic development potential, in terms of public works potential, for good or for bad as we've talked about tonight with the hillside. If it takes involvement of other staff within the UG, that's great. If we want to consider recruiting other community members of this Board to supplement the neighborhood leaders who are already on the Board and to supplement staff, then I'd be open to that as well. We've talked several times about strategic assemblage of land for future development.

Evaluating certain parcels in the larger scope, well, okay, it's right next door to a house. It could be a yard extension but it could also be a part of something else. I think that's where we need to provide you some additional support and counsel. If that comes from inside the UG, great. If we need to consider recruiting some other folks with expertise, then I'd be very open to that as well.

Adjourn

Chairman Walker adjourned the meeting at 5:55 p.m.

cg



Staff Request for Commission Action

Tracking No. 16679

Full Commission Meeting Date: 7/28/16

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 7/11/16

(If none, please explain):

Publication Required: No

<u>Date:</u> 06/28/2016	<u>Contact Name:</u> Ryan Haga, Attorney	<u>Contact Phone:</u> x5075	<u>Contact Email:</u> rhaga@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> Ordinances updating and amending the Unified Government's Electrical Code, Building Code, Fire Code, Plumbing Code, Property Maintenance Code, Mechanical Code, and Residential Code for One- and Two-Family Dwellings.				
<u>Action Requested:</u> To approve the Ordinance.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> 2012 NEC, 2012 IBC, 2012 IMC, 2012 UPC Plumbing, updating property mainenance, 2012 IFC, 2012 Revised 1 and 2 family municode				

Published _____

ORDINANCE NO. _____

An ordinance relating to the updating of regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city by adopting and enforcing the 2011 National Electrical Code, amending Section 8-125 and 8-126;

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That the following Sections are hereby amended to read as follows:

DIVISION 1. - GENERALLY

[Sec. 8-125. - NFPA 70 Electrical Code, 2008/2 Edition—Adopted.](#)

[Sec. 8-126. - Same—Amendments.](#)

Sec. 8-125. - NFPA 70 Electrical Code, 200811 Edition—Adopted.

(a) *Electrical code adopted.* There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the issuing, suspension, and revocation of permits, the collection of fees, the making of inspections, the execution of plan reviews, the enforcement of this chapter and the fixing of penalties for violations thereof, the NFPA 70 National Electrical Code, 200811 Edition, approved as an American National Standard on August ~~4525~~, 200710, as published by National Fire Protection Association, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in this chapter. Further, that if there exists or arises any conflict between the provisions of the publication and this Code, then the provisions of this Code are controlling.

(b) *Marked copies of code on file.* There shall be not less than three copies of the standard code, adopted by reference in subsection (a) of this section, kept on file in the office of the Unified Government clerk, to which shall be attached a copy of the ordinance from which this section is derived, and which shall be marked or stamped "Official Copies as Incorporated by Ordinance No. O-57-04," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said code shall be open to inspection and available to the public at all reasonable hours. The Neighborhood Resource Center, Code Enforcement Division, Rental Inspections Division, Building Inspection Division, municipal judges and all administrative departments of the Unified Government charged with the enforcement of this article shall be supplied, at the cost of the Unified Government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

(Code 1964, §§ 12-41, 12-42; Code 1988, § 8-98; Ord. No. 64721, §§ 15, 16, 11-1-1984; Ord. No. 65163, § 1, 6-18-1987; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-57-04, § 13, 9-16-2004)

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

Sec. 8-126. - Same—Amendments.

The 2011 NFPA 70 National Electric Code is amended in the following respects:

Section 230.70.A.1. is amended to read as follows:

Section 230.70.A.1. Readily Accessible Location. The service disconnecting means shall be installed at a readily accessible location either outside of the building or structure or inside within ten feet nearest the point of entrance of the service conductors. The ten foot distance is measured along the path of the service conductors.

(Code 1964, §§ 12-43, 12-44; Code 1988, § 8-100; Ord. No. 64721, §§ 17, 18, 11-1-1984; Ord. No. 65163, § 1, 6-18-1987; Ord. No. 65407, § 4, 3-23-1989; Ord. No. O-57-04, § 15, 9-16-2004)

Section 2. That said original Section 8-125 and 8-126 are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the Wyandotte Echo.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,**

THIS _____ DAY OF _____, 2016.

Mark Holland, Mayor/CEO

Attest:

Unified Government Clerk

Approved As To Form:

Ryan Haga, Assistant Counsel

Published _____

ORDINANCE NO. _____

An ordinance relating to the updating of regulations, provisions, conditions, terms, and specifications for the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the city by adopting and enforcing the 2012 International Building Code; amending Section 8-22 through 8-26;

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That the following Sections are hereby amended to read as follows:

DIVISION 1. - GENERALLY

Sec. 8-22. - Purpose.

Sec. 8-23. - Violations and penalty.

Sec. 8-24. - 2012 International Building Code—Adopted.

Sec. 8-25. - Same—Amendments.

Sec. 8-26. - 2012 International Existing Buildings Code—Adopted.

Sec. 8-27. - Same—Amendments.

Secs. 8-28—8-55. - Reserved.

Sec. 8-22. - Purpose.

The purpose of this article is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within this jurisdiction and certain equipment specifically regulated herein.

(Code 1964, § 7-1 ; Code 1988, § 8-18; Ord. No. 64936, § 3, 12-19-1985)

Sec. 8-23. - Violations and penalty.

Any person who shall violate a provision of this article, fail to comply with any of the requirements of this article, erect, construct, alter, or repair a building or structure in violation of the approved construction documents or directive of the building official or fire chief, or act in violation of a permit or certificate issued under the provisions of this article shall, upon conviction, be sentenced to pay a fine of not less than \$100.00 nor more than \$2,500.00, by imprisonment not exceeding six months, or by both such fine and imprisonment, in addition to any other penalties prescribed by law. The office of chief counsel shall, at the request of the board or the building official, render such legal assistance as may be necessary in carrying out the provisions of this article. Upon the request of the building official, the office of chief counsel shall institute, in the name of the Unified Government, the proper proceedings against any person regarding whom a complaint has been made charging the violation of any provisions of this article. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Code 1964, § 7-27; Code 1988, § 8-16; Ord. No. 64936, § 7, 12-19-1985; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-57-04, § 3, 9-16-2004)

Sec. 8-24. - 2009~~12~~ International Building Code—Adopted.

(a) *Building code adopted.* There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the

issuing, suspension, and revocation of permits, the collection of fees, the making of inspections, the execution of plan reviews, the enforcement of this chapter, and fixing of penalties for violations thereof, the 2009~~12~~ International Building Code and referenced standards and specified appendices C, H and J, dated ~~February~~ May 2009~~11~~, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended by this chapter. Further, if there exists or arises any conflict between the provisions of the publication and this Code, then the provisions of this Code are controlling.

(b) *Marked copies of code on file.* There shall be not fewer than three copies of the standard code, adopted by reference in subsection (a) of this section, kept on file in the office of the Unified Government Clerk, to which shall be attached a copy of the incorporating ordinance from which this section is derived, and which shall be marked or stamped "Official Copies as Incorporated by Ordinance No. O-57-04," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said code shall be open to inspection and available to the public at all reasonable hours. The Neighborhood Resource Center, Code Enforcement Division, Rental Inspections Division and Building Inspection Division, municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

(Code 1964, §§ 7-1 , 7-2 ; Code 1988, § 8-17; Ord. No. 64936, §§ 4, 5, 12-19-1985; Ord. No. 65407, § 1, 3-23-1989; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-57-04, § 4, 9-16-2004)

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

Sec. 8-25. - Same—Amendments.

The 2009~~12~~ International Building Code is amended in the following respects:

Sections 101.1—116 are hereby deleted.

Sections 100—176 Administration are hereby added as follows:

Section 100 Title. The 2009~~12~~ International Building Code, as published by the International Code Council, Inc., and the deletions, changes, and additions contained in the Unified Government Code, chapter 8, sections 8-1 through 8-351, shall be known as the Building Code of the Unified Government of Wyandotte County/Kansas City, Kansas, hereinafter referred to as "this code" or "the building code."

Section 101 Scope. This Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures. Detached one- and two-family dwellings not more than three stories in height with separate means of egress shall comply with article VIII (International Residential Code) of this chapter.

Section 102 Intent. The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, property maintenance, and safety to life and property from fire and other hazards attributed to the built environment.

Section 103 Applicability. Where, in any specific case, different sections of this code specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Section 104 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state, or federal law.

Section 105 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number shall be construed to refer to such chapter, section, or provision of this code.

Section 106 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this

code shall apply. Any reference to the ICC Electrical Code in the International Building Code, International Residential Code, International Mechanical Code, International Existing Buildings Code, International Property Maintenance Code or Uniform Plumbing Code shall be replaced with the NFPA 70 National Electric Code, 2011 Edition.

Section 107 Partial invalidity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

Section 108 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the Property Maintenance Code or the International Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

Section 109 Duties and powers of building official. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall comply with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code. The building official shall be known as public officer, and such term shall include his/her authorized representatives. Further, whenever the term or title "administrative authority," "responsible official," "codes administrator," "codes director," or other similar designation is used in any of the codes adopted by reference by this code, it shall be construed to mean the building official.

Section 110 Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection, alteration, demolition or moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

Section 111 Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this code.

Section 112 Inspections. The building official shall make all of the required inspections or shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

Section 113 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that, if such structure or premises be occupied, that credentials be presented to the occupant and entry requested. If such structure or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

Section 114 Records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

Section 115 Liability. The building official, member of the building and fire code board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action; suit or proceeding that is instituted in pursuance of the

provisions of this code.

Section 116 Approved materials and equipment. Materials, equipment, and devices approved by the building official shall be constructed and installed in accordance with such approval.

Section 117 Used materials and equipment. The use of used materials, which meet the requirements of this code for new materials, is permitted. Used equipment and devices shall not be reused unless approved by the building official.

Section 118 Sanitary facilities for construction workers. The contractor, builder, or other person having the management and control of construction work shall prevent the commission of any nuisance by the workers on the premises connected therewith and if a temporary privy is located on the premises it shall be properly screened and maintained in a sanitary manner.

Section 119 Excavations. Any excavation for foundations and/or footings of buildings and structures shall be backfilled within 28 days from the date of permit issuance unless otherwise approved by the building official.

Section 120 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of inspection services.

Section 121 Alternative materials, design, and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

Section 122 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

Section 123 Permits. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, plumbing, or elevator system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. In addition, a hazardous materials permit may be required based upon the type and quantities of materials proposed to be used or stored. When required by the fire chief, a hazardous materials permit application must be submitted prior to the issuance of the building permit.

Section 124 Work exempt from permit. Exemptions from 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 or ordinances of this jurisdiction. Permits shall not be required for the following:

(a) *Building.*

- (1) Retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding class I, II or III-A liquids. In addition, the building official may waive the requirements for a permit or engineered drawings for walls over four feet in height if it is deemed unnecessary to require such submittals due to the location and

type of wall to be installed.

- (2) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- (3) Temporary motion picture, television, and theater stage sets and scenery.
- (4) Swings and other playground equipment.
- (5) Window awnings supported by an exterior wall of group R-3 and group U occupancies.
- (6) Movable cases, counters and partitions not over five feet, nine inches (1,753 mm) in height.
- (7) One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet.
- (8) Fences not over six feet high.
- (9) Prefabricated swimming pools accessory to a group R-3 occupancy, which are less than 24 inches deep, do not exceed 5,000 gallons, and are installed entirely above grade.
- (10) Oil derricks.
- (11) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.
- (12) Reinstalling roof coverings on existing buildings when no structural elements are being repaired or replaced.

(b) *Electrical.*

- (1) Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- (2) Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but does apply to equipment and wiring for power supply, the installations of towers and antennas.
- (3) Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

(c) *Gas.*

- (1) Portable heating appliance.
- (2) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- (3) The repair, replacement or installation of less than six feet of gas piping.

(d) *Mechanical.*

- (1) Portable heating appliance;
- (2) Portable ventilation equipment;
- (3) Portable cooling unit;
- (4) Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code;
- (5) Replacement of any part which does not alter its approval or make it unsafe;

(6) Portable evaporative cooler;

(7) Self-contained refrigeration system containing ten pound (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.

(e) *Plumbing.*

(1) The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

(2) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

(f) *Emergency repairs.* Where equipment replacements and repairs must be performed in an emergency, the permit application shall be submitted within the next working business day to the building official.

(g) *Repairs.* Application or notice to the building official is not required for ordinary repairs to structures. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drain, leader, gas, soil, waste, vent or similar piping, electric wiring, electrical system, mechanical system, or other work affecting public health or general safety.

(h) *Public service agencies.* A permit shall not be required for the installation, alteration, or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

Section 125 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the building official for that purpose.

Section 126 Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.

Section 127 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued, except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section 128 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

Section 129 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Work progress must be documented by a routine inspection. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. Permit extensions shall be charged a fee at one half the original permit fee provided no changes have been made or will be made in the original

plans and specifications for such work. The extension shall be requested in writing and justifiable cause demonstrated upon finding by the same that substantial progress has been made toward completion. Substantial progress is to mean that the project is over 50 percent complete and, in the opinion of the building official, the project applicant has the capability to finish the work permitted within one time period extension. If questionable, the building official may require proof of performance, i.e., a list of contractors and subcontractors under contract for the completion of the project, before the granting of the time extension. Failure to complete a project in the time limits stated above or failure to maintain a valid permit constitutes a violation of this code.

Section 130 Suspension or revocation. The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or based on incorrect, inaccurate, or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

Section 131 Placement of permit. All permits shall be posted to be visible from the street and kept on the site of the work until the completion of the project.

Exceptions:

- 1) Permits for the construction of one- and two-family dwellings are not required to be posted on the site when the property address is clearly identified and visible from the street.
- 2) Permits for other than one- and two-family dwellings are not required to be visible from the street when kept on the site in a location accessible to the building official. Whenever permits are not visible from the street, the property address must be clearly identified. Failure to clearly identify the address or display permits may result in inspections not being performed.

Section 132 Submittal documents. Construction documents, special inspection and structural observation programs, and other data shall be submitted in two or more sets with each application for a permit. A registered design professional licensed by the State of Kansas shall prepare the construction documents. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional licensed by the State of Kansas.

Exceptions:

- 1) Plans for the construction of one- and two-family dwellings using conventional construction techniques prescribed by the codes are not required to be prepared by a registered design professional licensed by the State of Kansas.
- 2) The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to verify compliance with this code.

Section 133 Information on construction documents. Construction documents shall be dimensioned and drawn to scale upon suitable material. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official. The construction documents shall show in sufficient detail the location, construction, size, occupancy classification, construction type and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code.

Section 134 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved before the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in this code.

Section 135 Site plan. There shall be a site plan, showing to scale, the size and location of all the new construction and all existing structures on the site including easements, distances from lot lines, established street grades, existing and proposed finished grades, sewer elevations. All decks, balconies, overhangs, or

other building protrusions shall be indicated and dimensioned. In the case of partial demolition, the plot plan shall show all construction to be demolished and the location and size of all existing structures and construction that are to remain on the site of the plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair and does not affect the exterior features of the building.

Section 136 Examination of documents. The building official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

Section 137 Approval of construction documents. When the building official issues a permit, the construction documents shall be stamped "Approved." The building official shall retain one set of construction documents so reviewed. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or his or her authorized representative. Failure to maintain city-stamped construction documents on site may result in inspections not being performed.

Section 138 Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

Section 139 Phased approval. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

Section 140 Design professional in responsible charge. When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The owner shall notify the building official in writing if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Where structural observation is required by this code, the inspection program shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

Section 141 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official. Submittal documents for deferred submittal items shall be submitted to the registered design professional in responsible charge, who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until the building official has approved their design and submittal documents.

Section 142 Amended construction documents. Work shall be installed in accordance with the reviewed construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

Section 143 Establishment of fees. Permit and building inspection administrative fee schedule shall be established by the unified government county administrators' office and may be reviewed on an annual basis.

Section 144 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

Section 145 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid prior to issuance of said permit, in accordance with the unified government fee schedule.

Section 146 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including current market value of materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the valuation shall be determined by using the most current building valuation data provided by the International Codes Council.

Section 147 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical, elevator equipment, or plumbing system before obtaining the necessary permits shall be subject to an additional fee equal to the amount of the permit as established by the unified government fee schedule. The payment of such fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law. Work that has commenced on a building, structure, electrical, gas, mechanical, elevator equipment, or plumbing system before obtaining the necessary permits constitutes a violation of this code.

Section 148 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

Section 149 Inspections general. Construction or work for which a permit is required shall be subject to inspection by the building official or his designee and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval because of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Section 150 Preliminary inspection. Before issuing a permit, the building official or his designee is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed. A fee shall be charged for such examination of an existing building called a "status report," and a fee shall be charged according to the fee schedule established by the county administrator.

Section 151 Required inspections. The building official or his designee, upon notification, shall make the inspections set forth in this code and the policies and procedures for required inspections.

A. *Footing or foundation inspection.* Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place before inspection. Materials for the foundation shall be on the job, except that where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

B. *Under-floor inspection.* Under-floor inspections shall be made after under-floor building service equipment, wiring, conduit, piping accessories and other ancillary equipment items are in place, but before floor sheathing is installed, including the sub floor. This inspection is for areas such as crawlspaces where access is very limited or impossible at a latter date.

C. *Under-slab plumbing inspection.* Under-slab plumbing inspections shall be made when all under-floor plumbing pipes are in place, but before the installation is covered with gravel or concrete.

D. *Sewer line inspection.* The sewer line from the building out to the property line shall not be concealed from view until inspected and approved. There are separate requirements for the tap into the sewer main by the unified government water pollution control department.

E. *Elevations.* Elevation certification may be required when determined necessary by the building official

to confirm compliance with provisions prescribed by law.

F. *Rough-in inspections.* All rough-in inspections for R-1, R-2 and R-3 occupancies will be done at the same time.

1. *Frame inspection.* Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete.
2. *Electrical.* Rough electrical inspection shall be made when all wiring, boxes, and/or conduits have been installed. All metal box devices must be grounded at this time.
3. *Plumbing.* Rough plumbing inspection shall be made when all water, drain, waste and vent piping has been completed.
4. *HVAC.* Rough mechanical inspection shall be made when all duct and flue installations have been completed. This also includes the completion of ducts for ventilation fans and devices.
5. *Fireplace.* Inspection of fireplace installations shall be made before any work is concealed. All factory-built fireplaces shall be listed by a testing agency recognized by the codes adopted by the unified government.
6. *Fire-resistant penetrations.* Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

G. *Lath or gypsum board inspection.* Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

Exceptions:

1. Gypsum board that is not part of a fire-resistive assembly or a shear assembly.

H. *Electrical service inspection.* This inspection shall be done when the meter base, overhead or underground riser, panel/switchgear, main breaker, grounding and at least one load circuit is installed. No new electrical service shall be energized without first receiving the approval of the building official. On new one- and two-family dwellings, this inspection shall be done with the rough-in inspections.

I. *Complete gas.* This inspection shall be done when all interior gas piping is installed and at least one appliance connected. The test shall be in accordance with the plumbing code adopted by the unified government. On new one- and two-family dwellings, this inspection shall be done with the rough-in inspections.

J. *Other inspections.* In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the building official.

K. *Special inspections.* Special inspections, as required by this code and the building official.

L. *Fire protection inspections.* Inspection of all fire protection systems. The fire chief or his designee conducts this inspection.

M. *Final inspection.* The final inspection shall be made after all work required by the building permit is completed.

Section 152 Inspection agencies. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

Section 153 Inspection requests. It shall be the duty of the holder of the permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspection of such work for any inspections that are required by this code.

Inspection requests shall be made in advance and in accordance with the most current written policies of the inspection services division.

Section 154 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. The provision is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. Reinspection fees may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, not having the address clearly posted and visible from the street, or for deviating from plans requiring the approval of the building official. To obtain a reinspection, the applicant shall file an application thereof in writing upon a form furnished for that purpose, and pay the reinspection fee as established by the unified government fee schedule. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

Section 155 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

Section 156 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of any other ordinance.

Section 157 Changes in uses. Changes in the character or use of an existing structure shall not be made except as specified in this code. The building official may require a design professional registered within the state to perform a code analysis and submit plans and/or other information as deemed necessary to determine the proposed use will be in compliance with this code.

Section 158 Certificate issued. It shall be the responsibility of the permit holder to request a final inspection and to apply for a certificate of occupancy when required. The permit holder shall be excused from this responsibility only if the owner of property has applied for and secured a certificate of occupancy. After the building official inspects the building or structure and finds no violations of the provisions of this code or other ordinances of the unified government, the building official shall issue a certificate of occupancy.

Section 159 Posting the certificate of occupancy. The certificate of occupancy, or a copy, shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.

Exception: R-1, R-2 and R-3 occupancies.

Section 160 Temporary occupancy. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid. A fee shall be charged for the issuance of a temporary certificate of occupancy in accordance with the unified governments fee schedule.

Section 161 Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

Section 162 Connection of service utilities. No person shall make new connections from any source of energy, fuel, or power to any building or system that is regulated by this code for which a permit is required, until released by the building official.

Section 163 Temporary connection. The building official shall have the authority to authorize the temporary

connection of the building or system to the source of energy, fuel, or power.

Section 164 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and wherever possible, the owner and occupant of the building, structure or service system, of the decision to disconnect before taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

Section 165 Board of appeals. In order to hear and decide appeals of orders, decisions or determinations made by the building official and fire chief relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall consist of eleven members appointed by the mayor and the unified government board of commissioners, to serve for a period concurrent with the term served by the appointing member of the board of commissioners, unless removed sooner for cause. The board of appeals shall hold office at its pleasure. The board shall adopt appropriate rules of procedure for conducting its business. A quorum of the board of building and fire code appeals consists of six members.

A. *Qualifications.* The members of the board of appeals shall consist of persons qualified by experience and training to pass on matters pertaining to building construction, skilled in diversified building or construction trades or professions such as architect, engineer, builder, general contractor, licensed master contractor and one layman to represent the general public. Employees of the unified government are prohibited from being members of the board.

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

C. *Fee for appeal.* Any person who appeals an order, decision, or determination made by the building official or fire chief, relative to the application and interpretation of this code, shall file an application and pay a fee in accordance with the unified government fee schedule.

Section 166 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause the same to be done, in conflict with or in violation of any of the provisions of this code.

Section 167 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure or systems in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

Section 168 Prosecution of violation. If the notice of violation is not complied with within the established abatement period, the code official is authorized to request the office of chief counsel to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

Section 169 Stop work order. Whenever the building official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or other ordinance in the Code of the Unified Government of Wyandotte County/Kansas City, Kansas, or in a dangerous or unsafe manner, the building official is authorized to issue a stop work order.

Section 170 Issuance of stop work orders. The stop work order shall be in writing and shall be given to the owner of the property involved or to the owner's agent, to the person doing the work or posted upon the property. Upon issuance of a stop work order, the cited work shall immediately cease or as otherwise determined by the building official. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume. Any violation of a stop work order will constitute a violation of this code.

Section 171 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Section 172 Unsafe structures and equipment conditions. Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, which constitute a fire hazard, which are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section.

A vacant structure that is not secured against entry shall be deemed unsafe.

Section 173 Record. The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

Section 174 Notice. If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

Section 175 Method of service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; or (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by state and local law or posted upon the property. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

Section 176 Restoration. The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations, or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions, or change of occupancy shall comply with the requirements of this code.

Section 901.3 is amended to read as follows:

Section 901.3 Modifications. No person shall remove or modify any fire protection system installed or maintained under the provisions of this code or the International Fire Code without approval of the fire chief.

Section 1013.1 is amended to read as follows:

Section 1013.1 Guards. Where required, guards shall be located along open-sided walking surfaces, mezzanines, industrial equipment platforms, stairways, ramps and landings which are located more than 30 inches (762 mm) above the floor or grade below. Guards shall be adequate in strength and attachment in accordance with section 1607.7. Guards shall also be located along glazed sides of stairways, ramps and landings that are located more than 30 inches (762 mm) above the floor or grade below where the glazing provided does not meet the strength and attachment requirements in section 1607.7. In addition, guards are required at retaining walls over 30 inches above grade when walking surfaces are within ten feet of the high side of the retaining wall.

Table 1017.2.2 is amended to read as follows:

The maximum *exit access* travel distance shall be 400 feet (122 m) in Group F-1 or S-1 occupancies where all of the following conditions are met:

1. The portion of the building classified as Group F-1 or S-1 is limited to one story in height.
2. The minimum height from the finished floor to the bottom of the ceiling or roof slab or deck is 24 feet (7315 mm).

3. The building is equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1.

(Code 1988, § 8-17.5; Ord. No. O-57-04, § 4, 9-16-2004)

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

Secs. 8-286—8-55. - Reserved.

Section 2. That said original Sections 8-22 through 8-26 are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the Wyandotte Echo.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,**

THIS _____ DAY OF _____, 2016.

Mark Holland, Mayor/CEO

Attest:

Unified Government Clerk

Approved As To Form:

Ryan Haga, Assistant Counsel

Published _____

ORDINANCE NO. _____

An ordinance relating to updating of regulations for buildings and structures within the city though the enforcement of 2012 International Mechanical Code; amending 8-279 through 8-283;

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That the following Sections are hereby amended to read as follows:

DIVISION 1. - GENERALLY

[Sec. 8-279. - Definitions.](#)

[Sec. 8-280. - Violations and penalty.](#)

[Sec. 8-281. - 2003 International Mechanical Code—Adopted.](#)

[Sec. 8-282. - Same—Amendments.](#)

[Secs. 8-283—8-312. - Reserved.](#)

Sec. 8-279. - 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:

Employee mechanic means a person who is required to register as such who is working at the trade in the employment of a licensed mechanical contractor.

Master mechanic means a person having the necessary qualifications, training, experience and technical knowledge to properly plan, lay out, supervise, install and repair mechanical apparatus and equipment for heating, ventilation, air conditioning, refrigeration, incinerators and other miscellaneous heat-producing appliances.

Master mechanical contractor means any person who undertakes or offers to undertake for another the planning, laying out, supervising and installing or the making of additions, alterations and repairs in the installation of mechanical apparatus and equipment for heating, ventilation, air conditioning, refrigeration, incinerators and other miscellaneous heat-producing appliances.

(Code 1964, § 7-52 ; Code 1988, § 8-216; Ord. No. 64937, § 2, 12-19-1985)

Cross reference— Definitions generally, § 1-2

Sec. 8-280. - Violations and penalty.

Any person who shall violate any of the provisions of this article shall, upon conviction, be punished by a fine of not less than \$100.00 nor more than \$2,500.00, by imprisonment for not more than six months, or by both. The office of chief counsel shall, at the request of the building official, render such legal assistance as may be necessary in carrying out the provisions of this article.

(Code 1964, § 7-63; Code 1988, § 8-217; Ord. No. 64937, § 13, 12-19-1985; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-57-04, § 18, 9-16-2004)

Sec. 8-281. - 2009~~12~~ International Mechanical Code—Adopted.

(a) *Mechanical code adopted.* There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the

issuing, suspension, and revocation of permits, the collection of fees, the making of inspections, the execution of plan reviews, the enforcement of this chapter and the fixing of penalties for violations thereof, the 2009~~12~~ International Mechanical Code, dated ~~February~~ April 2009~~11~~, as published by the International Code Council Inc., excepting only such parts or portions thereof as are specifically added or amended in this chapter. Further, if there exists or arises any conflict between the provisions of the publication and this Code, then the provisions of this Code are controlling.

(b) *Marked copies of code on file.* There shall be not less than three copies of the standard code adopted by reference in subsection (a) of this section kept on file in the office of the unified government clerk, to which shall be attached a copy of this division, and which shall be marked or stamped "Official Copies as Incorporated by Ordinance No. O-57-04," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said code shall be open to inspection and available to the public at all reasonable hours. The neighborhood resource center, code enforcement division, rental inspections division and building inspection division, municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

(Code 1964, §§ 7-71, 7-72; Code 1988, § 8-218; Ord. No. 64937, §§ 14, 15, 12-19-1985; Ord. No. 65407, § 12, 3-23-1989; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-57-04, § 18, 9-16-2004)

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

Sec. 8-282. - Same—Amendments.

The 2009~~12~~ International Mechanical Code, incorporated by reference in section 8-281(a), is amended in the following respects:

Sections 101.1—110 of Chapter 1, Administration are hereby deleted. See Administration provisions in section 8-25 of this chapter.

Section 301.7. is amended to read as follows:

Section 301.7~~10~~. Electrical. Electrical wiring, controls and connections to equipment and appliances regulated by this code shall be in accordance with the NFPA 70 National Electrical Code, 2008~~11~~ Edition, as adopted in section 8-125 of this chapter.

(Code 1964, §§ 7-73, 7-74; Code 1988, § 8-219; Ord. No. 64937, §§ 16, 17, 12-19-1985; Ord. No. 65407, § 13, 3-23-1989; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-57-04, § 20, 9-16-2004)

Secs. 8-283—8-312. - Reserved.

Section 2. That said original Sections 8-279 through 8-283 are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the Wyandotte Echo.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,**

THIS _____ DAY OF _____, 2016.

Mark Holland, Mayor/CEO

Attest:

Unified Government Clerk

Approved As To Form:

Ryan Haga, Assistant Counsel

Published _____

ORDINANCE NO. _____

An ordinance relating to updating of regulations for buildings and structures within the city though the enforcement of 2012 Uniform Plumbing Code; amending 8-348 through 8-352;

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That the following Sections are hereby amended to read as follows:

DIVISION 1. - GENERALLY

[Sec. 8-348. - Definitions.](#)

[Sec. 8-349. - Violations; penalty.](#)

[Sec. 8-350. - 2009~~12~~ Uniform Plumbing Code—Adopted.](#)

[Sec. 8-351. - Same—Amendments.](#)

[Secs. 8-352—8-375. - Reserved.](#)

Sec. 8-348. - 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:

Employee plumber means a person who is working at the trade in the employment of a licensed plumbing contractor.

Master plumber means a person having the necessary qualifications, training, experience and technical knowledge to properly plan, lay out, supervise, install and repair plumbing materials and systems.

Master plumbing contractor means any person who undertakes or offers to undertake for another the planning, laying out, supervising and installing or the making of additions, alterations and repairs in the installation of plumbing materials and systems.

(Code 1964, § 28-42 ; Code 1988, § 8-276; Ord. No. 64938, § 2, 12-19-1985)

Cross reference— Definitions generally, § 1-2

Sec. 8-349. - Violations; penalty.

Any person who shall violate any of the provisions of this article shall, upon conviction, be sentenced to pay a fine of not less than \$100.00 nor more than \$2,500.00, be imprisoned for not exceeding six months, or both. The office of chief counsel shall, at the request of the building official, render such legal assistance as may be necessary in carrying out the provisions of this article.

(Code 1964, § 28-53; Code 1988, § 8-277; Ord. No. 64938, § 13, 12-19-1985; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-57-04, § 21, 9-16-2004)

Sec. 8-350. - 2009~~12~~ Uniform Plumbing Code—Adopted.

(a) *Plumbing code adopted.* There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the issuing, suspension, and revocation of permits, the collection of fees, making of inspections, the execution of plan reviews, the enforcement of this chapter, and the fixing of penalties for violations thereof, the 2009~~12~~ Uniform Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials, 500~~1~~ 4755 E.

Philadelphia Street, Ontario, CA 91761-2816, excepting only such parts or portions thereof as are specifically added or amended in this chapter. Further, if there exists or arises any conflict between the provisions of the publication and this Code, then the provisions of this Code are controlling.

(b) *Marked copies of code on file.* There shall be not less than three copies of the standard code adopted by reference in subsection (a) of this section kept on file in the office of the unified government clerk, to which shall be attached a copy of this division, and which shall be marked or stamped "Official Copies as Incorporated by Ordinance No. O-57-04," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said code shall be open to inspection and available to the public at all reasonable hours. The neighborhood resource center, code enforcement division, rental inspections division and building inspection division, municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

(Code 1964, §§ 28-21, 28-22; Code 1988, § 8-278; Ord. No. 64938, §§ 14, 15, 12-19-1985; Ord. No. 65407, § 19, 3-23-1989; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-57-04, § 22, 9-16-2004)

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

Sec. 8-351. - Same—Amendments.

The 2009 Uniform Plumbing Code, adopted by reference in section 8-350, is amended in the following respects:

Sections 101.0—103.8.2 of Chapter 1, Administration are hereby deleted. See Administration provisions in section 8-25.

Section 204.0 is amended to read as follows:

Section 204.0 Definitions. Building Supply definition has been revised:

Building Supply—The pipe carrying potable water from the water main or other source of potable water supply to the first shutoff valve downstream of all of the following (as applicable):

1. The point of entrance into the building;
2. The water meter; and
3. The service backflow prevention device.

Section 603.42 is amended to read as follows:

Section 603.42 Approval of devices or assemblies. Approval, inspection and testing of backflow prevention assemblies shall be in accordance with the policies prescribed by the Board of Public Utilities Kansas City, Kansas, Water Department.

Sections 412.422.1—412.5.322.4.1 and Table 4-422.1 are hereby deleted. (See section 8-25 of this chapter.)

Section 601.43 is added to read as follows:

Section 601.43 Reference to building supply piping. References in this code to building supply (water service) piping shall apply only to building supply piping connected to a private source of water supply. All building supply piping connected to the public water supply is under the jurisdiction of the Board of Public Utilities (BPU).

Section 801.2(A) is amended to read as follows:

Section 801.2(A) Food Utensils, Dishes, Pots and Pans Sinks. Sinks used for the washing, rinsing or sanitizing of utensils, dishes, pots, pans or service ware used in the preparation, serving or eating of food shall discharge indirectly through an air gap or an air break to the drainage system.

Section 807.4 is amended to read as follows:

Section 807.4 Appliances. Dishwashing machines shall discharge separately into a trap or trapped fixture. Domestic dishwashing machines may discharge into the tailpiece of the kitchen sink or the dishwasher connection of a food waste grinder.

Section 901.3 is amended to read as follows:

Section 901.3 Floor drain vents. A floor drain (where used as such) need not be vented, provided it is within 25 feet of a three-inch stack or horizontal drain which has at least a three-inch-diameter vent extension through the roof.

Section 901.4 is amended to read as follows:

Section 901.4 Automatic clothes washer venting. A standpipe for an automatic clothes washer need not be separately vented provided all of the following criteria apply:

- (1) The standpipe is used with an approved "P" trap.
- (2) The "P" trap is within 25 feet of a three-inch stack that extends through the roof.

Section 1201.0 (C) is amended to read as follows:

Section 1201.0 (C) Fuel piping. (17) Fuel Piping in one- and two-family dwellings shall comply with section 8-411 of this chapter (International Residential Code).

Section 1211.3.6 is amended to read as follows:

Section 1211.3.6 Gas piping. No gas piping shall be installed in or on the ground under any building or structure unless installed in gas tight conduit and approved by the administrative authority, and all exposed gas piping shall be kept at least six inches (152 mm) above grade or structure. The term "building or structure" shall include structures such as porches and steps, whether covered or uncovered, breezeways, roofed porte-cocheres, roofed patios, carports, covered walks, covered driveways, and similar structures or appurtenances.

The conduit shall be of material approved for installation underground beneath buildings and not less than Schedule 40 pipe. The interior diameter of the conduit shall be not less than one-half inch (12.7 mm) larger than the outside diameter of the gas piping.

The conduit shall extend to a point at least 12 inches (305 mm) beyond any area where it is required to be installed or to the outside wall of a building, and the outer ends shall not be sealed. Where the conduit terminates within a building, it shall be readily accessible, and the space between the conduit and the gas piping shall be sealed to prevent leakage of gas into the building.

Concealed unprotected gas piping may be installed above grade in approved recesses or channels.

Exception: When necessary due to structural conditions, approved type gas piping may be installed in other locations, when permission has first been obtained from the administrative authority.

Section 1213.0 is amended to read as follows:

Section 1213.0 Liquefied gas piping. Liquefied petroleum gas piping shall not serve any gas water heater or appliance located in a pit or basement where heavier than air gas might collect to form a flammable mixture. Water heaters or appliances so served shall not be installed in an above-grade under-floor space or basement unless such location is provided with an approved means for removal of unburned gas.

(Code 1964, §§ 28-23, 28-24; Code 1988, § 8-279 ; Ord. No. 64938, §§ 16, 17, 12-19-1985; Ord. No. 65407, § 20, 3-23-1989; Ord. No. 65456, § 7, 8-17-1989; Ord. No. O-57-04, § 23, 9-16-2004)

Secs. 8-352—8-375. - Reserved.

Section 2. That said original Sections 8-348 through 8-352 are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the Wyandotte Echo.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,**

THIS _____ DAY OF _____, 2016.

Mark Holland, Mayor/CEO

Attest:

Unified Government Clerk

Approved As To Form:

Ryan Haga, Assistant Counsel

Published _____

ORDINANCE NO. _____

An ordinance relating to updating of regulations for property, buildings and structures within the city through the enforcement of 2012 International Property Maintenance Code; amending 8-431 through 8-549;

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That the following Sections are hereby amended to read as follows:

Sec. 8-431. - 2009~~12~~ International Property Maintenance Code—Adopted; purpose.

- (a) Property maintenance code adopted. There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the issuing, suspension, and revocation of permits, the collection of fees, making of inspections, the execution of plan reviews, the enforcement of this chapter and the fixing of penalties for violations thereof, the 2009~~12~~ International Property Maintenance Code, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically added or amended by ordinance. Further, if there exists or arises any conflict between the provisions of the publication and this Code, then the provisions of this Code are controlling.
- (b) Marked copies of code on file. There shall be not less than three copies of the standard code adopted by reference in subsection (a) of this section kept on file in the office of the unified government clerk, to which shall be attached a copy of Ordinance No. O-29-12, and which shall be marked or stamped "Official Copies as Incorporated by Ordinance No. O-29-12," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said code shall be open to inspection and available to the public at all reasonable hours. The neighborhood resource center, code enforcement division, rental inspections division and building inspection division, municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.
- (c) Penalty for violation. Any person who shall violate any of the provisions of this article or the 2009~~12~~ International Property Maintenance Code herein adopted shall be guilty of a violation of this article, and shall upon conviction, be sentenced to pay a fine of not less than \$100.00 nor more than \$2,500.00, be imprisoned for not exceeding six months, or both. The office of chief counsel shall, at the request of the public officer, render such legal assistance as may be necessary in carrying out the provisions of this article.

(Code 1988, § 8-336; Ord. No. 65300, §§ 1, 2, 8, 4-7-1988; Ord. No. 66075, § 1, 1-4-1996; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-57-04, § 26, 9-16-2004; Ord. No. O-44-11, § 26, 10-20-2011; Ord. No. O-29-12, § 26, 5-3-2012)

State Law reference— Adoption by reference authorized, K.S.A. 12-3009 et seq., 12-3301 et seq.

Sec. 8-432. - Same—Statement of purpose, definitions, amendments, etc.

- (a) Statement of purpose. It is the intent of the code adopted in section 8-431 to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all real properties of all types, including buildings and structures within this jurisdiction.
- (b) Code official changed to public officer. All references responsibilities, duties, powers and obligations referred and conveyed upon the "code official" in the 2009~~12~~ International Property Maintenance Code is hereby amended to and designated upon the "public officer."
- (c) Amendments. The 2009~~12~~ International Property Maintenance Code is amended in the following respects:

Section 101.1 is amended to read as follows:

Section 101.1 Title. These regulations shall be known as the Property Maintenance Code of the Unified Government of Wyandotte County/Kansas City, Kansas, hereinafter referred to as "this code."

Section 102.3 is amended to read as follows:

Section 102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the ~~International Existing Building Code~~ International Building Code, International Energy Code, International Fire Code, International Mechanical Code, Uniform Plumbing Code, NFPA 70, International Residential Code and as referenced the ~~International Existing Building Code~~. Nothing in this code shall be construed to cause, modify or set aside any provision in the Code of Ordinances for Kansas City, Kansas. Nothing in this code shall be construed to cancel, modify or set aside any provision in the Code of the Unified Government of Wyandotte County/Kansas City, Kansas.

Section 102.7 is amended to read as follows:

Section 102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in this chapter and considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

Section 102.7.3 and 102.7.2 is added to read as follows:

102.7.3 Electrical Code. The ICC Electrical Code referenced in chapter 6 has been deleted and replaced with NFPA 70 (National Electrical Code.) Wherever the term ICC Electrical Code has been used in this code, it shall be used synonymously with the term "NFPA 70" listed in chapter 6.

102.7.2 Plumbing Code. The ICC Plumbing Code referenced in chapters 5 and 6 has been deleted and replaced with the 2009~~12~~ Uniform Plumbing Code. Wherever the term ICC Plumbing Code has been used in this code it shall be used synonymously with the term 2009~~12~~ Uniform Plumbing Code listed in chapters 5 and 6.

Section 103.1 is amended to read as follows:

Section 103.1 General. The public officer and his/her designees are hereby authorized to enforce the provisions of this code.

Section 103.2 is amended to read as follows:

Section 103.2 Appointment. The public officer shall be appointed by the county administrator.

Section 103.3 is amended to read as follows:

Section 103.3 Deputies. In accordance with the prescribed procedures of the unified government and with the concurrence of the appointing authority, the public officer shall have the authority to appoint his or her designees. Such employees shall have the authority as delegated by the Public Officer. Such Employees shall have the authority as delegated by the Public Officer.

Section 103.5 is amended to read as follows:

Section 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be set by the county administrator.

Section 104.3 is amended to read as follows:

Section 104.3 Right of entry. The public officer is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the public officer is authorized to pursue recourse as provided by law. In cases of emergency where extreme hazards are known to exist which may involve the potential loss of life or severe property damage, the public officer shall take whatever acts are necessary to protect the public health and safety.

Section 106.2 is hereby added to read as follows:

Notice of violation. The public officer shall serve a notice of violation or order in accordance with Section 107. Exception. Notice and opportunity to remedy a violation shall be considered given if a previous notice has been sent according to the notice provisions of section 107.1 and 107.3 within the previous 24 months. Failure to provide such notice of violation shall not invalidate a citation or complaint.

Section 106.3 is amended to read as follows:

Section 106.3 Violations. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any real property, building or structure or cause or permit the same to be done in violation of this code.

Section 106.4 is amended to read as follows:

Section 106.4 Violation; penalties. The violation of any provision of this code or failure to comply therewith or with any of the requirements thereof, shall be a public offense, and any person convicted thereof shall be sentenced to a fine of not less than \$100.00 nor more than \$2,500.00, be imprisoned for a term not exceeding six months, or both. Each day that a violation of this chapter shall continue shall constitute a separate offense. The prosecution of any violation as a public offense pursuant to this section may be in addition to, or as an alternative to, any other remedy or course of action available to the unified government.

Section 106.5 is amended to read as follows:

Section 106.5 Abatement of violations. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section 107.1 is amended to read as follows:

Section 107.1 Notice. Whenever the public officer determines that there has been a violation of this code or has reasonable grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in sections 107.2 and 107.3 to the person responsible for the violations as specified in this code. Notices for unfit procedures shall also comply with section 8-451 of the Code of Ordinances for Kansas City, Kansas.

Exception. Notice and opportunity to remedy a violation shall be considered given if a previous notice has been sent according to the notice provisions of sections 107.1 and 107.3 within the previous 24 months. Failure to provide such notice of violation shall not invalidate a citation or complaint.

Section 107.2 is amended to read as follows:

Section 107.2 Form. Such notice prescribed in section 107.1 shall be in accordance with all of the following:

- (a) Be in writing.
- (b) Include a description of the real estate sufficient for identification.
- (c) Include a statement of the violation or violations and why the notice is being issued.
- (d) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
- (e) Inform the property owner of the right to appeal abatement proceedings.
- (f) Include a statement of the right to file a lien in accordance with section 106.5 in abatement proceedings.

Section 107.3 is amended to read as follows:

Section 107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

- (a) Delivered personally;
- (b) Sent by certified or first-class mail addressed to the last known address; or
- (c) In abatement proceedings, if the owner or agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice sent pursuant to this section during the preceding 24-month period, the public officer may provide notice of the issuance of any further orders to abate or remove a nuisance from such property in the manner provided in subsections (2) and (3). Except as specifically provided in this subsection, the public officer may provide notice of the order to abate a nuisance by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first

class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail.

Section 108.1 is amended to read as follows:

Section 108.1 General. When a structure or equipment is found by the public officer to be unsafe or when a structure is found unfit for human use, occupancy or habitation or is found unlawful, such structure shall be deemed unfit pursuant to the provisions of this code.

Section 108.1.4 is amended to read as follows:

Section 108.1.4 Unlawful structure. An unlawful structure is one that is found in whole or in part to be occupied by more persons than permitted under this code or that was erected, altered, occupied or is being maintained in violation of the Code of Ordinances for Kansas City, Kansas, or any other applicable laws, statutes, rules or regulations.

Section 108.2 is amended to read as follows:

Section 108.2 Closing of vacant structures - permit required. If the structure is vacant and unfit for human habitation and occupancy and is not in danger of structural collapse, the public officer is authorized to post the structure as unfit for human use, habitation and/or occupancy and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the public officer may cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons, and the cost thereof shall be charge against the real estate upon which the structure is located, shall be a lien upon such real estate, and may be collected by any other legal recourse.

- (a) For purposes of this section, "board," "boarding," or "boarded," shall mean to limit, restrict, or otherwise interfere with the means of ingress or egress, natural light or ventilation of a structure, as required by applicable code, by the placement of wood, metal or other material.
- (b) It shall be unlawful to board any structure without first obtaining a permit from the public officer. The public officer may designate another to administer the provisions of this ordinance.
- (c) To obtain a permit, the applicant must have the authority of the property owner, complete an application, and pay the required fee as established by the county administrator. The application shall be in the form approved by the public officer and shall include the applicant's detailed proposal to return the structure to habitability during the term of the permit. The structure must be boarded within 14 calendar days of issuance of permit. A permit shall be valid for a period of six months from the date of issuance. Subsequent permits may be issued for the structure upon a showing of good cause, as determined by the public officer. If no detailed proposal for rehabilitation is included with the permit application, an inspection of the property is a prerequisite to issuing a permit.
- (d) Unless otherwise required or authorized by the public officer, a structure that is permitted to be boarded pursuant to this ordinance shall be as follows:
 - (1) All windows, doors, or any other openings on the first floor, or other openings easily accessible from grade level shall be boarded with a minimum of seven-sixteenths-inch plywood or sheathing, rated for continuous exposure to moisture, which shall be cut to fit openings.

- (2) Salvaged materials are not permitted. All materials shall be a single piece and securely fastened.
- (3) All materials shall be a natural color or painted with a coat of exterior paint similar to that of the structure.
- (e) The provisions of this ordinance shall not apply to structures that are boarded by order of the public officer in the exercise of the police powers to protect the health, welfare and safety of the public, or pursuant to any applicable ordinance or statute.

Section 108.3 is amended to read as follows:

Section 108.3 Notice. Whenever a complaint is filed with the public officer by a resident of the municipality charging that any structure is unfit for human use, habitation or occupancy, or whenever the public officer, on the officer's own motion, has deemed a structure unfit under the provisions of this section, the public officer shall, if the preliminary investigation discloses a basis for such charges, cause to be served upon the owner, every mortgagee of record and all parties in interest in such structure, including persons in possession, a notice and placard in a conspicuous place on the structure. If the notice pertains to equipment, it may also be placed on the condemned equipment. The notice shall be served in accordance with the provision in section 8-451 of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas.

Section 108.4 is hereby deleted.

Section 108.4.1 is amended to read as follows:

Section 108.4.1 Placard removal. The public officer shall remove the unfit placard or shall authorize removal of the unfit placard by the owner of the property whenever the defect or defects upon which the placarding action was based have been eliminated. Any person who defaces or removes an unfit placard without the approval of the public officer shall be subject to the penalties provided by this code.

Section 108.5 is amended to read as follows:

Section 108.5 Prohibited occupancy. Any occupied structure deemed unfit for human use or habitation and placarded by the public officer shall be vacated as ordered by the public officer. Any person who shall occupy an unfit placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment, shall be liable for the penalties provided by this code.

Section 109.1 is amended to read as follows:

Section 109.1 Imminent danger. When, in the opinion of the public officer or chief building inspector, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the public officer is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The public officer shall cause to be posted at each entrance to such structure a notice reading as follows: "Dangerous Structure." It shall be unlawful for any person to enter such structure except for the purposes

of securing the structure, making the required repairs, removing the hazardous condition or demolishing the same.

Section 109.2 is amended to read as follows:

Section 109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the public officer, there is imminent danger due to an unsafe condition, the public officer shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe, whether or not the legal procedure herein described has been instituted, and shall cause such other action to be taken as the public officer deems necessary to meet such emergency.

Section 110.1 is amended to read as follows:

110.1 General. The public officer shall order the owner of any premises upon which is located any structure, which in the public officer's judgment is so old, dilapidated or has become so out of repairs as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure, or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option, or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

Section 110.2 is amended to read as follows:

Section 110.2 Notices and orders. All notices and orders shall comply with section 107 of this code and section 8-451 of the Code of Ordinances for Kansas City, Kansas.

Section 111.1 is amended to read as follows:

Section 111.1 Application for appeal. Any person directly affected by a decision of the public officer or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that written application for appeal is filed within 20 days after the day the decision, notice or order was served and an appeal fee is paid. The application for appeal shall be accompanied by a fee set by the county administrator. 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 fully apply, or the requirements of this code are adequately satisfied by other means.

Section 111.2 is amended to read as follows:

Section 111.2 Membership of board. Appointment to the board of appeals shall be in the manner provided for in section 2-381 et seq., of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas

Section 112.4 is amended to read as follows:

Section 112.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as the person is directed to perform to remove a violation an unsafe condition, shall be liable to a fine of not less than \$100.00 dollars or more than \$2500 Dollars.

Sections 111.2.1, 111.2.2, 111.2.3, 111.2.4, 111.2.5, 111.3, 111.4, 111.4.1, 111.5, 111.6, 111.6.1, 111.6.2 and 111.7 are hereby deleted.

Section 201.3 is amended to read as follows:

Section 201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, Uniform Plumbing Code, International Mechanical Code, International Residential Code or the NFPA 70 National Electrical Code, such terms shall have the meanings ascribed to them as in those codes.

Section 201.5 is amended to read as follows:

Section 201.5 Parts. Whenever the words "dwelling unit," "dwelling," "premises," "building," or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

Section 202 is amended to read as follows:

Section 202 General definitions. The definitions for "condemn," "housekeeping unit," "person," "rooming house," and "rooming unit" are hereby deleted, and any references to these terms in this code are hereby deleted. The term "rubbish" shall also mean trash. A Definition for Tarpaulin/Tarp has been added.

The term "nuisance" is added to read as follows:

Nuisance means any of the following:

1. Any public nuisance known at common law or in equity jurisprudence. Nuisance conditions are defined as any attractive nuisance which may prove detrimental to children or others, whether in a building, on the premises of a building, or on an unoccupied lot. This includes, but is not limited to, any abandoned wells, shafts, basements, or excavations; abandoned refrigerators or other appliances, and motor vehicles; or any unsound fences or structures or portions thereof, or any lumber, trash, debris, or vegetation which may prove a hazard for inquisitive minors.
2. Whatever is dangerous to human life or is detrimental to health, as determined by the health official.
3. Overcrowding a room with occupants.
4. Insufficient ventilation or illumination.
5. Inadequate or unsanitary sewage or plumbing facilities.
6. Uncleanliness, as determined by the health officer.
7. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the health officer.

The term "person" is amended to read as follows:

"Person" means any individual, individuals, corporation, partnership, unincorporated association, other business organization, committee, board, trustee, receiver, agent or other representative who has charge, care, control or responsibility for maintenance of any premises, regardless of status as owner, renter, tenant or lessee, whether or not in possession.

Tarpaulin / Tarp means the following:

- 1) A heavy hard-wearing waterproof material such as canvas, coated canvas or polyester coated with urethane or made of plastics, such as polyethylene, which is used as an outdoor protective covering to guard against moisture or sun damage.

- 2) Construction tarp is a tarp between 5-16 mils, 0.14-0.41mm, thick. (1 mil is equal to one (1) one thousand (1000) of an inch.)

Section 302.4 is hereby deleted.

Section 302.5 is amended to read as follows:

Rodent harborage. All structures and exterior property shall be kept free from rodent harborage and infestation. Rodent harborages shall include the placement and/or storage of any furniture outside that is intended for interior use, or any other nuisance conditions. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

Section 302.7.1 is added to read as follows:

Storage containers. The use of storage pods and similar metal shipping containers used for the storage of materials, possessions, products, or other items, may be permitted, subject to one container per business or residence for no more than two non-consecutive months in any twelve month period. The one month periods that the storage containers are positioned or located on a property must be separated by a minimum of one month before the second month in a twelve month period may occur. Containers must be positioned or located on private property, not in the public right of way or easements, and must be positioned or located on a driveway or other improved surface. Storage containers shall not be positioned or located in the yard or in other landscaped surface areas.

Section 302.8 is amended to read as follows:

Motor vehicles. Except as provided for in other regulations, no inoperative motor vehicle(s) shall be parked, kept or stored on any premises, including any inoperative motor vehicle parked on a trailer of any type. The term "inoperative motor vehicle," shall mean any motor vehicle(s) not currently registered or tagged pursuant to the applicable state law, or which is incapable of moving under its own power or in a condition of being junked, wrecked, wholly or partially disabled and/or dismantled, except that said provision shall not include motor vehicle(s) stored inside a completely enclosed structure. Inoperative motor vehicles are hereby declared a public nuisance.

No motor vehicle(s) shall be parked, kept or stored on unimproved surfaces. Improvement shall be in compliance with the standards set forth in the zoning code, section 27-675 (Improvement and Maintenance) of the Code of the Unified Government of Wyandotte County/Kansas City, Kansas. Motor vehicles parked, kept or stored in violation of this section are hereby declared a public nuisance.

The following vehicles and equipment shall not be kept, parked or stored or allowed to be kept, parked or stored, in a residential area: tow trucks, dump trucks, semi-tractors, semi-trailers, backhoes, skid loaders, high loaders, other types of heavy construction equipment, as well as trailers used to transport said equipment, and any truck which has a greater than 10,000 pounds gross vehicle weight registered, as shown by information indicating title registration. Vehicles and/or equipment kept, parked or stored in violation of this section are hereby declared a public nuisance.

Section 302.10 is added to read as follows:

Nuisance conditions. Nuisance conditions are defined as any attractive nuisance which may prove detrimental to children or others, whether in a building, on the premises of a building, or on an unoccupied lot. This includes, but is not limited to, any abandoned wells, shafts, basements, or excavations; abandoned refrigerators or other appliances, and motor vehicles; or any unsound fences or structures or portions thereof, or any lumber, trash, debris, or vegetation which may prove a hazard for inquisitive minors.

Section 302.11 is hereby added to read as follows:

Clotheslines. Clotheslines in front yards or those that are not in good working order are prohibited. The drying of laundry or routinely washed articles on front porch or stair railings or placing on fences, hedges or other supporting structures is prohibited because it substantially detracts from the overall appearance of adjacent properties and/or is detrimental to properties or property values.

Section 303.2 is amended to read as follows:

Section 303.2 Enclosures. Private swimming pools, hot tubs and spas, capable of containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 72 inches (1,828 mm) in height above the finished ground level measure on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1,372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Section 304.7 is amended to read as follows:

Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. Additionally, roofing materials shall be of consistent type, style, and appearance. Variations in type, style, color or appearance of roofing materials shall be permitted only if part of a comprehensive and integrated design of the entire structure.

Section 304.14 is amended to read as follows:

Section 304.14 Insect screens. During the period from April 1 to November 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Section 304.19 is hereby added to read as follows:

Exterior surfaces. Exterior wall surfaces including windows, doors, trim and appurtenances normally associated with exterior wall spaces shall be free of holes, breaks, and loose or damaged construction materials and shall be maintained in a weather resistant and water tight condition. Screens, if installed, shall be intact and in frames which are not bent or are

otherwise secure to the window unit. Cracks or holes in mortar between bricks or stone shall be sealed. All exterior wall surfaces shall be maintained and kept in repair using materials, texture and color the same or as compatible with undamaged wall surfaces or as may be acceptable to the designated public officer. All existing painted, exterior surfaces having areas of chipping, peeling, scaling or missing paint greater than 25 percent of the painted area shall be stripped and repainted or seal coated or re-sided or covered with compatible material acceptable to the designated public officer. Doors and windows shall be maintained in operable condition. Appurtenances such as awnings and shutters likewise shall be kept in workable condition if designed to roll, fold or otherwise be raised, lowered, opened or closed. Hinges shall be kept in operable condition in keeping with original tolerances set for such hardware.

Section 304.20 is hereby added to read as follows:

Appurtenances. Porches, landings, fire escapes, chimney runs, balconies, terraces, verandas, decks, patios, railings, exterior stairs and other such appurtenances normally associated with and attached to the exterior of a structure shall be maintained in a safe, functional condition and kept in good repair including paint maintenance equivalent to the exterior surface standard as set forth in section 304.19. Repair and replacement shall be accomplished with materials compatible to the undamaged portion of such exterior structure or they may be removed (if not integral to the basic structure) or covered with material acceptable to the designated public officer. Such exterior structures which may be exposed to public view shall be kept free of offensive materials including junk, debris, garbage, refuse, excessive accumulation of toys or toy parts, upholstered chairs or sofas not intended for outdoor use, and appliances not intended for outdoor use. Examples of materials which are permitted in such exposed areas include but are not limited to barbecue grills, patio furniture, porch swings and play materials designed for outdoor use such as swing sets and play houses.

Section 308.2 is amended to read as follows:

Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers. Approved containers shall be stored in an enclosed structure or in the least conspicuous location to the side or rear of, adjacent to, and in close proximity to the residence.

Section 308.3 is amended to read as follows:

Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage facility or approved garbage container. Approved containers shall be stored in an enclosed structure or in the least conspicuous location to the side or rear of, adjacent to, and in close proximity to the residence.

Section 310 is added as follows: Tarpaulins. The use of tarpaulins, herein after referred to as tarp, may be used for the following purposes:

- 1) Tarps may be utilized to protect cars, trucks, RVs and boats provided that; a) The tarp is specifically manufactured for the purpose of protecting the _____ car, truck, RV, motorcycle or boat to be covered, when it is used as intended by the tarp manufacturer.

- b) The car, truck, RV, motorcycle or boat being covered is a vehicle that is not inoperative (as defined in 302.8), has current registration and is stored/parked on an improved surface.
- 2) Construction tarps may be utilized, from October 01 through March 31, to protect seasonal items such as:
 - a) Patio/outdoor furniture, grills, swimming pools, lawnmowers and like items and to be stored in the least conspicuous location and as far from public view as feasible.
- 3) Construction tarps may be utilized, on roofs, to temporarily cover the structure, without a permit, for a period of not more than 90 days;
 - a) To protect against or conceal loose or missing shingles, cracks, holes or any openings that would expose any interior part of the structure, including contents therein, to rain, hail, wind or snow.
- 4) Construction tarps may be utilized to cover firewood, which has been cut and stacked, for the purpose protecting it from moisture.

Tarps **may not** be used in any of the following manners:

- 1) To cover trash, junk, debris, dead trees, parts of dead trees, discarded appliances, discarded carpeting, carpet padding, any construction materials, broken items, items stored for salvage/recycling or any accumulation of household goods.
- 2) To be used as a screen from view, either permanent or temporary.
- 3) To be hung from carports as walls, doors or roofing.
- 4) To be used as any shelter or tent, either permanent or temporary.

All tarps must be, and remain in, “Good Condition”. Good Condition shall mean; without holes, rips, tears, excessively worn, stained or defective in any way.

This ordinance shall pertain to residentially zoned properties.

Section 308.3.1 is amended to read as follows:

Section 308.3.1 Garbage facilities. The owner or occupant of every dwelling shall be required to maintain on the premises one of the following: an approved mechanical food waste grinder in each dwelling unit, an approved incinerator unit in the structure available to the occupants in each dwelling unit, or an approved leakproof, covered, outside garbage container.

Section 403.3 is hereby deleted.

Section 404.3 is amended to read as follows:

Section 404.3 Minimum ceiling heights.

Exception: Basement rooms in one- and two-family dwellings occupied as habitable space, having a ceiling height of not less than six feet, six inches, except as otherwise permitted in this section. Kitchens, halls, bathrooms, and toilet compartments may have a ceiling height of not less than six feet, measured to the lowest projection from the ceiling. Where exposed ceiling members are spaced at less than 48 inches or more on center, ceiling height shall be measured to the bottom of the deck supported by these members provided that the bottom of the members is not less than six feet above the floor. If any room has a furred ceiling, the

prescribed ceiling height is required in two-thirds of the area thereof, but in no case shall the height of the furred ceiling be less than six feet, six inches.

Section 404.5.1 is hereby added to read as follows:

~~Section 404.5.1 Area for sleeping purposes. Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m²) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m²) of floor area for each occupant thereof.~~

~~Section 404.6 (2) is hereby amended to read as follows:~~

~~Section 404.6 Efficiency Unit (2). The unit shall be provided with a kitchen sink, having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.~~

Section 502.5 is amended to read as follows:

Section 502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the Uniform Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

Section 505.1 is amended to read as follows:

Section 505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to a public water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the 2009¹² Uniform Plumbing Code.

Section 602.3 is amended to read as follows:

Section 602.3 Heat supply. Every owner and operator of any building who rents, leases, or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68 degrees Fahrenheit (20 degrees Celsius) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30 degrees Fahrenheit (-1 degrees Celsius), a minimum temperature of 65 degrees Fahrenheit (18 degrees Celsius) shall be maintained.

Section 602.4 is amended to read as follows:

Section 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Section 605.2 is amended to read as follows:

Section 605.2 Receptacles. Every habitable space in a dwelling unit shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location

(Code 1988, § 8-337; Ord. No. 65300, §§ 3—7, 4-7-1988; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-16-00, § 1, 2-17-2000; Ord. No. O-46-00, § 1, 5-18-2000; Ord. No. O-57-04, § 26, 9-16-2004; Ord. o. O-87-07, § 2, 11-1-2007; Ord. No. O-44-11, § 27, 10-20-2011; Ord. No. O-29-12, § 27, 5-3-2012)

Secs. 8-433—8-450. - Reserved.

State Law reference— Unsafe and dangerous structures, K.S.A. 17-4759.

Sec. 8-451. - Notice.

Whenever a complaint is filed with the public officer by at least five residents of the city charging that any structure is unfit for human use or habitation, or whenever it appears to the public officer, that any structure is unfit for human use or habitation, the public officer shall, if the preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, every mortgagee of record and all parties in interest in such structure, including persons in possession, a notice and placard on the dwelling or multifamily dwelling as unfit for human habitation. Such notice shall:

- (1) Be in writing.
- (2) Include a description of the real estate sufficient for identification.
- (3) State the time occupants must vacate the dwelling units.
- (4) State that if such repairs, reconstruction, alterations, removal, or demolition are not voluntarily completed within the stated time as set forth in the notice, the public officer shall institute such legal proceedings charging the person with a violation of this article.
- (5) State that a hearing will be held before the public officer or his designee and further setting forth the date, time, and location of said hearing. The hearing shall not be less than ten days or more than 30 days after the posting of the placard or service of the notice.
- (6) State that the owner, mortgagee and the parties in interest shall be given the right to file an answer to the allegations and to appear in person or otherwise with or without legal counsel and give testimony at the place and time affixed in the notice.

During said hearing, the public officer shall have the power and authority to administer oaths and affirmations, examine witnesses, and receive evidence. The rules of evidence utilized by the courts in the state shall not be controlling in hearings before the public officer.

(Code 1964, § 21-34; Code 1988, § 8-352; Ord. No. 41302, § 5.1, 11-7-1957; Ord. No. 45018, § 44, 7-13-1965; Ord. No. 51745, § 8, 3-20-1973; Ord. No. 65792, § 1, 4-1-1993)

Sec. 8-452. - Order to repair, remove or demolish.

- (a) If, after the notice and hearing provided for in the complaint issued pursuant to section 8-451, the public officer determines that the structure under consideration is unfit for human use or habitation, he shall state, in writing, findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order which:
 - (1) If the repair, alteration or improvement of the structure can be made at a cost which is less than both 25 percent of the replacement value and 100 percent of the appraised value of the structure, requires the owner, within the time specified in the order, to repair, alter, or improve such structure to render it fit for human use or habitation or to vacate and close the structure until conformance with all applicable ordinances. The values of the structure, for purposes of this order, are to be determined by the public officer, and the order shall also include the estimated cost of compliance; or
 - (2) If the repair, alteration or improvement of the structure cannot be made at a cost which is less than both 25 percent of the replacement value and 100 percent of the appraised value of the structure, requires the owner, within the time specified in the order, to remove or demolish such structure. The values of the structure, for purposes of this order, are to be determined by the public officer, and the order shall also include the estimated square footage of the structure.
- (b) If an order of demolishment or removal is entered by the public officer, no building permits shall be issued for repair, altering or improvement of the structure. This restriction shall remain until the structure is removed or demolished or until the order is modified or rescinded in writing by the public officer.

(Code 1964, § 21-36; Code 1988, § 8-353; Ord. No. 41302, § 5.2, 11-7-1952; Ord. No. 45018, § 46, 7-13-1965; Ord. No. 65145, § 1, 4-30-1987; Ord. No. 65792, § 2, 4-1-1993; Ord. No. O-112-98, § 1, 12-17-1998)

Sec. 8-453. - Repair, removal or demolition by public officer.

- (a) If the owner fails to comply within the allotted time period, an order will be issued under this division to repair, alter, or improve or to vacate and close a structure to be repaired, altered or improved, or to be vacated and closed. If the owner fails to comply with an order to remove or demolish the structure, the public officer may cause such structure to be removed or demolished.
- (b) The amount of the cost of such repairs, alterations or improvements, vacating and closing, or removal or demolition by the public officer shall be a lien against the real property upon which such cost was incurred, and such lien, including, as a part thereof, allowance of costs and the necessary attorney's fees, may be foreclosed in judicial proceedings in the manner provided or authorized by law for loans secured by liens on real property or shall be assessed as a special assessment against the lot or parcel of land on which the structure was located. The unified government clerk shall, at the time of certifying other unified government taxes, certify the unpaid portion of the aforesaid costs, and the county clerk shall extend the same on the tax rolls of the county against such lot or parcel of land. If the structure is removed or demolished by the public officer, the public officer shall sell the

materials of such structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and, if there is any balance remaining, it shall be paid to the parties entitled thereto as determined by proper judicial proceedings instituted by the public officer, after deducting the costs of such judicial proceedings, including the necessary attorney's fees incurred therein, as determined by the court.

(Code 1964, § 21-37; Code 1988, § 8-354; Ord. No. 41302, § 5.5, 11-7-1957; Ord. No. 45018, § 47, 7-13-1965; Ord. No. 51745, § 9, 3-20-1973)

Sec. 8-454. - Emergency action and waivers.

- (a) Notwithstanding the other provisions of this division, whenever any structure or structure unit is found to be unfit for human use or habitation by the public officer, and the conditions are such as to require, in the opinion of the public officer, the immediate vacation of the premises, the public officer shall designate and placard the premises as unfit for human use or habitation, and the same shall be vacated within a reasonable time, as ordered by the public officer. No structure or structure unit which has been so designated and placarded as unfit for human use or habitation shall again be used for human use or habitation until written approval is secured from, and such placard is removed by, the public officer. The public officer shall remove such placard whenever the defect or defects upon which the designation and placarding action were based have been eliminated.
- (b) No person shall deface or remove the placard from any structure or structure unit that has been designated as unfit for human use or habitation and placarded as such under this section.
- (c) Any person affected by any order relating to the designation and placarding of a structure or structure unit as unfit for human use or habitation under this section may request and shall be granted a hearing on the matter before the public officer under procedures set forth in section 8-451.
- (d) The public officer shall have the power to withhold strict enforcement of the requirements of this division, upon written application therefor by any owner or occupant, after making determination that:
 - (1) Any variation or modification of structure or use approved by the public officer will not in any material way alter the standards of this division and cannot affect detrimentally the health or safety of occupants or owners of adjacent premises or of the neighborhood;
 - (2) Strict enforcement would constitute an undue and unnecessary hardship on the owner or occupant because it would compel expenditures on the premises which would be disproportionate to any benefit to health, safety or welfare that might be derived therefrom; and
 - (3) The owner or occupant is without any practical or feasible means to comply with the strict provisions of this division.
- (e) The public officer shall also have the power to withhold strict enforcement of the requirements of this division if the premises are contemplated for acquisition or are within an area where acquisition is contemplated within a period of two years by a public body having power of eminent domain and that the strict enforcement of the provisions of this chapter would require the installation of repairs and improvements estimated to exceed \$300.00 in cost and that there is an alternative means satisfactory to the public officer to be

used which will eliminate conditions constituting hazards to the health, safety and welfare of the occupants or the premises and persons in the immediate vicinity thereof; provided, however, that any waiver permitted under this section shall be cancelled if it shall be ascertained subsequent to the granting of the waiver that the premises are in fact not to be acquired for any public use or purpose.

(Code 1964, § 21-38; Code 1988, § 8-355; Ord. No. 41302, § 11, 11-7-1957; Ord. No. 45018, § 48, 7-13-1965)

Sec. 8-455. - Service, posting and filing of complaints and orders.

Complaints or orders issued by the public officer pursuant to this division shall be served upon persons either personally or by registered or certified mail, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer makes an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once in the official newspaper of the unified government. A copy of such complaint or order shall be posted in a conspicuous place affected by the complaint or order. A copy of such complaint or order shall also be filed with the clerk of the district court of the county, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

(Code 1964, § 21-39; Code 1988, § 8-356; Ord. No. 41302, § 5.6, 11-7-1957; Ord. No. 45018, § 49, 7-13-1965)

State Law reference— Similar provisions, K.S.A. 17-4759(B)(6)(d).

Sec. 8-456. - Appeals.

- (a) Any person affected by a written order by the public officer, as provided for in this division, following a hearing before such public officer, may appeal the finding of the public officer to an appeal board as designated by the unified government commission. Any such appeal request shall be filed within the period of not less than ten days nor more than 30 days after the order of the public officer. Notice of such appeal shall be served by the appellant upon all parties entitled to notice under section 8-451 and in the manner provided in section 8-455. Following the conclusions of the hearing on any such appeal, the board shall enter an order affirming, reversing or modifying the order of the public officer, which shall become the order of the officer for purposes of K.S.A. 17-4759(e).
- (b) Any person affected by an order issued by the board may petition the district court of the county for an injunction restraining the public officer from carrying out the provisions of the order and for such further relief as may be authorized pursuant to K.S.A. 17-4759(e). Any such petition shall be filed within 30 days after the posting and service of the order issued by the board.
- (c) In order to perfect the appeal, the appellant must post a deposit equal to the fee for obtaining a building permit or demolition permit based upon the information contained in the order issued pursuant to section 8-452. Said deposit shall not be refundable but shall be applied

toward the cost of any permits requested and issued to the appellant regarding the subject property.

(Code 1988, § 8-357; Ord. No. 65792, § 3, 4-1-1993; Ord. No. O-112-98, § 2, 12-17-1998)

Sec. 8-457. - Violation; penalty.

The violation of any provision of this division is a public offense and any person convicted thereof shall be sentenced to a fine of not less than \$100.00 nor more than \$2,500.00, be imprisoned for a term of not exceeding six months, or both. Each day that a violation of this division shall continue shall constitute a separate offense. The prosecution of any violation as a public offense pursuant to this section may be in addition to or as an alternative to any other remedy or course of action available to the unified government.

(Code 1988, § 8-358; Ord. No. 65792, § 4, 4-1-1993; Ord. No. 66075, § 2, 1-4-1996)

Secs. 8-458—8-469. - Reserved.

Cross reference— Residential rental dwellings, § 19-225 et seq.

Sec. 8-470. - Violations and penalties; assessment of additional costs.

Any person who fails to file a registration statement, amendment or other statement required by this division or violates the provisions of section 8-476 or 8-480 shall be subject, upon conviction, to a penalty consisting of a fine of not less than \$100.00 but not more than \$2,500.00 and may, in addition to such fine, be punished by imprisonment of not more than six months. No portion of the minimum fine shall be paroled by the court. Each property and/or parcel owned shall constitute a separate offense.

(Code 1988, § 8-376; Ord. No. 65152, § 1(21-63), 5-28-1987; Ord. No. 65408, § 1, 3-23-1989; Ord. No. 66075, § 3, 1-4-1996)

Sec. 8-471. - Registration statement.

Except for owners described in this section, all owners of buildings, structures, or vacant parcels located within the corporate limits of the city shall file a registration statement with the codes administrator in accordance with the provisions of this code. This registration requirement shall not apply to:

- (1) Any owner who is an individual residing within the city's corporate limits.
- (2) Any governmental entity, any public authority or any quasipublic, nonprofit corporation engaged in housing development, management or operation under contract with a governmental entity.
- (3) Any owner who has a current and valid license as required by section 19-226 with respect to the subject parcel.

(Code 1988, § 8-377; Ord. No. 65152, § 1(21-51), 5-28-1987; Ord. No. 65408, § 2, 3-23-1989)

Sec. 8-472. - Appointment of agent.

Each owner required by this division to file a registration statement shall also appoint and register an agent who will be authorized to receive, on behalf of the owner, service of any notice, order or summons issued because of a violation of this chapter or chapter 17, 27 or 31 of this Code or any ordinance concerning the condition of the property that is the subject of the registration statement. Such agent must be an individual over the age of 18 years and must reside within the city. A partner, associate or corporate principal who meets these qualifications may be designated and registered as the agent.

(Code 1988, § 8-378; Ord. No. 65152, § 1(21-52), 5-28-1987)

Sec. 8-473. - Time to file registration statement.

The registration statement required by this division shall be filed by each owner:

- (1) By September 1, 1987, for any building, structure or parcel owned as of such date.
- (2) Within ten days after an owner, who is an individual, moves outside the city's corporate limits.
- (3) Prior to the issuance of a certificate of occupancy required by the International Building Code, as adopted and amended by the unified government.
- (4) Within such time as provided in section 8-475 in the case of a change of ownership.

(Code 1988, § 8-379; Ord. No. 65152, § 1(21-53), 5-28-1987)

Sec. 8-474. - Contents of registration statement.

(a) The registration statement shall include the following information:

- (1) An identification of the premises by the street numbers and names of all street contiguous to the building or structure, where such exist, legal description, or by such other description as will enable the codes administrator to locate the premises.
- (2) An identification of the owner by name, residential address and/or business address. If the owner is a corporation or a partnership, the identification shall include the name and addresses of such corporation or partnership, together with the names, residential addresses and business addresses of the principals or operating partners. If the owner is under the age of 18 years or has been judicially declared incompetent, the owner's legal representative shall file the registration statement.
- (3) The name, residential address and/or business address of an agent designated by the owner to receive service of any notice, order or summons issued because of a violation of this Code.
- (4) The signatures of the owner, an officer if the owner is a corporation, or a partner if the owner is a partnership, and the registered agent. The registered agent's signature shall indicate consent to the agency.

(b) The registration statement shall be filed on forms to be provided by the codes administrator.

(c) Each owner who has previously filed a registration statement shall file an amended registration statement for all future acquired or additional property required to be registered under this division.

(Code 1988, § 8-380; Ord. No. 65152, § 1(21-54), 5-28-1987)

Sec. 8-475. - Change of ownership.

- (a) When any owner required to register by section 8-471 conveys title to the premises to another, the owner conveying the title shall, on the date of such transfer, notify the codes administrator by certified mail of the name and residential address and/or business address of the new owner, or, if the new owner is a corporation, of the name and address of such corporation. If required to register, the new owner shall file a registration statement in accordance with section 8-474 no more than five days from the date of taking title. The failure of a new owner to file such registration statement shall not impair the validity of title.
- (b) When the ownership of the premises changes by operation of law, the new owner, if required to register, shall file a registration statement in accordance with section 8-474 not more than 30 days from the date the title passed to such owner.
- (c) An executor or administrator of a decedent's estate that includes real property located within the city shall file a registration statement in accordance with section 8-474 not more than 30 days from the date of appointment.

(Code 1988, § 8-381; Ord. No. 65152, § 1(21-55), 5-28-1987)

Sec. 8-476. - Change of address or corporate ownership.

An owner who is required to register under this division shall inform the codes administrator in writing, by certified mail, of a change of address of the owner, a change of address of the registered agent, a change in the list of officers of the owner corporation, or partners of the owner partnership, or a change of address of any of such listed officers or partners within five days of that change.

(Code 1988, § 8-382; Ord. No. 65152, § 1(21-56), 5-28-1987)

Sec. 8-477. - Change of registered agent.

- (a) The owner may terminate the designation of a registered agent at any time by filing with the codes administrator notice of such termination. A qualified successor shall be designated by the owner within ten days after notice of such termination, and the owner shall file within the same time a new registration statement designating the successor registered agent.
- (b) The registered agent may terminate the agency by filing with the codes administrator a copy of the written termination notice on the owner. Such termination shall not become effective until ten days after the filing of such notice with the codes administrator. The termination notice shall set forth the identification of the all the premises or parcels and the name and address of the owner, together with an affidavit or proof of service upon the owner. Service of such termination notice upon the owner may be made by delivery of a copy personally to the owner or any partner if the owner is a partnership, or by registered mail to the address of any owner, principal or partner as set forth in the registration statement. Prior to the effective termination date, the owner shall file with the codes administrator a registration statement designating a qualified successor.

- (c) If the designation of a registered agent shall cease to be effective as a result of death or judicial declaration of incompetence of the agent or the agent's removal from the city, the owner shall file a new registration statement with the codes administrator within ten days thereafter designating a qualified successor.
- (d) If an owner fails to designate a registered agent or replace a registered agent whose agency has terminated, the owner shall be deemed to have appointed the unified government clerk or the clerk's designated agent to accept service of any notice, order or summons issued because of a violation of this chapter. The unified government clerk or designated agent shall thereupon mail a copy of such notice, order or summons by registered mail, return receipt requested, to the last known address of the owner and cause the posting of a copy of such notice, order or summons in or about the premises described in the same. All costs shall be charged against the owner and the property of the owner.

(Code 1988, § 8-383; Ord. No. 65152, § 1(21-57), 5-28-1987)

Sec. 8-478. - Lease of entire building or structure.

Whenever an entire building or structure is leased, the registration requirement of section 8-471 shall apply to the lessee of the entire building or structure in the same manner as they apply to the owner. If required to file a registration statement by section 8-471, such lessee shall file registration statements in accordance with all the provisions of this division. The owner and lessee may designate the same registered agent.

(Code 1988, § 8-384; Ord. No. 65152, § 1(21-58), 5-28-1987)

Sec. 8-479. - Extension of time for registration.

If the owner or other person required to file is unable to comply with the registration or filing requirements within the applicable time period specified in this division, the codes administrator may, upon the showing of good cause, extend the registration or filing period and waive the penalties for failure to register or file within the specified time period.

(Code 1988, § 8-385; Ord. No. 65152, § 1(21-59), 5-28-1987)

Sec. 8-480. - Registration statement as prima facie evidence.

- (a) The failure of an owner or a lessee of an entire building or structure to produce the receipt issued by the codes administrator acknowledging the filing of a registration statement or the failure of a registered agent to produce the receipt issued by the codes administrator acknowledging the filing of a notice of termination shall be prima facie evidence of failure to comply with the provisions of this division.
- (b) The current registration statement shall be deemed prima facie proof of the statements contained therein in any action or proceeding instituted by the unified government against the owner or lessee of an entire building or structure or a registered agent.

(Code 1988, § 8-386; Ord. No. 65152, § 1(21-60), 5-28-1987)

Sec. 8-481. - Voluntary registration of mortgagees and lienors.

Any mortgagee or lienor desiring copies of any notices, orders or summonses issued with respect to premises in which the mortgagee or lienor claims a security interest may register with the codes administrator by filing a form, to be prescribed by the codes administrator, which sets forth the following information:

- (1) The name and mailing address of the mortgagee or the lienor; or
- (2) A description of the premises in the manner required by section 8-474.

(Code 1988, § 8-387; Ord. No. 65152, § 1(21-61), 5-28-1987)

Sec. 8-482. - False statements.

- (a) Every registration statement filed with the codes administrator shall be signed by the person required or authorized to submit such registration statement.
- (b) Any person who signs a registration statement shall certify that all statements contained therein are true and correct.
- (c) Any person signing a registration statement who makes any false statement therein as to any material matter shall be guilty of a violation of the provisions of this Code.

(Code 1988, § 8-388; Ord. No. 65152, § 1(21-62), 5-28-1987)

Secs. 8-483—8-502. - Reserved.

Cross reference— Streets and sidewalks, ch. 32.

State Law reference— Notice to utilities, relocating wires, etc., when moving buildings, K.S.A. 17-1914 et seq.

Sec. 8-503. - Permit; deposit; notice of relocation; protest by neighboring property owners; hearing.

- (a) It shall be unlawful for any person to move any building within the city without first obtaining a permit so to do, as required by the building code. All applications for permits to move buildings through the streets, avenues or alleys of the city shall be made to the building official. Every such application shall state the location of the building proposed to be moved, its length, width, height and principal material of its exterior sides and of its roof, and shall definitely describe the route over which it is to be moved and the length of time that will be required to move it. Every such application shall include a plot plan certified by a registered surveyor showing the dimensions of the lot upon which the house is to be moved, the exact location of the lot upon which the house is to be moved, and the exact location of the house on the lot with the exact distances of the house from all property lines.
- (b) The building official shall inspect the building to determine whether or not it is safe to move such building, and also to determine if any changes should be made in such building before or after moving. If the building official finds that it is unsafe to move such building, he shall refuse to issue a removal permit, or, if the building official finds that certain changes are necessary before or after the building is moved, he shall require, as a condition to the issuance of such removal permit, an agreement by the person applying for such permit that he will comply with such conditions as may be imposed to protect the public. Upon approval of the building for moving by the building official, the engineer shall determine whether the

building can be moved without serious damage to the trees, pavements, culverts, sewers, utility lines, or other public improvements of the unified government. If, in the opinion of the unified government engineer, the building can be moved without serious damage to the trees, pavements, culverts, sewers, utility lines or other public improvements, the unified government engineer shall endorse thereon his approval, together with the charges to be made for the movement of the building over, along or upon the streets, alleys, boulevards or other public grounds of the unified government. If, in the opinion of the unified government engineer, there is no route on which the building could be moved without substantial damage to the unified government's trees, pavement, culverts, sewers, utility lines, or other public improvements, the permit shall not be approved.

- (c) Prior to the issuance of any permit for the relocation of a residential structure, the building official shall post notice on the property to which it is proposed that a house or building be moved. In addition to posting said notice, the unified government building official shall be responsible for mailing notices of such proposed relocation of structure to all of the owners of land located in the subdivision in which the structure is to be located and to all owners of property within 300 feet of the boundaries of the subdivision. In areas of the city outside of platted subdivisions, notices shall be mailed to owners of property within 300 feet of the property on which the structure is to be located. Said notice shall be mailed within five days of the date of the application for a building moving permit. When the notice has been properly addressed and deposited in the mail, failure to receive a notice shall not invalidate subsequent actions. Both notices shall state that a building or structure is proposed to be relocated upon the property and that a hearing on said relocation shall be held before the unified government board of commissioners on a specified date within 30 days of the date of the submission of the application for the moving permit.
- (d) Every such application shall be accompanied by the written consent of the building official to the placing of the building upon the lot proposed. Before granting the consent, the building official shall require the deposit of \$2,500.00 cash or certified check with the unified government director of revenue. This deposit is to guarantee the placing of the house on the foundation or the basement within 60 days after the moving permit is issued and compliance with this article.
- (e) If, upon certification by the building official, the house has been placed on a finished foundation or basement and all moving equipment, timbers, cribbing and debris have been removed within 60 days after the moving permit is issued, the unified government shall return the \$2,500.00 after presentation and audit of a short form claim in that amount signed by applicant. Upon certification by the building inspector that, at the expiration of 60 days from issuance of the moving permit, the building has not been placed on a finished foundation or basement, that all moving equipment, timbers, cribbing or debris have not been removed, or that other provisions of this article have not been complied with, the deposit shall be forfeited; provided, however, that the house mover shall be given five days' written notice, by certified mail, to appear before the unified government board of commissioners to show cause why the deposit should not be forfeited.

(Code 1964, § 7-82; Code 1988, § 8-551; Ord. No. 44526, § 1, 8-6-1964; Ord. No. 45719, § 1, 6-23-1966; Ord. No. 46050, § 1, 1-2-1967; Ord. No. 46990, § 1, 4-2-1968; Ord. No. 48672, § 1, 4-16-1970; Ord. No. 66002, § 2, 3-30-1995)

Sec. 8-504. - Bond for house movers.

No person shall move or raise any building within the city, move any building over the streets, avenues, or alleys of the unified government, or move, raise, shore up, or hold up brick fronts of any building within the city until such person has given bond to the unified government in the sum of \$500,000.00, with good and sufficient security to be approved by the unified government board of commissioners, conditioned, among other things, that the principal shall pay any and all damages which may be caused to any property, public or private, within the city when such injury or damage shall be inflicted by the principal or his agent, servant, employee, workman, contractor, or subcontractor. Such bond shall be conditioned also that the principal will serve, indemnify and protect the unified government from all liability, and that such principal will, in all respects, comply with the ordinances of the unified government in regard to the removal of buildings. The form of such bond must be approved by the unified government chief counsel.

(Code 1964, § 7-81; Code 1988, § 8-552; Ord. No. 40494, § 1, 7-19-1956; Ord. No. 66002, § 3, 3-30-1995)

Sec. 8-505. - Continuous operation required.

Moving any house, building or other structure from one location to another must be a continuous operation until such house, building or other structure is placed in its proper location on the lot to which it is to be moved. No defective mechanical equipment shall be used in the moving of buildings or houses. No house or building being moved shall be parked on public property or private property during the moving operation, except with permission of the proper public officials, in the case of public property, or the property owner, in the case of private property, in which case the house or building being moved may be parked on public or private property during the moving operation for a period not to exceed 24 hours; provided, however, that in the event of inclement weather, the building official, by written permission, may extend the time for a period not to exceed an additional 48 hours.

(Code 1964, § 7-84; Code 1988, § 8-553; Ord. No. 41462, § 1, 2-11-1958; Ord. No. 45719, § 3, 6-23-1966; Ord. No. 46050, § 3, 3-12-1967)

Sec. 8-506. - Occupancy of parkway or dedicated right-of-way line—Time limit.

No house, building or other structure or any part of any house, building or other structure being moved shall be left in the parkway or on the dedicated right-of-way line between the curb and the front property line of the lot on which such house, building or other structure is to be placed for a period longer than 24 hours.

(Code 1964, § 7-85; Code 1988, § 8-554; Ord. No. 41462, § 2, 2-11-1958)

Sec. 8-507. - Same—Warning lights and other precautions.

In the event any house, building or other structure being moved remains on that part of the dedicated right-of-way line between the curb and the front property line of the lot, it shall be outlined with red warning lights from sunset to sunrise and every precaution taken to protect the public from danger.

(Code 1964, § 7-86; Code 1988, § 8-555; Ord. No. 41462, § 3, 2-11-1958)

Sec. 8-508. - Removal of timbers; cleaning of premises; attachment to foundation.

- (a) Within 60 days after a moved building has been placed at the new location, all cribbing and other timbers used in the moving must be removed by the mover who obtained the moving permit, the premises left in a clean and presentable condition and the building firmly attached to the foundation.
- (b) It shall be unlawful for any person to occupy, use, or permit or allow to be occupied or used any moved building until such building has been firmly attached to the foundation and the premises are in a clean and presentable condition.

(Code 1964, § 7-88; Code 1988, § 8-556; Ord. No. 41407, §§ 1, 2, 1-16-1958)

Sec. 8-509. - Power and duty of unified government officers to halt moving, etc.

The county administrator, the unified government engineer, the building official or any police officer of the unified government shall have the right at all times to halt the moving of any structure over, along or upon any of the streets, alleys, boulevards or other public grounds of the unified government when such moving is being done in a dangerous, careless or inefficient manner likely to lead to serious damage to paving, curb, gutter or any other public structures or property, due to a lack of proper equipment for such moving, inexperienced employees, lack of proper supervision, or from any other cause, and it is hereby made their duty to halt the moving until such lack of proper method has been corrected. It shall also be the duty of any of the officers mentioned in this section to halt the loading of any structure until the necessary provisions of this chapter have been complied with.

(Code 1988, § 8-557; Ord. No. 66002, § 2, 3-30-1995)

Sec. 8-510. - Structures being moved into city to be halted until chapter complied with; exceptions.

All structures being moved into the corporate limits of the city shall be halted outside the city limits until all provisions of this chapter relative to bonds, inspections and permits have been complied with by the person moving the structure.

(Code 1988, § 8-558; Ord. No. 66002, § 2, 3-30-1995)

Sec. 8-511. - Article not applicable in certain instances.

This article shall not be applicable to new mobile homes or new manufactured houses.

(Code 1988, § 8-559; Ord. No. 66002, § 2, 3-30-1995)

Secs. 8-512—8-530. - Reserved.

Cross reference— Health nuisances, § 17-31 et seq.

State Law reference— Weeds generally, K.S.A. 2-1314—2-1330.

Sec. 8-531. - Authority.

The unified government, under the authority of K.S.A. 12-1617f and K.S.A. 2-1314, is hereby authorized to provide for and require the cutting or destruction of noxious weeds, weeds and other uncontrolled vegetation on lots or pieces of land within the city.

(Code 1988, § 8-571; Ord. No. 65619, § 2, 4-19-1991)

Sec. 8-532. - Purpose.

The purpose of this article is to provide reasonable controls restricting the excessive growth of weeds, grasses and other noncultivate vegetation, to declare that the excessive growth of such vegetation is noxious, unsightly, and is offensive to the general public health, safety and welfare of the community, to provide a method of enforcement of this article, to provide procedures to notify property owners or those in control of the property that a violation exists and to allow for self-abatement by such owner, to provide property owners or those in control of the property notification and an opportunity to be heard concerning violations of this article, to provide administrative procedures to allow the unified government to direct the abatement of violations, to provide a method of assessing or collecting costs for such abatement, to declare that the existence of such violations are unlawful, and to provide penalties for enforcement through the municipal court system. (Code 1988, § 8-572; Ord. No. 65619, § 3, 4-19-1991)

Sec. 8-533. - Findings.

The unified government board of commissioners hereby finds that the allowance of the excessive growth of certain vegetation is noxious, unsightly, offensive to the residential and commercial development in the city, and offensive to the general public health, safety and welfare of the community. Excessive vegetation growth creates potential traffic safety problems, promotes conditions that accelerate the spread of fires, promotes the nesting and proliferation of rodents, snakes, mosquitoes and vermin, creates short and longterm impacts on the area, including the diminution of property values and the integrity of the neighborhood, and interferes with the orderly development of property in the city.

(Code 1988, § 8-573; Ord. No. 65619, § 4, 4-19-1991)

Sec. 8-534. - 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:

Agent means any person registered with the unified government as an agent for a property, or any nonowner listed on the county tax roll as the person to receive the tax bill notice.

Excessive growth or hazardous premises means any weed, grass or uncultivated vegetation which is more than eight inches in height above the ground or 12 inches in length, if matted down, as measured along the stem, and shall include all trees, bushes, shrubs, flowers and ornamental or garden plants, either cultivated or uncultivated, if such plants are not made readily distinguishable from surrounding vegetation of excessive growth, and plants which are poisonous to the touch, including poison ivy, poison oak and poison sumac. The term "excessive growth" or "hazardous premises" includes an accumulation of weeds, vegetation, dead organic matter, debris or similar materials or conditions which constitute a fire, health or safety hazard.

Perennial violator means:

- (1) Any person who shows an annual pattern of failing to comply with this article, which may be shown by repeated notices of abatement, notices of costs, or previous violations of this article;
- (2) Any abandoned or vacant property which shows an annual pattern in violation of this article, which may be shown by repeated notices of abatement, notices of costs, or previous violations of this article.

A list of such properties will be maintained by the unified government clerk and available for public inspection during regular business hours.

Person means any individual, individuals, partnership, corporation, unincorporated association, other business organization, committee, board, trustee, receiver, agent, or any representative who has charge, care or responsibility for maintenance of any property, lot or parcel of land, regardless of status as owner, tenant or lessee, and regardless of whether such person has possession.

Property owner means the named property owner as indicated by the records of the register of deeds or appraiser's office in the county, and for purposes of this article, shall include the owner of property abutting the streets, alleys, avenues, boulevards, public easements and public rights-of-way.

Representative means any person or entity listed in the county appraiser's office or treasurer's office for the purposes of paying taxes, a registered agent with the state secretary's office for corporate or partnership ownership, an agent or manager directed by the property owner, estate or court order to represent the interests of the property or to otherwise control activities on the real property, or a corporate officer.

Tenant means any person who has a severable or nonseverable interest in the real property, either by oral or written lease or covenant or by other methods of conveying a limited interest in such lands, or any person who occupies or has possession of such real property.

Vegetation means, but is not limited to, weeds, woody vines, brush, grass and uncultivated plants.

Weeds means, but is not limited to, kudzu (*Pueraria lobata*), field bindweed (*Convolvulus arvensis*), Russian Knapweed (*Centaurea picris*), hoary cress (*Lepidium draba*), Canada thistle (*Cirsium Arvense*), quackgrass (*Agropyron repens*), leafy spurge (*Euphorbia esula*), burrweed (*Franseria tomentosa* and *discolor*), pignut (*Hoffmannseggia densiflora*), musk (nodding), thistle (*Carduus nutans* L.), Johnson grass (*Sorghum halepense*) and multiflora rose (*Rosa Multiflora*).

(Code 1988, § 8-574; Ord. No. 65619, § 5, 4-19-1991)

Sec. 8-535. - Excessive growth unlawful.

It shall be unlawful for any property owner, representative, tenant or other person with control, occupancy or possession of real property to allow excessive growth of vegetation on any lot or parcel of land within the city or in any area between the property lines of said lot or parcel and the centerline of any adjacent street or alley, including, but not specifically limited to, sidewalks, streets, alleys, easements, rights-of-way and all other areas, public or private.

(Code 1988, § 8-575; Ord. No. 65619, § 6, 4-19-1991)

Sec. 8-536. - Public notice.

The unified government clerk shall cause a general public notice to be placed in the official unified government newspaper once each calendar year. Such notice shall read substantially as follows:

PUBLIC NOTICE
CITY OF KANSAS CITY, KANSAS

Notice is hereby given to all property owners, representatives and tenants of property located within the City of Kansas City, Kansas, that it is unlawful to allow the excessive growth of weeds, grass and uncultivated plants. Excessive growth means more than eight inches in height or more than 12 inches in length if matted down. Violators will be subject to prosecution and assessment of cost for abatement for such violations. If a violation is determined to exist, notification will be provided by regular mail, certified mail, personal service or publication.

The occupant, owner or agent has five days (in cases where the owner is unknown or is a nonresident and there is no resident agent, ten days) to either eradicate the excessive growth of vegetation or request a hearing before the public officer or his designated representative. If a hearing is not requested and the violation is not corrected within the ten-day period, then the unified government or its authorized agent will remove the excessive growth of vegetation by reasonable means and assess the cost of removal, including reasonable administrative cost. Notice of the total cost of such abatement shall be provided to the owner, occupant, or an agent by either regular mail, certified mail, personal service or publication. Failure to pay said cost within 30 days of the date when the notice is mailed or served will result in said cost being added to the property tax as a special assessment, or which may be collected as a personal debt of the property owner.

Notice will be deemed provided if mailed to the address where the violation exists, or the address listed with Wyandotte County, Kansas, for the purpose of paying taxes on the property. No further notice shall be given prior to the removal of weed or excessive growth during the current calendar year.

The City may abate or remove the excessive growth of vegetation upon any property determined to be a perennial violator without notice.

Members of the public are welcome to review the weed and vegetation control ordinances during regular business hours at the Municipal Office Building, One McDowell Plaza, 701 North Seventh Street, Kansas City, Kansas, 66101.

CITY CLERK

(Code 1988, § 8-576; Ord. No. 65619, § 7, 4-19-1991; Ord. No. 65794, § 1, 4-1-1993; Ord. No. 65902, § 1, 5-8-1994; Ord. No. 66006, § 1, 4-6-1995; Ord. No. 66102, § 1, 4-25-1996; Ord. No. 66271, § 1, 9-4-1997; Ord. No. O-20-04, § 1, 3-18-2004; Ord. No. O-22-05, 3-10-2005; Ord. No. O-36-06, 3-23-2006; Ord. No. O-43-07, 5-3-2007)

Sec. 8-537. - Responsibility to abate.

The property owner, representative, tenant or other such person with control, occupancy or possession of real property shall be responsible for the abatement of any excessive growth of

vegetation as made unlawful by section 8-535. Further, it is the responsibility of the property owner, representative, tenant or other such person with control, occupancy or possession to clearly mark, stake out or otherwise distinguish between trees, bushes, shrubs, flowers and ornamental or garden plants as compared to any excessive vegetation in the surrounding area.

(Code 1988, § 8-577; Ord. No. 65619, § 8, 4-19-1991)

Sec. 8-538. - Public officer; notice to abate.

The city administrator shall designate a public officer to be charged with the administration and enforcement of this article. The public officer shall authorize the investigation of violations of this article. If it is determined that a violation of this article is in existence, then the clerk or the clerk's designee shall send a notice of abatement to the property owner, representative, tenant or other such responsible person.

(Code 1988, § 8-578; Ord. No. 65619, § 9, 4-19-1991)

Sec. 8-539. - Notice requirements.

The notice of abatement shall state:

- (1) A common and/or legal description of the property upon which the violation exists;
- (2) That the property is in violation of the provisions of this article;
- (3) A description of the nature of the violation that would reasonably allow the property owner or other responsible person, representative or tenant to determine the nature of the violation to allow for self-abatement;
- (4) That the person in charge of the property shall have ten days from the date which notice is mailed, personally served, or published to either eradicate the excessive growth of vegetation or request a hearing before the public officer or his designated representative. Notice may be published by the unified government in the official unified government paper when the owner is unknown or is a nonresident and there is no resident agent;
- (5) That, upon written request prior to the expiration of the notice period, the property owner, representative, tenant or other responsible person may request a hearing before a designated hearing officer of the unified government;
- (6) That if the occupant, owner or agent fails to request a hearing or refuses to cut or remove such weeds after five days' notice by the unified government clerk or, in cases where the owner is unknown or is a nonresident and there is no resident agent, ten days after notice has been published by the unified government clerk in the official unified government paper, then the unified government or its authorized agent will remove the excessive growth of vegetation by reasonable means and assess the costs of removal, including reasonable administrative costs, against said person. Notice of the total costs for such abatement shall be provided to the owner, occupant or agent by regular mail, certified mail with return receipt requested, or personal service;
- (7) That if the assessed costs of removal, including administrative costs, are not paid within 30 days of the date when the assessment comes due, the costs will be added to the property tax as a special assessment;

- (8) That if any special assessments levied by the unified government in accordance with this article remain unpaid for a period of one year or more after their initial levy, the unified government may collect the amount due in the same manner as a personal debt of the property owner to the unified government by bringing an action in the county district court. Such actions may be maintained, prosecuted and all proceedings taken, including any award of post-judgment interest, in accordance with K.S.A. 16-204 to the same effect and extent as for the enforcement of an action for debt. All provisional remedies available in such actions shall be available to the unified government in the enforcement of the payment of such obligations. In such actions the unified government also shall be entitled to recover interest at the rate provided in K.S.A. 79-2968 from and after the date a delinquency occurs in the payment of special assessments levied under this article. The unified government may pursue collection both by levying a special assessment and in the manner provided by this section, but only until the full cost and any applicable interest has been paid in full;
- (9) That violation of any provision of this article shall be deemed a misdemeanor and punishable by a fine of not less than \$50.00 nor more than \$500.00. Each day any violation of this article continues shall constitute a separate offense punishable as a misdemeanor;
- (10) That prosecution of any offender under this section does not limit the unified government's right to abate any excessive growth as defined under this article or to additionally recover any costs incident to the abatement process, including reasonable administrative costs; and
- (11) That the public officer should be contacted if there are any questions regarding the notice.

(Code 1988, § 8-579; Ord. No. 65619, § 10, 4-19-1991; Ord. No. 65794, § 2, 4-1-1993)

Sec. 8-540. - Service of notice.

- (a) The notice shall be personally served or sent by regular mail or certified mail, return receipt requested, and where the property is either vacant or unoccupied, notice may also be posted in a reasonable manner on the property, or, where the owner, representative or tenant is unknown or is a nonresident of the state, the unified government clerk shall publish a notice of abatement in the official unified government newspaper. If notice is mailed, it shall be sent, postage prepaid, to the address that is in violation or the address listed with the county for the purpose of paying taxes on the property.
- (b) If the notice is mailed to the address set forth in subsection (a) of this section, then notice is deemed sufficient whether or not the notice is actually received or is returned.
- (c) Failure to sign for the certified return, receipt requested, mail notice from the unified government or failure to pick up said notice from the post office within 15 days shall not be deemed a lack of notice under this article where delivery was attempted and a record of this attempt was provided as required by procedures for restricted mail.

(Code 1988, § 8-580; Ord. No. 65619, § 11, 4-19-1991; Ord. No. 65794, § 3, 4-1-1993)

Sec. 8-541. - Abatement hearing.

If the recipient of the notice of abatement makes a written request for hearing within the notice period, then the unified government shall immediately schedule a hearing during a regular business day within ten calendar days from the receipt of the written request. The hearing shall be conducted by a designated hearing officer appointed by the county administrator who shall not be a subordinate of the officer who issued the notice of abatement or conducted the investigation. The hearing officer shall receive evidence, review the investigation and prepare a written order. The order shall be sent by certified mail to all relevant parties within ten days of the hearing, unless otherwise stated at the hearing, and prior to the unified government taking any action to abate the violation. The order shall describe the relevant facts relied upon, should state the specified code provisions being relied upon, should a violation be found, and state any such other stipulations, methods of abatement or orders as deemed necessary by the hearing officer.

(Code 1988, § 8-581; Ord. No. 65619, § 12, 4-19-1991)

Sec. 8-542. - Abatement by unified government.

If the property owner, representative or tenant fails to request a hearing and fails to abate the violations within the notice period, then the unified government shall go onto the property to abate the violation in a reasonable manner. The unified government shall not be responsible for damage to property due to reasonable methods of gaining entrance onto the property or for damages to property in the reasonable exercise of its duty to the public to abate the violations. The unified government may use its own employees or contract for services to abate violations of this article. Any authorized officer or agent of the unified government shall be allowed to relocate or remove any trash, debris, limbs or brush, building materials or other such items if such relocation or removal is reasonably necessary to abate the violation.

(Code 1988, § 8-582; Ord. No. 65619, § 13, 4-19-1991)

Sec. 8-543. - Notice of cost; assessment and collection.

- (a) If the unified government takes action to abate the violation, it shall provide a notice of cost to the property owner, representative or tenant. The notice of cost shall be personally served or delivered by regular mail, return receipt requested, to the address which is in violation or to the address listed with county for the purpose of paying taxes on the property. If the property is vacant or unoccupied, the notice of costs may also be posted on the property in a reasonable manner. The notice of cost shall state:
- (1) The common and/or legal description of the property;
 - (2) The nature of the violation, including relevant ordinances;
 - (3) The nature of the work performed to abate the violation;
 - (4) The costs incurred for the abatement of the violations in either a lump sum or in itemized form;
 - (5) That the notice is a demand for payment within 30 days from the date of the notice;
 - (6) That failure to pay the entire amount within 30 days shall allow the unified government to file a tax lien against the property, to pursue litigation for the recovery of the costs, or both;

- (7) That such additional remedies to recover costs shall include additional amounts, including additional administrative costs, attorneys' fees, when applicable, and interest;
 - (8) That payments shall be made by check or money order made payable to the unified government, with no post-dating of the check, and sent to the address stated within the notice with a written indication of the purpose for the payment and the address of the property where the violations occurred. Partial payments will not be accepted and shall be considered as nonpayments.
- (b) If the payment of costs is not made within the 30-day period, the unified government may levy a special assessment for such cost against the lot or piece of land. The unified government clerk, at the time of certifying other unified government taxes to the county clerk, shall certify the aforesaid costs, and the county clerk shall extend the same on the tax roll of the county against the lot or parcel of ground; such shall be collected by the county treasurer and paid to the unified government as other unified government taxes are collected and paid.
 - (c) The unified government may collect the costs in the manner provided at K.S.A. 12-1115 by bringing an action in the appropriate court as a personal debt.
 - (d) The unified government may pursue both assessment and collection at the same time until the full cost, including applicable interest, court costs, attorney's fees and administrative costs, has been paid in full.

(Code 1988, § 8-583; Ord. No. 65619, § 14, 4-19-1991; Ord. No. 65794, § 4, 4-1-1993)

Sec. 8-544. - Exceptions.

This article shall not be made applicable to:

- (1) The growing of brome, alfalfa, timothy, clover or other grasses for hay purposes within any residentially or agriculturally zoned district on property in excess of one acre in size.
- (2) Undeveloped tracts of land zoned other than for agricultural uses if such tract is one contiguous tract not intersected by any public roadway and is greater than five acres; provided, however, on any such tract no excessive growth of vegetation shall be allowed in any area within 100 feet from the centerline of a two-lane public roadway or within 100 feet of the property line adjacent to any other public roadway or of the property line of any property being used for residential or commercial purposes; provided further, however, that the unified government reserves its right of abatement under this article whenever it determines that any excessive growth of vegetation creates or enhances an identifiable health or safety problem, including, but not limited to, proliferation of rats, mosquitoes and vermin, or creates a fire hazard;
- (3) Trees, shrubbery, flowers, ornamental plants and properly maintained gardens.

(Code 1988, § 8-584; Ord. No. 65619, § 15, 4-19-1991)

Sec. 8-545. - Right of entry.

Any authorized officer or agent of the unified government, pursuant to this article, shall be allowed to enter onto any land within the unified government limits to investigate violations of this article or for the abatement of violations pursuant to this article.

(Code 1988, § 8-585; Ord. No. 65619, § 16, 4-19-1991)

Sec. 8-546. - Action in municipal court.

If an authorized public officer determines that a violation of this article exists, the officer may file a complaint with the municipal court for such violation. No other procedures are required as a prerequisite to the filing of a complaint.

(Code 1988, § 8-586; Ord. No. 65619, § 17, 4-19-1991)

Sec. 8-547. - Penalty.

- (a) Any property owner, representative or tenant found in violation of this article shall be subject to prosecution in the city municipal court. Any person found guilty of violating the provisions of this article shall be subject to a fine of not less than \$100.00 nor more than \$500.00, and the municipal judge may, as part of any sentence for violation of the provisions of this article, assess the costs incurred by the unified government for abatement of the nuisance against the violator of these provisions. This assessment may be in addition to or in lieu of the fine imposed.
- (b) Any person found guilty of violating this article two or more times within any one-year period or determined by the municipal court to be a perennial violator shall be fined not less than \$250.00 nor more than \$500.00.
- (c) Prosecution of any offender under this article does not limit the unified government's right to pursue assessment or collection of costs as stated in this article, or by other laws.
- (d) Each day that any violation of this article shall continue shall constitute a separate offense.
- (e) The unified government shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provision of this article, to seek civil penalties, to abate nuisances maintained in violation thereof, and, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful excessive growth of vegetation.

(Code 1988, § 8-587; Ord. No. 65619, § 18, 4-19-1991; Ord. No. 66271, § 1, 9-4-1997)

Cross reference— Abatement of perennial violator property, § 8-548.

Sec. 8-548. - Abatement of perennial violator property.

As an alternative to the procedure contained in sections 8-538—8-547, the unified government may, without notice, abate any excessive growth or hazardous premises on any property defined as a perennial violator, provided that the cost of such removal or abatement, including administrative costs, shall not be assessed against the owner or added to the property tax as a special assessment. Any property owner may exempt said property from the provisions of this section by providing written notification to the public officer.

(Code 1988, § 8-590; Ord. No. 66271, § 2, 9-4-1997)

Cross reference— Penalty, § 8-547.

Sec. 8-549 Code Enforcement Administrative Citations

§1: Enforcement through administrative citation.

A person who has violated any provision of Chapter 8 or Chapter 19 of the Unified Government Code may be issued an administrative citation and be required to pay a civil penalty in accordance with the provisions of this article.

§2: Amount of penalties.

The following penalties may be imposed for each separate violation of a code provision:

- a. \$100 for a first violation;
- b. \$250 for a second violation within any twenty-four (24) month period; and
- c. \$500 for a third or subsequent violation within any twenty-four (24) month period.

§3: Notice of violation.

- a. The public officer shall provide notice and a reasonable time for persons with a legal interest in real property where a violation of Chapter 8 or Chapter 19 exists to remedy the violation, provided such violation does not create an immediate danger to life, health or safety.
- b. If the person fails to cure the violation within the time provided by the public officer, the officer is authorized to issue an administrative citation.
- c. Notice and opportunity to remedy a violation shall be considered given if a previous notice has been sent within the previous twenty-four (24) months.

§4: Issuance of administrative citation.

An administrative citation shall contain the following information:

- a. The date of the violation
- b. The address or a description of the geographic location where the violation occurred.
- c. The section of the code determined to have been violated.
- d. A description of the conditions which caused the code violation.
- e. An order to bring the conditions into compliance with the code.
- f. Information concerning the penalty:
 - 1. The amount of the penalty the citee is to pay;
 - 2. The date, thirty (30) days from the issuance of the citation, by which the citee must pay the penalty; and
 - 3. The method of paying the penalty.
- g. Notice that the citee's payment of the penalty does not excuse a continued or subsequent violation of the code.
- h. Notice of the citee's entitlement to request an administrative review hearing.

§5: Administrative review hearing to contest administrative citation.

a. Request for administrative review hearing. A citee or another with a legal interest in the property may contest the citation by:

1. Submitting a request for an administrative review hearing to the public officer within twenty (20) days from the issuance of the administrative citation; and
2. Submitting to the public officer a \$25.00 advance deposit or submitting a request for an advance deposit hardship waiver.

b. Suspension of payment of penalty. If the citee files a timely request for an administrative review hearing, the requirement to pay the penalty shall be suspended and the payment of the penalty, if any, shall be in accordance with the decision of the hearing officer.

c. Processing request.

1. Upon the receipt of a request for review, the hearing officer shall set the matter for hearing and provide the citee at least ten (10) days' notice of the time, date, and location of the review.
2. Upon the request of the citee, the public officer shall provide copies of any documents intended to be submitted for consideration at the review.

§6: Hearing advance deposit hardship waiver.

a. Any person who intends to request an administrative review hearing to contest a citation and who is financially unable to make the hearing advance deposit, may file a request for an advance deposit waiver.

b. The request shall be filed with the public officer on an advance deposit hardship waiver application form, available from the public officer, within twenty (20) days of the issuance of the administrative citation.

c. The requirement to make an advance deposit shall be stayed unless and until the public officer makes a determination not to issue the advance deposit waiver.

d. The public officer may waive the requirement of an advance deposit and issue the advance deposit hardship waiver only if the requesting party submits to the public officer a sworn affidavit, together with any supporting documents or materials, demonstrating to the satisfaction of the public officer the person's actual financial inability to make the deposit in advance of the hearing.

e. The public officer shall issue a written determination listing the reasons for his determination to issue or not to issue the advance deposit hardship waiver and such determination shall be provided to the advance deposit hardship waiver applicant. The written determination of the public officer shall be final.

f. If the public officer determines not to issue an advance deposit hardship waiver, the person shall remit the deposit to the public officer within ten (10) days of the date of the written decision or twenty (20) days from the issuance of the administrative citation, whichever is later.

§7: Hearing officer.

The County Administrator shall designate an independent and unbiased person or persons to serve as hearing officer(s).

§8: Administrative review hearing procedure.

- a. At the review, the public officer shall present his case in support of the contention that a violation of this code has occurred and that the citee is responsible.
- b. At the review, the person contesting the penalty shall be given the opportunity to testify and to present evidence that a violation did not occur and/or the citee is not responsible for the violation.
- c. The rules of evidence prevailing in courts of law or equity shall not be controlling.
- d. If the citee requesting the review fails to appear, the hearing officer shall enter a decision upholding the citation.

§9: Hearing officer's decision.

- a. The hearing officer shall issue a written decision to uphold or set aside the administrative citation and shall present the reasons for the decision.
- b. The public officer shall provide a copy of the hearing officer's decision to the citee.
- c. The decision of the hearing officer shall be the Unified Government's final action on the matter and shall become final as of the date of the written decision.

§10. Judicial review.

Any person aggrieved by an administrative decision of a hearing officer or the public officer on an administrative citation may file a petition for review with the District Court of Wyandotte County.

§11: Collection of penalties and charges.

If a citee fails to pay the penalty in a timely manner, the Unified Government may collect any past due penalties and attendant costs by use of all available legal means.

§12: Lien procedure.

Whenever the amount of any administrative penalty imposed pursuant to this section regarding real estate has not been fully satisfied in full within the longer of either thirty (30) days from the payment date as provided on the citation or thirty (30) days from the final decision of a hearing officer, the obligation shall constitute a lien upon the real property on which the violation occurred. Such lien, including, as a part thereof, allowance of costs and the necessary attorney's fees, may be foreclosed in judicial proceedings in the manner provided or authorized by law for

loans secured by liens on real property or shall be assessed as a special assessment against the lot or parcel on which the underlying violation occurred. The unified government clerk shall, at the time of certifying other unified government taxes, certify the unpaid portion of the aforesaid penalty and costs, and the county clerk shall extend the same on the tax rolls of the county against such lot or parcel of land.

Secs. 8-520—8-574. - Reserved.

Section 2. That said original Sections 8-431 through 8-548 are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the Wyandotte Echo.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,**

THIS _____ DAY OF _____, 2016.

Mark Holland, Mayor/CEO

Attest:

Unified Government Clerk

Approved As To Form:

Ryan Haga, Assistant Counsel

Published _____

ORDINANCE NO. _____

An ordinance relating to the protection of the public health, safety and general welfare of the public by the city's adoption of the 2012 International Fire Code; Sections 15-52 and 15-54 amended.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That the following Sections are hereby amended to read as follows:

Sec. 15-52. - Adopted.

- (a) *International Fire Code adopted.* The 2009¹² International Fire Code, including referenced standards, and specified appendices B, C, D, E, F, G, H and I, dated ~~March, 2009~~ April 2014, as published by the International Code Council, Inc., is hereby adopted and incorporated by reference, excepting only such portions thereof as are specifically deleted or amended in this section and sections [15-53](#) and [15-54](#). Further, if there exists or arises any conflict between the provisions of the International Fire Code and this Code, then the provisions of this Code are controlling.
- (b) *Marked copies of code on file.* Not less than three copies of the International Fire Code, adopted by reference in subsection (a) of this section, shall be kept on file in the office of the unified government clerk and be marked or stamped "Official Copies as Incorporated by [Ordinance No. O-45-11]," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and shall be open to inspection and available to the public at all reasonable hours. A copy of this article shall be attached to each copy of the International Fire Code. The city fire department, municipal judges, and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

(Ord. No. O-45-11, § 2, 10-20-2011)

State Law reference— Adoption by reference authorized, K.S.A. 12-3009 et seq., 12-3301 et seq.

(Ord. No. O-45-11, § 2, 10-20-2011)

Sec. 15-54. - Amendments and additions.

- The 2009¹² International Fire Code adopted by reference in [section 15-52](#) is amended in the following respects:

Section 101.1 is amended to read as follows:

Section 101.1 Title. These regulations shall be known as the Fire Code of the Unified Government of Wyandotte County/Kansas City, Kansas, hereinafter referred to as "this code."

Section 101.2.1 is hereby deleted.

Section 102.3 is amended to read as follows:

Section 102.3 Change of use or occupancy. No change shall be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the International Building Code and/or NFPA 101 Life Safety Code. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all the requirements of this code and the International Building Code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

Section 102.4 is amended to read as follows:

Section 102.4 Application of building code. The design and construction of new structures shall comply with the International Building Code, and any alterations, additions, changes in use or changes in structures required by this code, which are within the scope of the International Building Code, and/or NFPA101 Life Safety Code, shall be made in accordance therewith.

Section 108.1 is hereby deleted.

See administrative provision [Chapter 8-25](#) Code of Ordinance section 167 Board of Appeals

Section 111.4 is amended to read as follows:

Section 111.4 Failure to comply. Any person who shall continue to work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100.00 or more than \$2,500.00.

Section 3206.6.1 is amended to read as follows:

Section 3206.6.1 Access doors. Where building access is required by Table 3206.2, fire department access doors shall be provided in accordance with this section. Access doors shall be accessible without the use of a ladder.

3206.6.1.1 Number of doors required. A minimum of one access door shall be provided in each 110 lineal feet (33,528 mm), or fraction thereof, of the exterior walls that face required fire apparatus access roads. The required access doors shall be distributed such that the lineal distances between adjacent access doors does not exceed 110 feet (33,528 mm).

Appendix D, section D 107.1 is amended to read as follows:

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 75 shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3. This requirement does not affect development plated prior to the effective date of this code adoption.

Exceptions:

- (1) Where there are 75 or more dwelling units on a single public or private access way and all dwelling units are protected by approved residential sprinkler systems, access from two directions shall not be required.
- (2) The number of dwelling units on a single fire access road shall not be increased unless fire apparatus roads will connect with future development as determined by the fire code official.

(Ord. No. O-45-11, § 2, 10-20-2011)

Section 2. That said original Sections 15-52 and 15-54 are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the Wyandotte Echo.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,**

THIS _____ DAY OF _____, 2016.

Mark Holland, Mayor/CEO

Attest:

Unified Government Clerk

Approved As To Form:

Ryan Haga, Assistant Counsel

Published _____

ORDINANCE NO. _____

An ordinance relating to the protection of the public health, safety and general welfare of the public by the city's adoption of the 2012 International Residential Code for One- and Two-Family Dwellings; Sections 8-411 through 8-413 amended.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That the following Sections are hereby amended to read as follows:

ARTICLE VII. - ONE- AND TWO-FAMILY DWELLINGS

Sec. 8-411. - International Residential Code for One- and Two-Family Dwellings—Adopted.

Sec. 8-412. - Same—Amendments.

Secs. 8-413—8-430. - Reserved.

Sec. 8-411. - International Residential Code for One- and Two-Family Dwellings—Adopted.

(a) *Residential code adopted.* There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications for the control of buildings and structures within the city, the issuing, suspension, and revocation of permits, the collection of fees, making of inspections, the execution of plan reviews, the enforcement of this chapter, and the fixing of penalties for violations hereof, the ~~2009~~ 2012 International Residential Code for One- and Two-Family Dwellings, including appendices A, B, C, D, E, G, H, J, M, N, O, P and Q with amendments, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically added or amended in this chapter. Further, if there exists or arises any conflict between the provisions of the publication and this Code, then the provisions of this Code are controlling.

(b) *Marked copies of code on file.* There shall be not less than three copies of the standard code adopted by reference in subsection (a) of this section kept on file in the office of the unified government clerk, to which shall be attached a copy of Ordinance No. O-57-04, and which shall be marked or stamped "Official Copies as Incorporated by Ordinance No. O-57-04," with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and said code shall be open to inspection and available to the public at all reasonable hours. The neighborhood resource center, code enforcement division, rental inspections division and building inspection division, municipal judges and all administrative departments of the unified government charged with the enforcement of this article shall be supplied, at the cost of the unified government, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.

(Code 1988, § 8-334; Ord. No. O-57-04, § 25, 9-16-2004)

Sec. 8-412. - Same—Amendments.

The ~~2009~~ 2012 International Residential Code for One- and Two-Family Dwellings, adopted by reference in section 8-411, is amended in the following respects:

Sections R101.1—R114.2 of Chapter 1, Administration are hereby deleted. See Administration provisions in section 8-25 of this chapter.

Section R202 definition of CARPORT, PORTABLE is added as follows:

Carport, Portable A detached manufactured accessory building customarily used for the shelter or storage of vehicles and /or watercraft, including canopies used for such, which can be easily moved without disassembly, after removal of any tie-down or other anchoring provisions intended to compensate for wind displacement, and which is generally a frame covered by lightweight metal membrane material. See portable carports section R309.2

Section R301.2(1) Table is amended to read as follows:

Section R301.2(1) International residential code data entry; table R301.2(1) Climatic and Geographic Design Criteria.

Table R301.2(1) shall include the following data:

Table R 301.2(1)

TABLE R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN		SEISMI C DESIG N CATE- GORY ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^e	ICE BARRIER UNDER- LAYMEN T RE- QUIRED ^h	FLOOD HAZARD S ^g	AIR FREEZI NG INDEX ⁱ	MEAN ANNU AL TEMP ^j
	Wind Speed ^d (MPH)	Topograp hic Effects ^k		Weatheri ng ^a	Frost Line Depth ^b	Termite ^c					
20	90	No	A	Severe	36	Moderat e to Heavy	6°F	Yes <u>NO</u>	See Ch 27	1000	54.7°F

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this Code. The weathering column shall be filled in with the weathering index (i.e., “negligible,” “moderate” or “severe”) for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.

b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.

d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.

e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 ½-percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local weather experience as determined by the Building Official.

f. The jurisdiction shall fill in this part of the table with the Seismic Design Category determined from Section R301.2.2.1.

g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction’s entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the currently effective FIRMs and FBFM, or other flood hazard map adopted by the community, as may be amended.

h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with “YES.” Otherwise, the jurisdiction shall fill in this part of the table with “NO.”

i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table “Air Freezing Index- USA Method (Base 32° Fahrenheit)” at www.ncdc.noaa.gov/fpsf.html.

j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table “Air Freezing Index- USA Method (Base 32° Fahrenheit)” at www.ncdc.noaa.gov/fpsf.html.

k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effect, the jurisdiction shall fill in this part of the table with “YES.” Otherwise the jurisdiction shall indicate “NO” in this part of the table.

R302.1 is amended to read as follows:

302.1 Exterior walls. Construction, projections, openings and penetrations of exterior walls of dwellings and accessory buildings shall comply with Table R302.1(1).

Table R302.1(2) is deleted. Table 302.1(1) Exterior walls shall be used.

R302.2 is amended to read as follows:

R302.2 Townhouses. Each Townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of section R302.1 for exterior walls.

Exceptions: A common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides. And shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with section R302.4.

R302.2.4 Structural independence.

R302.2.4 Exception 5 is amended to read as follows:

Exception 5, Townhouses separated by a common 2-hour fire resistance rated wall as provided by section 302.2

R302.3 Exception 1 is deleted.

R302.4.2 Membrane Penetrations. Exception 2 -2.1 is amended to read as follows:

R302.4.2 Exception 2 (2.1) By a horizontal distance of not less than 24 inches (610 mm) except at walls or partitions constructed using parallel rows of studs or staggered studs.

Section R302.5.2 Duct Penetration is amended to read as follows:

Section R309.5.2 Duct Penetration. Ducts in the garage and ducts penetrating the walls or ceilings separating the dwelling from the garage shall be constructed of a minimum No. 26 gauge (0.48 mm) sheet steel or other approved material and shall have no openings into the garage.

Exception: Supply duct openings may be permitted; provided the openings are protected by a minimum 20-minute rated fire damper(s).

Table 302.6 is amended to read as follows:

Table 302.6 Dwelling/Garage Separation

<u>SEPARATION</u>	<u>MATERIAL</u>
<u>From the residence and attics</u>	<u>Not less than 5/8 inch Type X gypsum board or equivalent applied to the garage side.</u>
<u>From all habitable rooms above the garage</u>	<u>Not less than 5/8 inch Type X gypsum board or equivalent applied to the garage side.</u>
<u>Structure(s) supporting floor/ceiling assemblies used for</u>	<u>Not less than 5/8 inch Type X gypsum board or equivalent</u>

<u>separation required by this section</u>	<u>applied to the garage side.</u>
<u>Garages located less than 3 feet from a dwelling unit on the same lot</u>	<u>Not less than 5/8 inch Type X gypsum board or equivalent applied to the interior side of the exterior walls within this area.</u>
<u>Attic access panels.</u>	<u>Not less than 5/8 inch Type X gypsum board or equivalent Materials approved for 1 hour fire resistive construction.</u>
<u>Pull down stairs</u>	<u>Shall be rated or be adequately protected with not less than Type 5/8 inch Type X gypsum or equivalent materials approved for 1 hour fire resistive construction.</u>

Section R303.3 Bathrooms is amended to read as follows:

Section R303.3 Bathrooms. Bathrooms, water closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 square feet (0.3 M²), one-half of which must be openable.

Exception: The glazed areas shall not be required where artificial light and a mechanical ventilation system are provided. The minimum ventilation rates shall be 50 cfm (24 L/s) for intermittent ventilation or 20 cfm (10 L/s) for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside or to an attic ventilated in accordance with section R806. The point of discharge of the exhaust air shall be at least three feet from any opening into the building. A point of discharge in the attic space must discharge at a roof vent or soffit vent.

Section R303.4 of the 2009 2012 International Residential Code is hereby amended to read as follows:

R303.4 Mechanical ventilation. Where the air infiltration rate of a dwelling unit is less than three (3) air changes per hour when tested with a blower door at a pressure of 0.2 inch w.c. (50 Pa) in accordance with Section N1102.4.1.2, the dwelling unit shall be provided with whole-house mechanical ventilation in accordance with Section M1507.3. (History: Ord. BC-2936 §36, 2012)

Section R306.5 is added to read as follows:

Section R306.5 New Single-family dwellings toilet facilities. Toilet facilities shall be provided within 500 feet (measured from the property line adjacent to the street for platted subdivisions along the public way) for all new single-family dwellings starting from the time of the first footing inspection until facilities are available in the dwelling. If the facilities are not located on the job site, the location of the required facilities shall be posted on the job site or other certification provided to the building official to verify the availability of toilet facilities. The facilities on the site shall be removed prior to issuance of a temporary certificate of occupancy.

R309.2 Carports is added to read as follows:

R309.2 Carports. Carports shall be open on at least two sides. Carport floor surfaces shall be of approved noncombustible material. Carports not open on at least two sides shall be considered a garage and shall comply with the provisions of this section for garages.

Exceptions:

1: Asphalt surfaces shall be permitted at ground level in carports.

2: Portable Carports shall be assembled to comply with the manufacturer's instructions and anchored to the ground in compliance with one of the following methods. At a minimum there must be an anchoring point on each side of the carport for every 50 sq. ft. of area covered by the carport.

- 1) One continuous 8" wide by 36" deep concrete stem wall on each longitudinal side of the carport with threaded anchor bolts embedded to match the carport manufacturer's recommended anchorage spacing.
- 2) A 4 inches thick concrete slab that extends beyond the perimeter of the carport in each direction with threaded anchor bolts embedded in the slab, deepened to 8" at each anchorage location, to match the

carport manufacturer's recommended spacing.

- 3) Bolting the support legs, or adjacent cross support, to an existing concrete slab that is a minimum of 4 inches thick, to match the carport manufacturer's recommended anchorage spacing. The method of attaching the upright frame to the slab must be shown in the application for building permit.
- 4) Install concrete footings under each leg and bolt the legs, or adjacent cross support, to the new footings with threaded anchor bolts embedded to match the carport manufacturer's recommended anchorage spacing. The new footings are to be approximately 1 ft. x 1 ft. x 2 ft. deep. The method of attaching the upright frame to the footing must be shown in the application for building permit.
- 5) An alternate anchoring design that provides a permanently paved hard surface floor and anchors the portable carport to the ground and that is approved by the Building Official. If an alternative method is proposed, complete installation details must be provided for review.

The plans and details submitted must clearly indicate the method of anchoring and the flooring to be used. If new concrete footings are to be installed, they must be inspected when formed and prior to pouring of concrete. In all cases, a final inspection must be requested by the applicant.

Fabric Covered Carports: All fabric covered carports or similar facilities shall comply with City setback requirements in the zone in which they are located. Unless the facility is considered a structure under the Building Code, no building permit shall be required for their placement. Fabric covered facilities shall be properly maintained, cleaned, and repaired as necessary. There shall be no electricity or other utilities provided to fabric covered carports, or similar facilities.

Section R309.5 Fire sprinklers in private garages is amended to read as follows:

R309.5 Fire sprinklers are optional in private garages. The garage walls shall be designed based on Table R302.1(1). Sprinklers in garages shall be connected to an automatic sprinkler system that complies with section P2904. Garage fire sprinklers shall be residential sprinklers or quick response sprinklers, designed to provide a density of 0.05 gpm/sq ft. garage doors shall not be considered with respect to sprinkler placement.

R311.3.2. Floor Elevations for Other Exterior Doors.

Delete - Exception: A landing is not required where a stairway of two or fewer risers is located on the exterior side of the door, provided the door does not swing over the stairway.

Section R311.7.5.1 Riser height is amended to read as follows:

Section R311.7.5.1 Riser height. The maximum riser height shall be 7 3/4 inches (196 mm). The riser height shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than three-eighths of an inch (9.5 mm). Risers shall be vertical or sloped from the underside of the nosing or tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted provided that the opening between treads does not permit the passage of a 4-inch diameter (102mm) sphere.

Exception: Stairs constructed on or before March 30, 2005 may be permitted to have a maximum rise of 8 inches.

Exception: Existing stairs meeting the requirements of Appendix J (Section AJ501.8.4) as amended in this document.

Section R311.5.3.2 Tread depth is amended to read as follows:

Section R311.5.3.2 Tread depth. The minimum tread depth shall be 10 inches (254 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the treads leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Consistently shaped winders at the walkline shall be allowed within the same flight of stairs as rectangular treads and do not have to be within 3/8 inch (9.5mm) of the rectangular tread depth.

Winder treads shall have a minimum tread depth of 10 inches (254 mm) measured between the vertical planes of the foremost projection of adjacent treads at the intersections with the walkline. Winder treads shall have a minimum tread depth of 6 inches (152 mm) at any point within the clear width of the stairs. Within any flight of stairs, the greatest winder tread depth at the walkline shall not exceed the smallest by more than 3/8 inch (9.5 mm).

Exception: Stairs constructed on or before March 30, 2005 may be permitted to have a minimum tread of 9 inches.

Exception: Existing stairs meeting the requirements of Appendix J (Section AJ501.8.4) as amended in this document.

Section R312.1.1 is amended to read as follows:

Section R312.1.1 Guards required. Guards shall be located along open- sided walking surfaces, including stairs, ramps and landings that are located more than 30 inches (762mm) measured vertically from the floor or grade below at any point within 36 inches (914mm) horizontally to the edge of the open side. Insect screening shall not be considered as a guard.

In addition, guards are required at retaining walls over 30 inches above grade when walking surfaces are within ten feet of the high side of the retaining wall.

R313.1 Townhouse automatic sprinkler systems, is amended to read as follows:

R313.1 Townhouse automatic fire sprinkler systems. An automatic fire sprinkler system is optional in townhouses. Fire sprinkler system design for townhouses shall comply with section P2904.

R313.2 1 and 2 family dwellings automatic fire systems, is amended to read as follows:

R313.2 An automatic sprinkler system is optional in 1 & 2 family dwellings. Fire sprinkler system design for 1&2 family dwellings shall comply with section P2904 or NFPA 13D.

R 403.1.1 Footing Reinforcement is amended to read as follows:

Section R403.1.1.1. Continuous footing reinforcement. Continuous footings for basement foundation walls shall have minimum continuous reinforcement consisting of not less than two No. 4 bars, uniformly spaced, located a minimum of three inches (76 mm) clear from the bottom of the footing.

R 403.1.1.2 Column Pads is amended to read as follows:

Section R403.1.1.2 Column pads. Column pads shall be a minimum of 24 inches (610 mm) by 24 inches (610 mm) and eight inches (203 mm) deep. Reinforcement shall consist of a minimum of three No. 4 bars each way, uniformly spaced.

R501.3 Fire Protection of floors is deleted.

R801.3 Roof drainage is amended to read as follows:

Section R801.3 Roof drainage. All dwellings shall have a controlled method of water disposal from roofs that will collect and discharge all roof drainage to the ground surface at least 3 feet from foundation walls or to an approved drainage system.

Part IV Energy Conservation is deleted.

Part IV Energy Conservation is added.

Part IV- Energy Conservation

Chapter 11 - ENERGY EFFICIENCY

SECTION N1101

GENERAL

N1101.1 Scope. This chapter regulates the energy efficiency for the design and construction of buildings regulated by this code.

Exception: Portions of the building envelope that do not enclose *conditioned space*.

N1101.2 Compliance. Compliance shall be demonstrated by either meeting the requirements of the *International Energy Conservation Code* or meeting the requirements of this chapter. Climate zones from Figure N1101.2 or Table N1101.2 shall be used in determining the applicable requirements from this chapter.

TABLE N1101.2 CLIMATE ZONES, MOISTURE REGIMES AND WARM-HUMID DESIGNATIONS BY STATE, COUNTY AND TERRITORY

Key:

A-Moist, B-Dry, C-Marine, Absence of moisture designation indicates moisture regime is irrelevant.

Asterisk (*) indicates a warm humid location.

Kansas – Wyandotte – Zone 4A

N1101.3 Identification. Materials, systems and *equipment* shall be identified in a manner that will allow a determination of compliance with the applicable provisions of this chapter.

N1101.4 Building thermal envelope insulation. An *R-value* identification *mark* shall be applied by the manufacturer to each piece of *building thermal envelope* insulation 12 inches (305 mm) or more wide. Alternately, the insulation installers shall provide a certification listing the type, manufacturer and *R-value* of insulation installed in each element of the *building thermal envelope*. For blown or sprayed insulation (fiberglass and cellulose), the initial installed thickness, settled thickness, settled *R-value*, installed density, coverage area and number of bags installed shall be listed on the certification. For sprayed polyurethane foam (SPF) insulation, the installed thickness of the area covered and *R-value* of installed thickness shall be listed on the certificate. The insulation installer shall sign, date and post the certificate in a conspicuous location on the job site.

N1101.4.1 Blown or sprayed roof/ceiling insulation. The thickness of blown in or sprayed roof/ceiling insulation (fiberglass or cellulose) shall be in written in inches (mm) on markers that are installed at least one for every 300square feet, throughout the attic space. The markers shall be affixed to the trusses or joists and marked with the minimum initial installed thickness with numbers 1 inch (25mm) high. Each marker shall face the attic access opening. Spray polyurethane foam thickness and *R-value* shall be listed on the certificate provided by the insulation installer.

N1101.4.2 Insulation mark insulation. Insulating materials shall be installed such that the manufactures *R-value* mark is readily observable upon inspection.

N1101.5 Fenestration product rating. *U-factors* of fenestration products (windows, doors and skylights) shall be determined in accordance with NFRC 100 by an accredited, independent laboratory, and *labeled* and certified by the manufacturer. Products lacking such a *labeled U-factor* shall be assigned a default *U-factor* from Tables N1101.5(1) and N1101.5(2). The solar heat gain coefficient (SHGC) of glazed fenestration products (windows, glazed doors and skylights) shall be determined in accordance with NFRC 200 by an accredited, independent laboratory, and *labeled* and certified by the manufacturer. Products lacking such a *labeled SHGC* shall be assigned a default SHGC from Table N1101.5(3).

TABLE N1101.5(1) DEFAULT GLAZED FENESTRATION U-FACTORS

FRAME TYPE	SINGLE PANE	DOUBLE PANE	SKYLIGHT	
			Single	Double
Metal	1.2	0.8	2	1.3
Metal with thermal break	1.1	0.65	1.9	1.1
Nonmetal or metal clad	0.95	0.55	1.75	1.05
Glazed block	0.6			

TABLE N1101.5(2) DEFAULT DOOR U-FACTORS

DOOR TYPE	U-FACTOR
Uninsulated metal	1.2
Insulated metal	0.6
Wood	0.5
Insulated, nonmetal edge, max 45% glazing, any glazing double pane	0.35

TABLE N1101.5(3) DEFAULT GLAZED FENESTRATION SHGC

SINGLE GLAZED		DOUBLE GLAZED		GLAZED BLOCK
Clear	Tinted	Clear	Tinted	
0.8	0.7	0.7	0.6	0.6

N1101.6 Insulation product rating. The thermal resistance (*R*-value) of insulation shall be determined in accordance with the CFR Title 16, Part 460, in units of $\text{h} \cdot \text{ft}^2 \cdot ^\circ\text{F}/\text{Btu}$ at a mean temperature of 75°F (24°C).

N1101.7 Installation. All materials, systems and *equipment* shall be installed in accordance with the manufacturer's installation instructions and the provisions of this code.

N1101.7.1 Protection of exposed foundation insulation. Insulation applied to the exterior of basement walls, crawl space walls and the perimeter of slab-on-grade floors shall have rigid, opaque and weather-resistant protective covering to prevent the degradation of the insulation's thermal performance. The protective covering shall cover the exposed exterior insulation and extend a minimum of 6 inches (152mm) below grade.

N1101.8 Above code programs. The *building official* or other authority having *jurisdiction* shall be permitted to deem a national, state or local energy efficiency program to exceed the energy efficiency required by this chapter. Buildings *approved* in writing by such an energy efficiency program shall be considered in compliance with this chapter.

N1101.9 Certificate. A permanent certificate shall be posted on or in the electrical distribution panel. The certificate shall not cover or obstruct the visibility of the circuit directory *label*, service disconnect *label* or other required *labels*. The certificate shall be completed by the builder or registered *design professional*. The certificate shall list the predominant *R*-values of insulation installed in or on ceiling/roof, walls, foundation (slab, *basement wall*, crawlspace wall and/or floor) and ducts outside *conditioned spaces*; *U*-factors for fenestration; and the solar heat gain coefficient (SHGC) of fenestration. Where there is more than one value for each component, the certificate shall list the value covering the largest area. The certificate shall list the types and efficiencies of heating, cooling and service water heating *equipment*. Where a gas-fired unvented room heater, electric furnace and/or baseboard electric heater is installed in the residence, the certificate shall list "gas-fired unvented room heater," "electric furnace" or "baseboard electric heater," as appropriate. An efficiency shall not be listed for gas-fired unvented room heaters, electric furnaces or electric base board heaters.

SECTION N1102

BUILDING THERMAL ENVELOPE

N1102.1 Insulation and fenestration criteria. The *building thermal envelope* shall meet the requirements of Table N1102.1 based on the climate zone specified in Table N1101.2.

N1102.1.1 R-value computation. Insulation material used in layers, such as framing cavity insulation and insulating sheathing, shall be summed to compute the component *R*-value. The manufacturer's settled *R*-value shall be used for blown insulation. Computed *R*-values shall not include an *R*-value for other building materials or air films.

N1102.1.2 U-factor alternative. An assembly with a *U*-factor equal to or less than that specified in Table N1102.1.2 shall be permitted as an alternative to the *R*-value in Table N1102.1.

N1102.1.3 Total UA alternative. If the total *building thermal envelope* UA (sum of *U*-factor times assembly area) is less than or equal to the total UA resulting from using the *U*-factors in Table N1102.1.2, (multiplied by the same assembly area as in the proposed building), the building shall be considered in compliance with Table N1102.1. The UA calculation shall be done using a method consistent with the ASHRAE *Handbook of Fundamentals* and shall include the thermal bridging effects of framing materials. The SHGC requirements shall be met in addition to UA compliance.

TABLE N1102.1 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT^a

CLIMATE ZONE	FENESTRATION U-FACTOR	SKYLIGHT ^b U-FACTOR	GLAZED FENESTRATION SHGC	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE ^k	FLOOR R-VALUE	BASEMENT ^c WALL R-VALUE	SLAB ^d R-VALUE AND DEPTH	CRAWL SPACE ^e WALL R-VALUE
4 except Marine	0.35	0.60	NR	38	13	5/10	19	10/13	10, 2 ft	10/13
5 and Marine 4	0.35	0.60	NR	38	20 or 13 + 5 ^h	13/17	30 ^f	10/13	10, 2 ft	10/13

a. *R*-values are minimums. *U*-factors and solar heat gain coefficient (SHGC) are maximums. R-19 batts compressed in to nominal 2 × 6 framing cavity such that the *R*-value is reduced by R-1 or more shall be marked with the compressed batt *R*-value in addition to the full thickness *R*-value.

b. The fenestration *U*-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

c. The first *R*-value applies to continuous insulation, the second to framing cavity insulation; either insulation meets the requirement.

d. R-5 shall be added to the required slab edge *R*-values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less, in zones 1 through 3 for heated slabs.

e. There are no SHGC requirements in the Marine Zone.

f. Basement wall insulation is not required in warm-humid locations as defined by Figure N1101.2 and Table N1101.2.

g. Or insulation sufficient to fill the framing cavity, R-19 minimum.

h. "13+5" means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing covers 25% or less of the exterior, R-5 sheathing is not required where structural sheathing is used. If structural sheathing covers more than 25% of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2.

i. For impact-rated fenestration complying with Section R301.2.1.2, the maximum *U*-factor shall be 0.75 in zone 2 and 0.65 in zone 3.

j. For impact-resistant fenestration complying with Section R301.2.1.2 of the *International Residential Code*, the maximum SHGC shall be 0.40.

k. The second *R*-value applies when more than half the insulation is on the interior.

TABLE N1102.1.2 EQUIVALENT U-FACTORS^a

CLIMATE ZONE	FENESTRATION U-FACTOR	SKYLIGHT U-FACTOR	CEILING U-FACTOR	FRAME WALL U-FACTOR	MASS WALL U-FACTOR ^b	FLOOR U-FACTOR	BASEMENT WALL U-FACTOR	CRAWL SPACE WALL U-FACTOR
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4 except Marine	0.35	0.60	0.030	0.082	0.141	0.047	0.059	0.065
5 and Marine 4	0.35	0.60	0.030	0.060	0.082	0.033	0.059	0.065

- a. Nonfenestration *U*-factors shall be obtained from measurement, calculation or an approved source.
- b. When more than half the insulation is on the interior, the mass wall *U*-factors shall be a maximum of 0.17 in zone 1, 0.14 in zone 2, 0.12 in zone 3, 0.10 in zone 4 except Marine and the same as the frame wall *U*-factor in Marine zone 4 and in zones 5 through 8.
- c. Basement wall *U*-factor of 0.360 in warm-humid climates as defined by Figure N1101.2 and Table N1101.2.

N1102.2 Specific insulation requirements.

N1102.2.1 Ceilings with attic spaces. When Section N1102.1 would require R-38 in the ceiling, R-30 shall be deemed to satisfy the requirement for R-38 wherever the full height of uncompressed R-30 insulation extends over the wall top plate at the eaves. Similarly R-38 shall be deemed to satisfy the requirement for R-49 wherever the full height of uncompressed R-38 insulation extends over the wall top plate at the eaves. This reduction shall not apply to the *U*-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3.

N1102.2.2 Ceilings without attic spaces. Where Section N1102.1 would require insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies shall be R-30. This reduction of insulation from the requirements of Section N1102.1 shall be limited to 500 square feet (46 m²) of ceiling area. This reduction shall not apply to the *U*-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3.

N1102.2.3 Access hatches and doors. Access doors from *conditioned spaces* to unconditioned spaces (e.g., attics and crawl spaces) shall be weatherstripped and insulated to a level equivalent to the insulation on the surrounding surfaces. Access shall be provided to all *equipment* which prevents damaging or compressing the insulation. A wood framed or equivalent baffle or retainer is required to be provided when loose fill insulation is installed, the purpose of which is to prevent the loose fill insulation from spilling into the living space when the *attic* access is opened and to provide a permanent means of maintaining the installed *R*-value of the loose fill insulation.

N1102.2.4 Mass walls. Mass walls, for the purposes of this chapter, shall be considered above-grade walls of concrete block, concrete, insulated concrete form (ICF), masonry cavity, brick (other than brick veneer), earth (adobe, compressed earth block, rammed earth) and solid timber/logs.

N1102.2.5 Steel-frame ceilings, walls and floors. Steel-frame ceilings, walls and floors shall meet the insulation requirements of Table N1102.2.5 or shall meet the *U*-factor requirements in Table N1102.1.2. The calculation of the *U*-factor for a steel-frame envelope assembly shall use a series-parallel path calculation method.

Exception: In climate zones 1 and 2, the continuous insulation requirements in Table N1102.2.5 shall be permitted to be reduced to R-3 for steel frame wall assemblies with studs spaced at 24 inches (610 mm) on center.

TABLE N1102.2.5 STEEL-FRAME CEILING, WALL AND FLOOR INSULATION (R-VALUE)

WOOD FRAME R-VALUE REQUIREMENT	COLD-FORMED STEEL EQUIVALENT R-VALUE^a
Steel Truss Ceilings^a	
R-30	R-38 or R-30 + 3 or R-26 + 5
R-38	R-49 or R-38 + 3
R-49	R-38 + 5
Steel Joist Ceilings^b	
R-30	R-38 in 2 × 4 or 2 × 6 or 2 × 8 R-49 in any framing
R-38	R-49 in 2 × 4 or 2 × 6 or 2 × 8 or 2 × 10

Steel Framed Wall	
<u>R-13</u>	<u>R-13 + 5 or R15 + 4 or R-21 + 3 or R-0 + 10</u>
<u>R-19</u>	<u>R-13 + 9 or R-19 + 8 or R-25 + 7</u>
<u>R-21</u>	<u>R-13 + 10 or R-19 + 9 or R-25 + 8</u>
Steel Joist Floor	
<u>R-13</u>	<u>R-19 in 2 × 6</u> <u>R-19 + R-6 in 2 × 8 or 2 × 10</u>
<u>R-19</u>	<u>R-19 + R-6 in 2×6</u> <u>R-19 + R-12 in 2 × 8 or 2 × 10</u>

For SI: 1 inch = 25.4 mm.

a. Cavity insulation *R*-value is listed first, followed by continuous insulation *R*-value.

b. Insulation exceeding the height of the framing shall cover the framing.

N1102.2.6 Floors. Floor insulation shall be installed to maintain permanent contact with the underside of the subfloor decking.

N1102.2.7 Basement walls. *Exterior walls* associated with conditioned basements shall be insulated from the top of the *basement wall* down to 10 feet (3048 mm) below *grade* or to the *basement* floor, whichever is less. Walls associated with unconditioned basements shall meet this requirement unless the floor overhead is insulated in accordance with Section N1102.1 and Section N1102.1.2.6.

N1102.2.8 Slab-on-grade floors. Slab-on-grade floors with a floor surface less than 12 inches below *grade* shall be insulated in accordance with Table N1102.1. The insulation shall extend downward from the top of the slab on the outside or inside of the foundation wall. Insulation located below *grade* shall be extended the distance provided in Table N1102.1 by any combination of vertical insulation, insulation extending under the slab or insulation extending out from the building. Insulation extending away from the building shall be protected by pavement or by a minimum of 10 inches (254 mm) of soil. The top edge of the insulation installed between the *exterior wall* and the edge of the interior slab shall be permitted to be cut at a 45-degree (0.79 rad) angle away from the *exterior wall*. Slab-edge insulation is not required in jurisdictions designated by the code official as having a very heavy termite infestation.

N1102.2.9 Crawl space walls. As an alternative to insulating floors over crawl spaces, insulation of crawl space walls shall be permitted when the crawl space is not vented to the outside. Crawl space wall insulation shall be permanently fastened to the wall and extend downward from the floor to the finished *grade* level and then vertically and/or horizontally for at least an additional 24 inches (610 mm). Exposed earth in unvented crawl space foundations shall be covered with a continuous Class I vapor retarder. All joints of the vapor retarder shall overlap by 6 inches (152 mm) and be sealed or taped. The edges of the vapor retarder shall extend at least 6 inches (152 mm) up the stem wall and shall be attached to the stem wall.

N1102.2.10 Masonry veneer. Insulation shall not be required on the horizontal portion of the foundation that supports a masonry veneer.

N1102.2.11 Thermally isolated sunroom insulation. The minimum ceiling insulation *R*-values shall be R-19 in zones 1 through 4 and R-24 in zones 5 through 8. The minimum wall *R*-value shall be R-13 in all zones. New wall(s) separating the sunroom from *conditioned space* shall meet the *building thermal envelope* requirements.

N1102.3 Fenestration.

N1102.3.1 U-factor. An area-weighted average of fenestration products shall be permitted to satisfy the *U*-factor requirements.

N1102.3.2 Glazed fenestration SHGC. An area-weighted average of fenestration products more than 50 percent glazed shall be permitted to satisfy the solar heat gain coefficient (SHGC) requirements.

N1102.3.3 Glazed fenestration exemption. Up to 15 square feet (1.4 m²) of glazed fenestration per *dwelling unit* shall be permitted to be exempt from *U*-factor and SHGC requirements in Section N1102.1. This exemption shall not apply to the *U*-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3

N1102.3.4 Opaque door exemption. One side-hinged opaque door assembly up to 24 square feet (2.22 m²) in area is exempted from the *U*-factor requirement in Section N1102.1.1. This exemption shall not apply to the *U*-factor alternative approach in Section N1102.1.2 and the Total UA alternative in Section N1102.1.3

N1102.3.5 Thermally isolated sunroom U-factor. For zones 4 through 8 the maximum fenestration *U*-factor shall be 0.50 and the maximum skylight *U*-factor shall be 0.75. New windows and doors separating the sunroom from *conditioned space* shall meet the *building thermal envelope* requirements.

N1102.3.6 Replacement fenestration. Where some or all of an existing fenestration unit is replaced with a new fenestration product, including sash and glazing, the replacement fenestration unit shall meet the applicable requirements for *U*-factor and solar heat gain coefficient (SHGC) in Table N1102.1.

N1102.4 Air leakage.

N1102.4.1 Building thermal envelope. The *building thermal envelope* shall be durably sealed to limit infiltration. The sealing methods between dissimilar materials shall allow for differential expansion and contraction. The following shall be caulked, gasketed, weatherstripped or otherwise sealed with an air barrier material, suitable film or solid material.

1. All joints, seams and penetrations.
2. Site-built windows, doors and skylights.
3. Openings between window and door assemblies and their respective jambs and framing.
4. Utility penetrations.
5. Dropped ceilings or chases adjacent to the thermal envelope.
6. Knee walls.
7. Walls and ceilings separating the garage from *conditioned spaces*.
8. Behind tubs and showers on *exterior walls*.
9. Common walls between *dwelling units*.
10. Attic access openings.
11. Rim joists junction.
12. Other sources of infiltration.

N1102.4.2 Air sealing and insulation. Building envelope air tightness and insulation installation shall be demonstrated to comply with one of the following options given by Section N1102.4.2.1 or N1102.4.2.2.

TABLE N1102.4.2 AIR BARRIER AND INSULATION INSPECTION

<u>COMPONENT</u>	<u>CRITERIA</u>
<u>Air barrier and thermal barrier</u>	<u>Exterior thermal envelope insulation for framed walls is installed in substantial contact and continuous alignment with building envelope air barrier.</u> <u>Breaks or joints in the air barrier are filled or repaired.</u> <u>Air-permeable insulation is not used as a sealing material.</u>
<u>Ceiling/attic</u>	<u>Air barrier in any dropped ceiling/soffit is substantially aligned with insulation and any gaps are sealed</u> <u>Attic access (except unvented attic), knee wall door, or drop down stair is sealed.</u>
<u>Walls</u>	<u>Corners and headers are insulated.</u> <u>Junction of foundation and sill plate is sealed.</u>
<u>Windows and doors</u>	<u>Space between window/door jambs and framing is sealed.</u>
<u>Rim joists</u>	<u>Rim joists are insulated and include an air barrier.</u>
<u>Floors (including above garage and cantilevered floors)</u>	<u>Insulation is installed to maintain permanent contact with underside of subfloor decking.</u> <u>Air barrier is installed at any exposed edge of floor.</u>

Crawlspace walls	Insulation is permanently attached to walls. Exposed earth in unvented crawlspaces is covered with Class I vapor retarder with overlapping joints taped.
Shafts, penetrations	Duct shafts, utility penetrations, knee walls and flue shafts opening to exterior or unconditioned space are sealed.
Narrow cavities	Batts in narrow cavities are cut to fit, or narrow cavities are filled by sprayed/blown insulation.
Garage separation	Air sealing is provided between the garage and conditioned spaces.
Recessed lighting	Recessed light fixtures are airtight, IC rated and sealed to drywall. Exception-fixtures in conditioned space.
Plumbing and wiring	Insulation is placed between outside and pipes. Batt insulation is cut to fit around wiring and plumbing, or sprayed/blown insulation extends behind piping and wiring.
Shower/tub on exterior wall	Showers and tubs on exterior walls have insulation and an air barrier separating them from the exterior wall.
Electrical/phone box on exterior wall	Air barrier extends behind boxes or air sealed type boxes are installed.
Common wall	Air barrier is installed in common wall between dwelling units.
HVAC register boots	HVAC register boots that penetrate building envelope are sealed to subfloor or drywall.
Fireplace	Fireplace walls include an air barrier.

N1102.4.2.1 Testing option. Tested air leakage is less than 7 ACH when tested with a blower door at a pressure of 50 pascals (0.007 psi). Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation and combustion appliances.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed;
2. Dampers shall be closed, but not sealed; including exhaust, intake, makeup air, back draft, and flue dampers;
3. Interior doors shall be open;
4. Exterior openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling system(s) shall be turned off;
6. HVAC ducts shall not be sealed; and
7. Supply and return registers shall not be sealed.

N1102.4.2.2 Visual inspection option. The items listed in Table N1102.4.2, applicable to the method of construction, are field verified. Where required by the code official, an *approved* party independent from the installer of the insulation, shall inspect the air barrier and insulation.

Section N 1102.4. Fireplaces. Is amended.

N1102.4.3 Fireplaces. New wood burning fireplaces shall have outdoor combustion air. (Deleted the requirement for gasketed doors).

N1102.4.4 Fenestration air leakage. Windows, skylights and sliding glass doors shall have an air infiltration rate of no more than 0.3 cubic foot per minute per square foot [1.5(L/s)/m²], and swinging doors no more than 0.5 cubic foot per minute per square foot [2.5(L/s)/m²], when tested according to NFRC 400 or AAMA/WDMA/CSA 101/I.S.2/A440 by an accredited, independent laboratory, and listed and *labeled* by the manufacturer.

Exception: Site-built windows, skylights and doors.

N1102.4.5 Recessed lighting. Recessed luminaires installed in the *building thermal envelope* shall be sealed to limit air leakage between conditioned and unconditioned spaces. All recessed luminaires shall be IC-rated and *labeled* as meeting ASTM E 283 when tested at 1.57 psf (75 Pa) pressure differential with no more than 2.0 cfm (0.944 L/s) of

air movement from the *conditioned space* to the ceiling cavity. All recessed luminaires shall be sealed with a gasket or caulk between the housing and the interior wall or ceiling covering.

SECTION N1103 SYSTEMS

N1103.1 Controls. At least one thermostat shall be installed for each separate heating and cooling system.

N1103.1.1 Programmable thermostat. Where the primary heating system is a forced air furnace, at least one thermostat per *dwelling unit* shall be capable of controlling the heating and cooling system on a daily schedule to maintain different temperature set points at different times of the day. This thermostat shall include the capability to set back or temporarily operate the system to maintain zone temperatures down to 55°F (13°C) or up to 85°F (29°C). The thermostat shall initially be programmed with a heating temperature set point no higher than 70°F (21°C) and a cooling temperature set point no lower than 78°F (26°C).

N1103.1.2 Heat pump supplementary heat. Heat pumps having supplementary electric-resistance heat shall have controls that, except during defrost, prevent supplemental heat operation when the heat pump compressor can meet the heating load.

N1103.2 Ducts.

N1103.2.1 Insulation Supply ducts in attics shall be insulated to a minimum of R-8. All other ducts shall be insulated to a minimum of R-6.

Exception: Ducts or portions thereof located completely inside the *building thermal envelope*.

N1103.2.2 Sealing. Ducts, air handlers, filter boxes and building cavities used as ducts shall be sealed. Joints and seams shall comply with Section M1601.4 Duct tightness shall be verified by either of the following:

1. Post-construction test: Leakage to outdoors shall be less than or equal to 8 cfm (3.78 L/s) per 100 ft² (9.29 m²) of conditioned floor area or a total leakage less than or equal to 12 cfm (5.66 L/s) per 100 ft² (9.29 m²) of conditioned floor area when tested at a pressure differential of 0.1 inch w.g. (25 Pa) across the entire system, including the manufacturer's air handler end closure. All register boots shall be taped or otherwise sealed during the test.

2. Rough-in test: Total leakage shall be less than or equal to 6 cfm (2.83 L/s) per 100 ft² (9.29 m²) of conditioned floor area when tested at a pressure differential of 0.1 inch w.g. (25 Pa) across the roughed in system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 4 cfm (1.89 L/s) per 100 ft² (9.29 m²) of conditioned floor area.

Exception: Duct tightness test is not required if the air handler and all ducts are located within *conditioned space*.

N1103.2.3 Building cavities. Building framing cavities shall not be used as supply ducts.

N1103.3 Mechanical system piping insulation. Mechanical system piping capable of carrying fluids above 105°F (40°C) or below 55°F (13°C) shall be insulated to a minimum of R-3.

N1103.4 Circulating hot water systems. All circulating service hot water piping shall be insulated to at least R-2. Circulating hot water systems shall include an automatic or *readily accessible* manual switch that can turn off the hot water circulating pump when the system is not in use.

N1103.5 Mechanical ventilation. Outdoor air intakes and exhausts shall have automatic or gravity dampers that close when the ventilation system is not operating.

N1103.6 Equipment sizing. Heating and cooling *equipment* shall be sized as specified in Section M1401.3.

N1103.7 Snow melt system controls. Snow- and ice-melting systems supplied through energy service to the building shall include automatic controls capable of shutting off the system when the pavement temperature is above 50°F (10°C) and no precipitation is falling and an automatic or manual control that will allow shutoff when the outdoor temperature is above 40°F (5°C).

N1103.8 Pools. Pools shall be provided with energy conserving measures in accordance with Sections N1103.8.1 through N1103.8.3.

N1103.8.1 Pool heaters. All pool heaters shall be equipped with a *readily accessible* on-off switch to allow shutting off the heater without adjusting the thermostat setting. Pool heaters fired by natural gas or LPG shall not have continuously burning pilot lights.

N1103.8.2 Time switches. Time switches that can automatically turn off and on heaters and pumps according to a preset schedule shall be installed on swimming pool heaters and pumps.

Exceptions:

1. Where public health standards require 24-hour pump operation.
2. Where pumps are required to operate solar- and waste-heat-recovery pool heating systems.

N1103.8.3 Pool covers. Heated pools shall be equipped with a vapor retardant pool cover on or at the water surface. Pools heated to more than 90°F (32°C) shall have a pool cover with a minimum insulation value of R-12.

N1104.1 Lighting equipment. A minimum of 50 percent of the lamps in permanently installed lighting fixtures shall be *high-efficacy lamps*.

Section M1201.1-M1202.3, Chapter 12 is hereby deleted.

Section M1201.1-M1202.3, Chapter 12 Mechanical administration is deleted in its entirety. See Administration provisions in section 8-25.

Section G2408.7 is added to read as follows:

Section G2408.7 Liquefied petroleum gas piping shall not serve any gas water heater or appliance located in a pit or basement where heavier than air gas might collect to form a flammable mixture. Water heaters or appliances so served shall not be installed in an above-grade under-floor space or basement unless such location is provided with an approved means for removal of unburned gas.

Section G2414.5 is amended to read as follows:

Section G2414.5 Metallic tubing. Seamless copper, aluminum alloy or steel tubing shall not be utilized for the distribution of fuel gas. Stainless steel tubing may be utilized when approved by the building official.

Section G2414.5.2 is amended to read as follows:

Section G2414.5.2. Copper tubing. Copper and brass tubing shall not be utilized to distribute natural gas nor shall it utilized to distribute any other fuel gas within a building or structure.

G2417.4. Test Pressure Measurement is amended to read as follows:

G2417.4.1 (406.4.1) Test pressure. This inspection shall include an air, CO₂, or nitrogen pressure test of not less than 10 pounds per square inch (68.9kPa) gauge pressure.

G2417.4.2 (406.4.2). Test duration. The test duration shall not be less than 15 minutes.

Section P2501.1—P2503.9 Chapter 25 is hereby deleted.

Section P2501.1—P2503.9, Chapter 25 Plumbing administration is hereby deleted in its entirety. See Administration provisions in section 8-25.

Section P2902.5.3 is amended to read as follows:

Section P2902.5.3 Lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by a device approved by the Board of Public Utilities, Kansas City, Kansas, Water Department.

Section P2903.5 is amended to read as follows:

Section P2903.5 Water hammer. The flow velocity of the water distribution system shall be controlled to reduce the possibility of water hammer. Water-hammer arrestor shall be installed where quick-closing valves are utilized. Water hammer arrestors shall be installed in accordance with manufacturer's installation instructions. Water hammer arrestors shall conform to ASSE 1010.

Exception: Each water supply line to a fixture, except tank type water closets, may terminate with an air chamber. All air chambers shall be placed in a vertical position in a tee opening. Each air chamber shall be not less than 12 inches in length and of a diameter not less than the branch it serves.

Section P2903.8.2 is amended to read as follows:

Section P2903.8.2 Minimum size. Where the developed length of the distribution line is 60 feet (18 288 mm) or less, and the available pressure at the meter is a minimum of 40 lbs per square inch (276kPa), the minimum size of individual distribution lines shall be not less than ½ inch (12.7mm) diameter. Certain fixtures such as 1 piece water closets and whirlpool bathtubs shall require a larger size where specified by the manufacturer. If a water heater is fed from the end of a cold water manifold, the manifold shall be one size larger than the water heater feed.

Section P2905.4 is amended to read as follows:

Section P2905.4 Water service piping. Approval, inspection, materials and testing of water service piping shall be in accordance with the policies prescribed by the Board of Public Utilities, Kansas City, Kansas, Water Department. If there is an occurrence that a system might meet the definition of water service pipe under this code and not be under the jurisdiction of the board of public utilities, such water service pipe shall conform to NSF 61 and shall conform to one of the standards listed in table P2905.4. Water service pipe or tubing installed underground and outside of the structure shall have a minimum working pressure rating of 160 psi at 73 degrees Fahrenheit (1,103 kPa at 23 degrees C). Where the water pressure exceeds 160 pounds per square inch (1103 kPa), piping material shall have a rated working pressure equal to or greater than the highest available pressure. Water service piping materials not third-party certified for water distribution shall terminate at or before the full open valve located at the entrance to the structure. Ductile iron water service piping shall be cement mortar lined in accordance with AWWA C104.

Section P2905.4.2 is amended to read as follows:

Section P2905.4.2 Water service installation. Installation of water service piping shall be in accordance with the policies prescribed by the Board of Public Utilities, Kansas City, Kansas, Water Department. If there is an occurrence that a system might meet the definition of water service pipe under this code and not be under the jurisdiction of the board of public utilities, trenching, pipe installation and backfilling shall be in accordance with section P2604.2. Water service pipe is permitted to be located in the same trench with a building sewer provided such sewer is constructed of materials listed for underground use within a building in section P3002.1. If the building sewer is not constructed of materials listed in section P3002.1, the water service pipe shall be separated from the building sewer by a minimum of 5 feet (1524 mm), measured horizontally, of undisturbed or compacted earth or placed on a solid ledge at least 12 inches (305 mm) above and to one side of the highest point in the sewer line.

Exception: the required separation distance shall not apply where a water service pipe crosses over a sewer pipe, provided that the water service pipe is sleeved to at least 5 feet (1524 mm), horizontally from the sewer pipe centerline, on both sides of the crossing with pipe materials listed in Tables P2905.4, P3002.1(1), or P3002.2.

Section P2905.5.1 is added as follows:

Section P2905.5.1 Under concrete slabs. Inaccessible water distribution piping under slabs shall be copper water tube minimum Type L, brass, ductile iron pressure pipe, galvanized steel pipe, chlorinated polyvinyl chloride (CPVC) or crosslinked polyethylene (PEX) plastic pipe or tubing—all to be installed with approved fittings or bends. The minimum pressure rating for plastic pipe or tubing installed under slabs shall be 100 psi at 180 degrees Fahrenheit (689 kPa at 82 degrees Celsius).

Section P3005.4.2 is amended to read as follows:

Section P3005.4.2 Building drain and sewer and slope. Pipe sizes and slope shall be determined from table P3005.4.2 on the basis of drainage load in fixture units (DFU.) computed from table P3004.1. The minimum size of a building sewer serving a dwelling unit shall be 4 inches.

Section P3102.1 is amended to read as follows:

Section P3102.1 Main vent required. Every building shall have a main vent that is either a vent stack or a stack vent. Such vent shall run undiminished in size and as directly as possible from the building drain through to the open air above the roof. The minimum size of a main vent for a dwelling unit shall be 3 inches.

P3105 Fixture Vents

P3105.1 Distance of trap from vent. Exception is deleted.

Section P3114.3 is amended to read as follows:

Section P3114.3 Where permitted. Individual vents, branch vents, circuit vents and stack vents shall be permitted to terminate with a connection to air admittance valve only when it is structurally not feasible to install a hard-piped venting system and approved by the building official.

Individual- and branch-type air admittance valves shall conform to ASSE 1051. Individual and branch type air admittance valves shall vent fixtures that are on the same floor level and connect to a horizontal branch drain.

Section P3114.5 is amended to read as follows:

Section P3114.5 Access and ventilation. All air admittance valves shall be readily accessible. The valve shall be located in a ventilated space that allows air to enter the valve.

Section E3601.6.2 is amended to read as follows:

Section E3601.6.2 Service disconnect location. The service disconnecting means shall be installed at a readily accessible location either outside of a building or inside nearest the point of entrance of the service conductors. When service entrance conductors are more than 10 feet in length from the point of entry to the service panel, a separate means of disconnect must be installed at the service cable entrance to the building or structure. Service disconnecting means shall not be installed in bathrooms or closets. Each occupant shall have access to the disconnect serving the dwelling unit in which they reside.

Section E3902.13 Exception is added as follows:

E3902.13 Arc-fault circuit interrupter protection for branch circuit extensions or modifications

Exception: This section will not apply where existing dwelling unit premises wiring circuits make the application of this section impracticable, as determined by the Building Official.

Informational Note: Two examples of the application of this exception are where the existing dwelling unit has a multi-wire branch circuit or utilizes a listed panelboard for which there is no listed device for the application of AFCI protection.

E3907.9 is added as follows:

E3907.9 Cabinets and panelboards shall not be located in a bathroom or closet.

E4002.14 Tamper-resistant receptacles is deleted.

Section AJ501.8.4 Appendix J Stairs (Existing Buildings) is added as follows:

Section AJ501.8.4 Appendix J Stairs (Existing Buildings). Any alteration to or the replacement of an existing stairway in an existing structure shall not be required to comply with the requirements of a new stairway as outlined in section R311.7 where the existing space and construction will not allow a reduction in pitch or slope.

(Code 1988, § 8-335; O-57-04, § 25, 9-16-2004)

Secs. 8-413—8-430. - Reserved.

Section 2. That said original Sections 8-411 through 8-413 are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the Wyandotte Echo.

PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE
COUNTY/KANSAS CITY, KANSAS,

THIS _____ DAY OF _____, 2016.

Mark Holland, Mayor/CEO

Attest:

Unified Government Clerk

Approved As To Form:

Ryan Haga, Assistant Counsel



Staff Request for Commission Action

Tracking No. 16683

Full Commission Meeting Date: 7/28/16

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 7/11/16

(If none, please explain):

Publication Required: No

<u>Date:</u> 06/29/2016	<u>Contact Name:</u> Ryan Haga, Attorney	<u>Contact Phone:</u> x5075	<u>Contact Email:</u> rhaga@wycokck.org	<u>Department/Division:</u> Legal
<u>Item Description:</u> Ordinances are amended to expand the ability of the UG to place a lien on the proceeds of any covered claims for damage to a structure in excess of 75% of the face value of the insurance policy.				
<u>Action Requested:</u> To approve the Ordinance.				
<u>Budget Impact: (if applicable)</u> Amount: Source: Included In Budget: Other (explain):				
<u>Attachments List:</u> ordinance				

Published _____

ORDINANCE NO. _____

An ordinance concerning payment of insurance proceeds and amending ordinance 2-297 and 2-298.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS:

Section 1. That the following Sections are hereby amended to read as follows:

Sec. 2-297. - Insurance for damage or loss due to fire, explosion or windstorm—Payment to unified government for removal of damaged structures; fire insurance proceeds fund established.

- (a) The unified government is hereby authorized to utilize the procedures established by K.S.A 40-3901 et seq., where no insurance company doing business within the city shall pay a claim of a named insured for 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 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 insureds and the company and said final settlement exceeds 75 percent of the face value of the policy covering a building or other insured structures, 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 shall execute a draft payable to the treasurer of the unified government in an amount equal to 15 percent of the covered claim payment, unless the public officer of the unified government has issued a certificate to the insurance company 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) Such transfer of proceeds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the unified government shall be disbursed in accordance with the policy terms.

- (3) Upon transfer of the funds as required in subsection (a)(1) of this section, an insurance company shall provide the unified government insurance coverage applicable to said building or other structure, and the amount of the final settlement agreed to between the insurance company and the insured or insured by restricted mail to notify them that said insurance proceeds have been received by the unified government and apprise them of the procedures to be followed under this section.

- (b) The treasurer of the unified government of is hereby authorized and shall create a fund to be known as the fire insurance proceeds fund. All money received by the treasurer as provided by this section shall be deposited by him in an interest bearing account.

- (1) Upon receipt of said moneys, the treasurer of the unified government shall immediately notify the public officer of the unified government of said receipt and transmit all documentation received from the insurance company to the public officer.

(2) Within 20 days of the receipt of said moneys, the public officer of the unified government shall determine after prior investigation whether the unified government shall instigate proceedings under the provisions of applicable state statutes.

(3) Prior to the expiration of the 20 days established in subsection (b) of this section, the public officer shall notify the unified government treasurer whether he intends to initiate proceedings under applicable state statutes.

(4) If the public officer has determined the proceedings under applicable state statutes shall be initiated, he shall do so immediately but no later than ~~30~~ 45 days after receipt of said moneys by the treasurer.

(5) Upon notification to the unified government treasurer by the public officer that no proceedings shall be initiated under applicable state statutes, the treasurer shall initiate the return of said moneys plus accrued interest to the insured or insureds as identified in the communication from the insurance company. Such return shall be accompanied within ~~30~~ 45 days of the receipt of said moneys from the insurance company.

(6) If the public officer has proceeded under the provisions of applicable state statutes, all moneys in excess of that which is ultimately necessary to comply with said provisions for the removal of the building or structure, less salvage value, shall be paid to the insured.

(7) If the public officer, with regard to a building or other structure damaged, ~~by fire, explosion, or windstorm~~, determines that it is necessary to act under K.S.A. 12-1756, any proceeds received by the treasurer under the authority of subsection (a)(1) of this section, relating to the building or other structure, shall be used to reimburse the unified government for any expenses incurred by the unified government in proceeding under K.S.A. 12-1756. Upon reimbursement from the insurance proceeds, the public officer shall immediately effectuate the release of any lien resulting therefrom. Should the expenses incurred by the unified government exceed the insurance proceeds paid over to the treasurer under subsection (a)(1) of this section, the public officer shall establish a new lien as authorized by K.S.A. 12-1756 in an amount equal to such excess expenses incurred.

(c) This section shall apply to all covered fire, and explosion or windstorm claims of damage arising from ~~on~~ all buildings or structures.

(d) This section does not make the unified government a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

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

Sec. 2-298. - Same—Lien established.

- (a) The unified government board of commissioners hereby creates a lien in favor of the unified government on 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, explosion, or windstorm~~ where the amount recoverable for all the loss or damage to the building or other structure under all policies is in excess of 75 percent of the face value of the policies covering such building or other insured structure. The lien arises upon any unpaid tax, special ad valorem levy, or any other charge imposed based upon real property by or on behalf of the unified government 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 year prior to the filing of a proof of loss.

(b) Prior to final settlement on any claim covered by subsection (a) of this section, the insurer or insurers shall contact the treasurer of the unified government to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer or insurers shall execute and transmit in an amount equal to the owing under said encumbrances a draft to the treasurer of the unified government.

(c) Such transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the building or other structure.

(Code 1964, § 15-15; Code 1988, § 2-215; Ord. No. 64185, §§ 1—3, 11-24-1982; Ord. No. O-9-98, § 1, 3-5-1998)

Section 2. That said original Sections 2-297 and 2-298 are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication in the Wyandotte Echo.

**PASSED BY THE BOARD OF COMMISSIONERS OF THE UNIFIED
GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,**

THIS _____ DAY OF _____, 2016.

Mark Holland, Mayor/CEO

Attest:

Unified Government Clerk

Approved As To Form:

Ryan Haga, Assistant Counsel



Staff Request for Commission Action

Tracking No. 16682

Full Commission Meeting Date: 07/28/16

Committee: Neighborhood & Community Development

Date of Standing Committee Action: 07/11/16

(If none, please explain):

Publication Required: No

<u>Date:</u> 06/29/2016	<u>Contact Name:</u> Chris Slaughter, Management Analyst	<u>Contact Phone:</u> x8977	<u>Contact Email:</u> cslaughter@wycokck.org	<u>Department/Division:</u> Land Bank
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Item Description:

Action Requested:

The Land Bank Manager respectfully requests that the Neighborhood & Community Development Committee approve the above requests and forward them to the Land Bank Board of Trustees for final approval.

Budget Impact: (if applicable)

Amount:

Source:

Included In Budget:

Other (explain):

Attachments List:

Land Bank Applications, Transfers from Land Bank

WYANDOTTE COUNTY LAND BANK - APPLICATIONS

APPLICANT	APPLICANT ADDRESS	LAND BANK ADDRESS	PROPOSED USE	NOTES
Distant Vista Properties, LLC	549 Lowell Ave/41 S 6th St	36 S Hallock St	Yard Extension	Applicant will be extending his property and cleaning/maintaing property(s). Parking is an option for the future to service other property(s) owned in the area.
Distant Vista Properties, LLC	549 Lowell Ave/41 S 6th St	38 S Hallock St	Yard Extension	
Maria Fernandez	3020 N 17th St	3014 N 17th St	Yard Extension	
Claude Johnson	1718 N 25th St	1716 N 25th St	Yard Extension	
Residential Revival, LLC	4609 N Main St	3023 S 23rd Cir	Rehab	Applicant will be rehabbing the single-family property.

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Villegas, Brittany

From: Wufoo <no-reply@wufoo.com>
Sent: Friday, May 20, 2016 11:23 AM
To: Land Bank; info@opportunitiespace.org
Subject: Unified Government Land Bank Application [#37]

Name of applicant *	Steven Sudekum
Name of spouse (if applicable)	Cynthia Sudekum
Name of corporation or other entity (if applicable)	Distant Vista Properties LLC
Address *	 4737 Canaan Lake Drive Kansas City, KS 66109 United States
Email	sudekums@gmail.com
Home phone *	(913) 980-2235
Work phone	(913) 980-2235
Property 1	 549 Lowell Avenue Kansas City, KS 66101 United States
Property 2	 41 S. 6th Street Kansas City, KS 66101 United States
Offer price *	\$100
Do you (or your spouse) have any Code Enforcement violations? *	No
Are you (or your spouse) delinquent on any licenses or taxes in Wyandotte County? *	No

Address of property



36 & 38 S. Hallock Street
KansasCity, KS 66101
United States

Property type? *

Vacant land

Proposed use of property *

Yard Extension.
Parking. (Must comply with UG regulations)

As the applicant I attest that the information
in this proposal is accurate. I attest that I
have read the Unified Government's Land
Bank policy and agree to the terms and
conditions of it. I understand that the Unified
Government reserves the rights to reject any
proposal without cause. *

Yes

Name *

Steven Sudekum

Date *

Friday, May 20, 2016

Slaughter, Chris

From: Wufoo <no-reply@wufoo.com>
Sent: Monday, May 23, 2016 7:06 PM
To: Land Bank; info@opportunityspace.org
Subject: Unified Government Land Bank Application [#40]

Name of applicant * Maria Fernandez

Name of spouse (if applicable) Aristeo De la fuente

Address * 
N 17th street
Kansas, KS 66104
United States

Email Goodboy1513@gmail.com

Home phone * (913) 291-4759

Property 1 
3020 n17th street
Kansas, KS 66104
United States

Offer price * 300

Do you (or your spouse) have any Code
Enforcement violations? * No

Are you (or your spouse) delinquent on any
licenses or taxes in Wyandotte County? * No

Address of property 
3014 N 17TH ST
KansasCity, KS 66104
United States

Property type? * Vacant land

Proposed use of property * Yard Extension.

As the applicant I attest that the information in ☒ Yes
this proposal is accurate. I attest that I have
read the Unified Government's Land Bank
policy and agree to the terms and conditions of
it. I understand that the Unified Government
reserves the rights to reject any proposal
without cause. *

Name *

Maria Fernandez

Date *

Monday, May 23, 2016

Villegas, Brittany

From: Wufoo <no-reply@wufoo.com>
Sent: Monday, June 13, 2016 7:22 PM
To: Land Bank; info@opportunityspace.org
Subject: Unified Government Land Bank Application [#46]

Name of applicant * claude johnson

Address * 
1718 N25th Street
Kansascity, kansas 66102
United States

Email johnson6793@yahoo.com

Home phone * (913) 481-4275

Work phone (913) 551-4331

Property 1 
1718 N25th Street
Kansascity, kansas 66102
United States

Offer price * \$800.00

Do you (or your spouse) have any Code No
Enforcement violations? *

Are you (or your spouse) delinquent on any No
licenses or taxes in Wyandotte County? *

Address of property 
1716 N 25TH ST
KansasCity, KS 66102
United States

Property type? * Vacant land

Proposed use of property * Yard Extension.
Parking. (Must comply with UC regulations)

As the applicant I attest that the information Yes
in this proposal is accurate. I attest that I
have read the Unified Government's Land
Bank policy and agree to the terms and
conditions of it. I understand that the Unified
Government reserves the rights to reject any
proposal without cause. *

Name * claude johnson

Date * Monday, June 13, 2016

Wyandotte County Land Bank (WCLB)

Commercial Property Interest Application

Please complete a separate application for each parcel.

To purchase a WCLB owned property AS IS, with or without a structure that is zoned commercial or will be used for commercial purposes, complete this form and return it to the WCLB.

Please review our Priorities, Policies, and Procedures before completing this application
(See <http://www.wycokck.org/landbank/>).

Application will NOT be processed if not completed in its entirety.

Contact Information

Name of Applicant: Adam Golubski and Andrew McLain

Name of Corporation/Business: Residential Revival, LLC

Mailing Address: 4609 N Main Street

City: Kansas City State: MO Zip: 64116

Daytime Phone #: 913-687-1494 Alternate Phone #: 913-514-4558

Fax Number: (optional): N/A Email Address (optional): info@resrevival.com

Property Information

WCLB address: 3023 S. 23rd Circle, Kansas City, KS 66106 Parcel#: 130905

Description of property in its existing condition: See attached proposal

Purchase offer amount (if applicable): \$15,000 (Fifteen Thousand Dollars and No Cents)

Proposed Property Reuse/Improvements

Property will be used for: ☒ Residential ☐ Commercial ☐ Industrial ☐ Other

Property will be occupied by: ☐ Owner ☒ Renter ☐ Business ☒ Other

It has not been determined if the property will be rented or sold after the revitalization is complete.

Please provide a narrative for the following

Redevelopment Plans *See attached proposal*

- Description of planned improvements/renovation
- Development Team description (List names of developer, contractors, lead construction lender, architects, project managers, consultants, marketing agent, etc.)
- Timeline for renovation/improvement
- List of previous projects and references

Project Financing *See attached proposal*

- Cost of renovation/improvements
- Description of how acquisition and improvement/renovation will be financed or if any incentives from the Unified Government will be perused

Note: The WCLB may place a lien on the property or enter into a development agreement with the purchaser to guarantee that the proposed renovations/improvements are completed to WCLB standards.

Please attach the following documents: *See attached proposal*

- Pre-qualification letter from lender or letter from bank supporting funds of project costs
- Most recent audited financial statement
- Development budget

You will be given a quit claim deed with purchase. If desired, title insurance is the responsibility of the purchaser. All property is sold AS IS.

To the best of my knowledge, the information provided in this application is true and in compliance with WCLB Policies and Procedures (see <http://www.wycokck.org/landbank/>). I understand that the WCLB staff will review this request and confirm that it is in compliance with these Policies and Procedures, as well as existing WCLB and neighborhood plans. I also understand that this form is a statement of interest only. Receiving it does not commit the WCLB to transfer property.

Signature of Applicant: Adam Golubski and Andrew McLain

Date: 6/21/16

Please submit this completed application to:

Wyandotte County Land Bank

701 N 7th St, Suite 421

Kansas City, KS 66101

Phone: 913 573-8977 Fax: 913 573-5745

<http://www.wycokck.org/landbank/>

Please allow at least 90 days for your application to be processed.

TRANSFERS FROM LAND BANK

Recipient	Land Bank Address	Comments
Argentine Betterment Corporation (ABC)	2921 S 53rd St	ABC will be building a Single Family home using CDBG funds.
Argentine Betterment Corporation (ABC)	4714 Vista Dr	ABC will be building a Single Family home using CDBG funds.

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