

ORDINANCE NO. 7823

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

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

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

DIVISION 1. GENERALLY

Section 22-66: Minimum standards for building construction and repair.

This article, including the International Building Code, 2006 Edition as published by the International Code Council, 5360 South Workman Mill Road, Whittier, California, 90601, is hereby adopted by reference as the building code of the city. This code is a complete code covering all buildings hereafter constructed, erected, enlarged, altered or moved into the city and its purpose is to provide minimum standards to safeguard life and limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use of, and maintenance of buildings, and providing for issuance of permits and collection of fees therefore.

Section 22-67: International Building Code and Appendix - Adoption.

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

Section 22-68: Same - Marked Copies on File.

There shall be not less than three (3) copies of the International Building Code adopted in section 22-67 kept on file in the Office of the City Clerk and made available for inspection by the public at all reasonable hours. The file copies of the code shall be marked or stamped, "Official Copy as Incorporated by the Code of the City of Leavenworth, Kansas", with all sections or portions thereof intended to be omitted clearly marked to show any such omission, or showing the

sections, articles, parts or portions that are incorporated as the case may be and to which shall be attached a copy of this article.

Sections 22-69 -- 22-90: Reserved.

DIVISION 2. AMENDMENTS TO BUILDING CODE

Section 22-91: Generally.

The amendments to the International Building Code adopted by Section 22-67 shall be as set out in this division. All references to section and chapter numbers in the text of this division shall be construed as if followed by the words "of the International Building Code", unless clearly indicated in the contrary.

Section 22-92: Chapter 1, Administration, Section 103.1, Creation of enforcement agency, shall be amended as follows:

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

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

Section 22-93: Chapter 1, Administration, Section 103.2, Appointment shall be deleted.

Section 22-94: Chapter 1, Administration, Section 105.2, Work exempt from permit shall be amended as follows by including:

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

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

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

Section 22-95: Chapter 1, Administration, Section 108.2, Schedule of permit fees shall be amended as follows:

On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with Appendix F of the Code of Ordinances of the City of Leavenworth.

Section 22-96: Chapter 1, Administration, Section 108.4, Work commencing before permit issuance, shall be amended as follows:

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

Section 22-97: Chapter 1, Administration, Section 108, Fees, shall be amended with the addition of the following:

108.7 Plan Review Fees. When submittal documents are required by Section 106, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent of the building permit fee as established in Appendix F of the Code of Ordinances of the City of Leavenworth, or the actual cost of the review whichever is greater.

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

Section 22-98: Chapter 1, Administration, Section 109.1, Inspections, General, shall be amended with the addition or the following:

EXCEPTION: The building official or his designated agent at the time of issuing a permit may waive all or part of the inspections required at their discretion.

Section 22-99: Chapter 1, Administration, Section 112, Board of Appeals, shall be amended as follows:

In order to determine the suitability of alternate materials and methods of construction, and to provide for a reasonable interpretation of the provisions of this code, there shall be and is hereby created a Board of Appeals consisting of five (5) members, who are qualified by experience and training to pass upon matters pertaining to building construction. The five (5) members shall consist of: one (1) architect or engineer; one (1) citizen at large; and three (3) people engaged in the trade. The Director of Public Works or his designated agent shall be an ex-officio member and shall act as secretary of the board. The Board of Appeals shall consist of five (5) members who shall be appointed by the mayor, which appointment shall be subject to the approval of the Board of Commissioners of the Governing Body of the City. In appointing the first member of the board, the mayor shall appoint one member who shall serve one (1) year, one member so designated shall serve two (2) years, one member so designated shall serve three (3) years, one member so designated shall serve four (4) years,

and one member so designated shall serve five (5) years. Terms of all subsequent members of the board shall be for five (5) years and until their successors are appointed and qualified. The members shall select one (1) of their number to serve as chairman. Each appointee shall not succeed himself to more than one succeeding five (5) year term. All vacancies shall be filled for any unexpired term in a similar manner. The board shall adopt reasonable rules and regulations for conducting its meetings and investigations and shall render all decisions and findings in writing to the Director of Public Works or his designated agent with a copy to the appellant and may recommend to the City Commission such new legislation as is consistent therewith. The decisions of the Board of Appeals shall be subject to review by the Governing Body of the City upon request of any involved party. The fee for an application for an appeal to the board shall be fifty dollars (\$50.00), no part of which is refundable. The Director of Public Works or his designated agent shall be responsible for the collection of the application fee.

Section 22-100: Chapter 1, Administration, Section 112, Board of Appeals, 112.3 Qualifications shall be deleted.

Section 22-101: Chapter 1, Administration, Section 115, Unsafe Structures and Equipment, shall be amended as follows:

All buildings or structures which are structurally unsafe or not provided with adequate egress or which constitute a fire hazard or are otherwise dangerous to human life of which in relation to existing use constitute a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment as specified in this Code, or any other effective ordinance, or for the purpose of this section, unsafe buildings. Such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures specified in the laws of the State of Kansas, or other ordinances of the City of Leavenworth.

Section 22-102: Chapter 18, Soils and Foundations, Section 1805.2.1, shall be amended with the addition of the following:

The frost line for Leavenworth is defined as a minimum of thirty inches (30") below finished exterior grade.

Sections 22-103 – 22-185: Reserved

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

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

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