

ORDINANCE NO. 4408

An Ordinance Adopting the 2018 International Fire Code (IFC)

BE IT ORDAINED by the Governing Body of the City of Independence, Kansas:

Section 1. City Code Section 46-76 is hereby amended in its entirety to read as follows:

Sec. 46-76. Code adopted.

The International Fire Code, 2018 edition, including appendices B, C, D, E, F, G, and N published by the International Code Council, Inc., 500 New Jersey Ave., NW, 6th Floor, Washington, DC 20001, save and except such portions as are omitted, amended or modified in this Article, hereinafter altogether referred to as the “I.F.C.”, “Fire Code,” or “this Code,” is hereby adopted in its entirety as the fire code for City of Independence, 2018 Edition, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, from explosion, and from the possession, storage, sale, display, use and discharge or explosion of fireworks, to be effective within all of Independence, Kansas. One providing for enforcement within said city boundaries by members of Independence Fire-EMS.

Section 2. City Code Section 46-77 is amended in its entirety to read as follows:

Sec. 46-77. Amendments to 2018 IFC.

Section 101.6 Reference Codes is amended to include:

1. Whenever used in the Fire Code, the term “ICC Electrical Code” shall be construed to mean the current National Electrical Code contained within the current City of Independence Unified Building and Trade Code.

2. Whenever used in the Fire Code, the term “International Fuel Gas Code” shall be construed to mean the current International Fuel Gas Code published by the International Code Council. 2

3. Whenever used in the Fire Code, the term “International Mechanical Code” shall be construed to mean the current International Mechanical Code contained within the current City of Independence Unified Building and Trade Code.

4. Whenever used in the Fire Code, the term “International Plumbing Code” shall be construed to mean the current Uniform Plumbing Code contained within the current City of Independence Unified Building and Trade Code.

5. Whenever used in the Fire Code, the term “International Existing Building Code” shall be construed to mean the current Building Code contained within the current City of Independence Unified Building and Trade Code.

6. Whenever used in the Fire Code, the term “NFPA Code” shall be construed to mean the current National Fire Protection Association Codes and Standards.

Section 105 Permits is amended to include the following permits which are now required along with the permit fee to be paid as set forth in Appendix D:

Operational Permits (Sec. 105.6) – Permit to Operate/Use

Wood Products Storage Permit (in excess of 2500 cubic feet)

Explosive Storage Permit – Outdoor store units

Explosive Storage Permit – Building

Explosive Storage Permit – Fireworks sales not to exceed 30 days

Flammable and Combustible Liquid Tank at Construction Sites:

<1000 gallons

1001 gallons or more

All Burn Permits may be applied for at www.independence.ks.gov or obtained at City Hall

Open Burning Permit

Agriculture Burning Permit

Pyrotechnical Special Effects Display Permit – Indoor/Outdoor

Special Amusement Facility or similar operations inspection

Re-Inspection of amusement facility

Storage of scrap tires and tires byproducts

Mobile Food Preparation Vehicle Inspections

Construction Permits (Sect. 105.7) Permit to Install/After

Plan Review

Fire Alarm & Detection System inspection

Fire Extinguishing System - Cooking Hood System (new)

Fire Extinguishing system – Spray finishing operation (new)

Temporary structures, tents and canopy inspection

Fire Alarm and Sprinkler System Plan Review

Fire Alarm and Sprinkler System Review

Fire Incident Reports

0 to 2 years

2 to 4 years

5 or more years

Section 105.6.3.2 Opening Burning is amended to include:

An operational permit is required for the kindling or maintaining of any open fire or a fire on any street, alley, road, or other public or private ground in accordance with Section 307. Additional requirements may be stipulated by the Fire Chief and shall be included in the permit issued. All instructions and stipulations contained in the permit shall be adhered to. Permits can be obtained at Independence Fire-EMS fire station. Open burning shall not be conducted within 100 feet of any structure or combustible material or 10' of property line. Any conditions that could cause fire to spread to within 100 feet of a structure shall be eliminated prior to burning.

Bonfire. A bonfire is defined as an outdoor fire utilized for ceremonial purposes, which does not meet the criteria for a recreational fire. A burn permit is required and additional requirements may be stipulated by the Fire Chief. A bonfire shall not be within 100 feet of a structure, 10' of property line or combustible material unless the bonfire is contained in a pit approved by the fire department. Conditions that could cause the fire to spread within 100 feet of a structure shall be eliminated prior to ignition.

Recreational Fire. A recreational fire is defined as an outdoor fire burning material other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill

or pit, and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height and utilized for pleasure, religious, ceremonial cooking, warmth or similar purpose.

Section 901 is amended to exempt single family residence construction from the requirement of a fire sprinkler system.

Sections 1102.1 through 1102.3.4 Incinerators contained in the IFC are deleted.

Section 3. City Code Section 46-78 is amended in its entirety to read as follows:

Sec. 46-78. Zoning District Limitations.

The provisions of the 2018 IFC Sec. 5704, Flammable and Combustible Liquids – Storage, shall apply only to zoning districts M-1, M-2 and Industrial.

Section 4. City Code Section 46-79 is amended in its entirety to read as follows:

Sec. 46-79. Penalty.

It is unlawful for any person to violate the provisions of the 2018 IFC, or any separate provision of the fire code of the City of Independence. Violations shall be classified as Class A violations and Class B violations as set forth below:

Class A Violations:

1. Change of use of building
2. Deny right of entry
3. Fail to comply with fire department or code enforcement authority
4. Obstruct firefighting operations
5. Render system or device inoperable during an emergency
6. Occupancy prohibited before approval
7. Render portable or fixed fire extinguishing system, device or fire warning system inoperable or inaccessible
8. Allow a building or portion thereof to be overcrowded beyond the approved capacity
9. Fail to comply with notice on unsafe building
10. Allow unsafe condition to remain
11. Fail to evacuate building or structure as directed
12. Fail to comply with work stop order
13. Cause the burning of combustible material in a manner to endanger the safety of persons or property

14. Burning during a burn ban
15. Aerial luminaries
16. Fail to report unwanted fire emergency to the fire department
17. Delay notification by written or verbal directive
18. Making a false report
19. Fail to provide fire watch personnel
20. Fail to properly identify hazardous materials
21. Fail to provide required fire alarm or sprinklers
22. Fail to maintain emergency and standby power systems
23. Fail to maintain fire detection, alarm, or extinguishing system in an operative condition at all times
24. Removal of or tampering. Hydrants, detection, alarms, suppressions systems
25. Remove, tamper or otherwise disturb any lock gate, barricade, sign tag or seal installed by or at the direction of the fire department
26. Failure to Maintain means of egress – Chp 10. All violations occurring with Chp 10 shall be considered Special Class Violations
27. Hazardous Materials Violations – Chp 50-67 – all violations of Chp 50-67 shall be considered Special Class violations.

Class B Violations:

1. Use permit after expiration
2. Fail to post required permit
3. Fail to have required inspection/equipment tested
4. Allow combustible waste to accumulate and create fire hazard
5. Permit required, fail to obtain burn permit
6. Burn at an unapproved location. 100' from structure or 10' from property line
7. Attendance. Leave fire unattended
8. Remove or tamper with no smoking sign
9. Fail to comply with no smoking sign
10. Fail to secure vacant premises
11. Fail to properly identify property address
12. Residential incinerators
13. Spark arrestor
14. Restrictions. Distance from structure 100', property line 10', and minimum of fire acres to conduct operation
15. Time of burning (one hour after sunrise until one hour before sunset)
16. Working space and clearance around electrical panels
17. Extension cords and flexible cords shall not be a substitute for permanent wiring
18. Unapproved conditions. Open junction boxes and open wire splices shall be prohibited
19. Annual servicing. Maintain portable fire extinguishers
20. Portable fire extinguishers shall be installed on the hangers or brackets

supplied

Upon being found guilty of a Class A violation, a sentence including a fine of not more than \$1,000.00 and/or imprisonment not exceeding six (6) months may be made. Upon a conviction of a Class B violation, a sentence including a fine of not more than \$500.00 and/or imprisonment not exceeding thirty (30) days may be made. Each day that a violation continues may be deemed a separate offense for purposes of sentencing.

Section 5. City Code Section 46-81 is amended in its entirety to read as follows:

Sec. 46-81. Board of Appeals

- a. *Creation.* In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions, the 2018 IFC, there shall be and hereby is created a Board of Appeals consisting of five (5) members who are qualified by experience and training to pass upon pertinent matters and consist of the City of Independence Building inspector, electrical board chair, and plumbing board chair. Two (2) members shall be appointed by the City Manager to include architect and an experienced licensed contractor.
- b. *Fire Chief Determination.* Any interpretation or determination of the Fire Chief of the 2018 IFC may be appealed to the Board of Appeals. The interpretation or determination of the Fire Chief shall be made in writing. Thereafter, any affected party may appeal the interpretation or decision of the Fire Chief to the Board of Appeals by making written appeal to the office of the City Clerk within ten (10) days of the Fire Chief's interpretation or determination.
- c. *Board of Appeals Decision.* The Board of Appeals shall meet within ten (10) days of the date of the appeal and provide the appealing party notice an opportunity to be heard at a hearing conducted by it. Thereafter, the Board of Appeals shall deliberate and issue a written decision.
- d. *Further Appeal.* Should either party wish to appeal the decision of the Board of Appeals, such appeal shall be made in writing within ten (10) days of the date of the decision of the Board of Appeals by filing such appeal with the office of the City Clerk. Thereafter, the appeal shall be referred to the governing body of the City of Independence for final decision.
- e. *Final Decision.* The governing body of the city shall provide the appealing party notice and an opportunity to be heard on the appeal at its next regularly scheduled meeting, or a specially scheduled meeting for such purpose. The governing body shall thereafter deliberate and issue a written decision. Further appeal of the written decision of the governing body shall

be made pursuant to existing Kansas statutes.

Section 6. This Ordinance shall take effect upon its publication in the official City newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the 25th day of August 2022.

DEAN A. HAYSE, Mayor

ATTEST:

DAVID W. SCHWENKER, City Clerk