



City of Leavenworth
100 N. 5th Street
Leavenworth, Kansas 66048

CITY COMMISSION STUDY SESSION
COMMISSION CHAMBERS
TUESDAY, JANUARY 7, 2020 7:00 P.M.

Welcome - Please turn off or silence all cell phones during the Study Session.

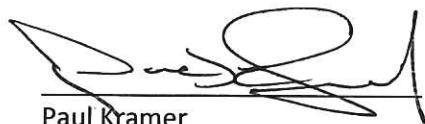
Meetings are televised everyday on Channel 2 at 7 p.m. and midnight and available for viewing on YouTube

Study Session:

1. Proposed Public Art Project (pg. 2)
2. Update and Review of Proposed Adoption of 2018 Fire Code (pg. 3)
3. Update and review of Proposed Adoption of Various Building Related Codes (pg. 4)

Policy Report
Proposed public art project
January 7, 2020

Prepared by:



Paul Kramer
City Manager

Issue:

Parks and Recreation Director Steve Grant and I met in late October 2019 with Arin Yoon related to a temporary public art project she has proposed for Landing Park. Arin, who is a military spouse, is an accomplished artist and photographer who is looking to create a project to highlight the family life that continues when soldiers are deployed. The project would have an education phase, a display phase and an interactive web-based phase. Arin has secured grant funding to use toward the project.

Arin will present her project to the Commission and be available for questions related to her proposal.


Commission Action:

The Commission would need to give staff approval to work with Ms. Yoon to work on a temporary public art installation on City property, if the Commission is favorable to the project.

**POLICY REPORT NO. 20-001
CONSIDER ADOPTION OF THE 2018
INTERNATIONAL FIRE CODES**

January 07, 2020

Prepared by:



Andy Brooks
Fire Marshal

Reviewed by:



Gary Birch,
Fire Chief

Reviewed by:



Paul Kramer,
City Manager

ISSUE:

Consider adopting the 2018 International Fire Code from the current 2006 International Fire Code through the City Code of Ordinances.

RECOMMENDATION:

Staff recommends the adoption of the 2018 International Fire Code through ordinance with the exclusion of Chapter 11 titled "Construction Requirements for Existing Buildings" except for sections 1103.8. "Single and multiple-station smoke alarms" and sections 1103.9 "Carbon monoxide alarms".

Staff is also proposing that section 105.6.32 "Open Burning regulation" be amended from our current practice.

Currently: Code allows permitted open burning and non-permitted burning in barrels. Permits are issued for the burning of tree branches and brush piles with wind and distance stipulations.

Recommending: No burning in the city limits of Leavenworth:

Exceptions:

- Open pit air destructors – permit required
- Ceremonial Bonfires – permit required
- Prescribed Burns – permit required
- Recreational / Camp fires
- Portable outdoor fireplaces

In the State of Kansas, no single- or multi-family residences of two attached living units or less, or any manufactured home, are required to have sprinklers.

BACKGROUND:

The International Fire Code is revised and updated every three (3) years.

COMMISSION ACTION:

Reach a consensus on moving forward with the process of adopting the 2018 International Fire Codes with the changes as discussed.

**POLICY REPORT PWD NO. 20-01
REVIEW ISSUES RELATED TO ADOPTION OF THE 2018
INTERNATIONAL BUILDING, RESIDENTIAL, EXISTING BUILDING,
FUEL GAS, MECHANICAL, PLUMBING, SWIMMING POOL AND SPA CODES,
AND THE 2017 NATIONAL ELECTRICAL CODE**

January 7, 2020

Prepared by:

Reviewed by:

Reviewed by:



Harold D. Burdette,
Chief Building Inspector



Michael G. McDonald, P.E.,
Director of Public Works



Paul Kramer,
City Manager

ISSUE:

The City is considering adoption of new building codes to move from the 2006 series of codes to the 2018 series of codes. This policy report will be to review several concerns identified after the initial review by the City Commission on December 3, 2019.

BACKGROUND:

The City of Leavenworth currently enforces the following building codes:

- 2006 International Building Code
- 2006 International Residential Code (IRC)
- 2006 International Fuel Gas Code
- 2006 International Mechanical Code
- 2006 International Plumbing Code
- 2006 International Code Council Electrical Administrative Provisions

It is proposed that the City of Leavenworth adopt ordinances to enforce the following construction related codes:

2018 International Building Code - used for construction of new commercial and industrial buildings

2018 International Residential Code - used for construction of new residential homes, covering framing, electrical HVAC, and fuel gas requirements with the focus on residential construction

2018 International Existing Building Code - used for remodeling of existing residential structures

2018 International Fuel Gas Code – used for installation on all furnaces and boilers using natural gas or propane

2018 International Mechanical Code – used for all HVAC and ventilation systems

2018 International Plumbing Code – used for all water and sewer lines

2018 International Swimming Pool and Spa Code – used for all in-ground and above-ground pools over 24 inches deep

2017 National Electrical Code – used for all commercial and industrial construction

Building Code Changes (new commercial and industrial structures)

There are many changes from the 2006 edition to the 2018 edition of the International Building Code, generally minor or administrative in nature. Staff does not recommend any additional changes to the 2018 code except increasing the frost depth from 30" to 36", which is in line with the majority of other communities in the area. This better protects foundations of both heated and unheated buildings from movement during:

Some notable changes to the code include the following:

- 1) The design wind speed increases from 90 mph to 115 mph.
- 2) Requirements for storm shelters for educational occupancies and critical emergency response facilities.
- 3) Numerous changes related to fire protection and life safety systems in conjunction with the International Fire Code.

Residential Code Changes (new residential structures)

There are many changes from the 2006 edition to the 2018 edition of the International Residential Code. This code is unique in that it includes not only the building or construction requirements for one- and two-family dwellings, and townhomes, it also includes the electrical, fuel gas, mechanical and plumbing requirements for these types of structures as well. Some of the significant changes and local recommended amendments to the code are as follows:

- 1) The 2018 IRC requires automatic fire sprinkler systems for all buildings, **but the State of Kansas has passed a statute that does not allow municipalities to enforce this "requirement" for one- and two-family dwelling units.** Staff is recommending that we leave the code sections in place at this time, which will permit design and inspection of systems that owners may choose to install.
- 2) Carbon monoxide detectors are now required in new construction and some renovations/additions when the dwelling has fuel burning appliances or an attached garage with an opening that communicates with the dwelling unit.
- 3) Ice barriers installed on the eaves of roofs.

There are other issues where staff opinion is that additional review and preparation should take place before modifying the code for adoption. These items are:

- **Storm shelter requirements for residential occupancies**
Storm shelters are not required for residential structures according to the 2018 IRC, but some other municipalities in the area have added requirements for storm shelters. Staff would like to discuss this specific issue with the commission to gauge the interest in adding such requirements for Leavenworth.
- **Energy efficiency requirements of the code**
Energy efficiency is covered by the 2006 IRC, but has not been aggressively enforced by staff. The 2018 IRC has added many complex requirements that need to be further evaluated and perhaps modified before being adopted by the City.

There are also changes and issues related to electrical and plumbing issues in the 2018 IRC. The significant items that have been identified by staff will be covered in the summary of the 2017 National Electrical Code and the 2018 International Plumbing Code sections presented after the "Existing Building Code" section.

Existing Building Code Changes (existing residential and commercial buildings)

City staff has utilized the Existing Building Code as reference material in the past, but this will be the first time that the code will be adopted by the City.

The Existing Building Code provides requirements for the repair, alteration, change of occupancy and addition to existing buildings, which are intended to safeguard the public health, safety and welfare of occupants without requiring the building to meet all the requirements of new construction.

This code provides various alternative approaches to achieve compliance, and the owner and/or designer can utilize whichever approach best addresses the issues involved.

A key change is a staff proposal that the code be modified to include that any building or portion of a building that has been vacant (not used for living space) for 24 months or longer shall be classified as an S-2, or "low hazard storage occupancy" for the purpose of enforcement of the Existing Building Code. This creates a framework so that staff and property owners know where to start discussions on conversion of upper floors in the downtown area into modern uses. Currently there is not a set process for this and each project is handled on a case-by-case basis.

Electrical Code

There are no major changes from the current Electrical Code to the new Electrical Code. Staff proposes keeping the long-standing local amendments to the electrical code pertaining to service size, use of aluminum wire, and location of service disconnecting means.

There are some significant "minor" changes are noted below related to the 2017 National Electrical Code and the 2018 International Residential Code. The changes and amendments proposed are as follows:

- 1) Expanded requirements for ground-fault circuit-interrupter (GFI) protection now includes laundry and kitchen dishwasher circuits or receptacles. The changes also include requirements for GFI protection for devices and appliances in garages and unfinished basements areas such as sump pumps, refrigerators freezers and garage door openers.

The Board of Appeals and staff recommends that many of these locations and situations be excluded (particularly sump pumps, refrigerators and freezers) from these new requirements. Many newer appliances can cause a GFI device to trip and then leave the appliances without power until discovered by the occupant. These areas are not currently required to have GFI protection and there have been no issues that staff is aware of that would require this change.

- 2) Arc-fault circuit-interrupter protection shall be required for most situations in one- and two-family dwellings. It is currently required for other multi-family buildings, but now applies to all residential occupancies. This is generally related to many safety related situations, but is most applicable in Leavenworth for protection from "direct shorts" associated with older wiring systems. This would be required on new construction, or where new services are being installed in existing buildings.
- 3) Tamper resistant receptacles will now be required for the majority of receptacles in one- and two-family dwellings. It is currently required for other multi-family buildings, but would now apply to all residential occupancies. The Board of Appeals suggested that this requirement be removed; however, staff opinion is that the requirement has merit.

Fuel Gas and Mechanical Codes

There are no significant changes to the 2018 International Fuel Gas and 2018 International Mechanical Codes.

Plumbing Code

There are some changes in the 2018 International Plumbing Code and similarly in the 2018 International Residential Code which includes items as follows:

- 1) Inspections being required when major renovations of the plumbing system are being made.
- 2) Saddle type fittings are no longer allowed.

Also, after discussion and agreement with the Plumbing Board of Appeals, moving forward staff will be enforcing existing code requirements for thermal expansion control and pressure reducing valves that have not been adequately addressed in the past.

Swimming Pool and Spa Code

The 2018 Swimming Pool and Spa Code is a new code for the City. The requirements for pools and spas were previously contained in an appendix of the 2006 IRC, but have been removed from the 2018 IRC. This code provides requirements for public and private pools, including installation of equipment and safeguards such as barriers and fences. There are also specific requirements for above ground pools that differ from in ground pools.

Implementation

Staff works with owners and builders to ensure that building codes are applied in a consistent manner which protects current residents as well as future residents. New construction is expected to follow the current building codes. Remodeling or modifications to existing buildings or systems often creates the need for related changes. The goal of inspection is to ensure that building construction meets current building codes. Current codes do NOT require all parts of a building be brought "up to code" as part of a smaller project, but do provide guidelines and a framework to work with building owners on related improvements.

RECOMMENDATION:

Staff recommends that the City Commission review the proposed adoption of these codes. Any changes will be incorporated into the ordinances adopting the codes.