



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

CITY COMMISSION REGULAR MEETING
COMMISSION CHAMBERS
TUESDAY, APRIL 28, 2020 7:00 P.M.

Welcome to your City Commission Meeting – Please turn off or silence all cell phones during the meeting
Meetings are televised everyday on Channel 2 at 7 p.m. and midnight and available for viewing on YouTube and Facebook Live

- *Due to the restriction of social distancing and prohibition of gathering of 10 or more people to mitigate the spread of COVID-19, the City Commission meeting will not be open to the public. In accordance with Kansas Open Meetings Act (KOMA), the meeting can be viewed live on Channel 2 and via Facebook Live.*
- *Questions on agenda items will be read during discussion on that topic.*
 - *Submit your question to cwilliamson@firstcity.org no later than 6:00 pm on April 28th.*
- *Members of the public wishing to receive agenda notifications can contact the city clerk cwilliamson@firstcity.org to be added to the agenda email distribution list. Agendas are available for viewing on the city website www.leavenworthks.org*

Call to Order – Pledge of Allegiance Followed by Silent Meditation

1. Proclamations (pg. 2)
 - a. Barbershop Harmony Month
 - b. National Drinking Water Week May 3-9
 - c. Small Business Week May 3-9
 - d. National Travel & Tourism Week May 3-9

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

2. Minutes from April 14, 2020 Regular Meeting **Action:** Motion (pg. 6)

Second Consideration Ordinances:

3. Ordinance No. 8125 Amending Chapter 20 Fire; Article II Fire Codes **Action:** Roll Call (pg. 12)
4. Ordinance No. 8126 Amending Chapter 10 Buildings & Construction **Action:** Roll Call (pg. 22)

NEW BUSINESS:

Public Comment: * emails received by the public for public comment on non-agenda items will be read at this time.

General Items:

5. Update on Unsafe Structure 228-230 Ottawa Street **Action:** Motion (pg. 91)
6. Mayor’s Appointments **Action:** Motion (pg. 93)

Bids, Contracts and Agreements:

7. Change Order No 1 to Contract 2019-83 Douglas Pump/C&B for Bar Screen Repair **Action:** Motion (pg. 94)

Consent Agenda:

Claims for April 11, 2020 through April 24, 2020 in the amount of \$964,952.08 ; Net amount for Payroll #9 effective April 24, 2020 in the amount of \$331,267.13 (Includes Police & Fire Pension in the amount of \$11,839.36). **Action:** Motion

Other:

Adjournment **Action:** Motion

City of Leavenworth, Kansas



Proclamation

WHEREAS, *the Society for the Preservation and Encouragement of Barbershop Quartet Singing in America (SPEBSQSA), now known as the Barbershop Harmony Society, was founded in April 1938 and is celebrating its 82nd anniversary; and*

WHEREAS, *the Barbershop Harmony Society promotes singing and harmonious relations in the United States and in many countries throughout the world; and*

WHEREAS, *the Cody Choraliers of the Leavenworth Chapter of the Barbershop Harmony Society are celebrating 50 years of barbershop harmony and community service in the Leavenworth area; and*

WHEREAS, *the Cody Choraliers work with the community to promote music education in the Leavenworth schools and entertain residents of and visitors to the First City of Kansas.*

NOW, THEREFORE, *I, Myron J. (Mike) Griswold, Mayor of the City of Leavenworth, Kansas hereby proclaim April 2020 to be:*

Barbershop Harmony Month

IN WITNESS WHEREOF, *I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this twenty-eighth day of April in the year of two-thousand and twenty.*

Myron J. (Mike) Griswold, Mayor

ATTEST:

Carla K. Williamson, CMC, City Clerk

City of Leavenworth, Kansas



Proclamation

- WHEREAS,** *water is our most valuable and important natural resource; playing a vital role in our daily lives; and the water produced by the Leavenworth Water Department is the most reliable and best-tasting water in all of Leavenworth County; and*
- WHEREAS,** *a safe, reliable water supply is critical to the success of our community – it creates jobs, attracts industry and investment, and provides for the health and welfare of citizens in ways ranging from disease prevention to fire suppression and the quality of life we enjoy; and*
- WHEREAS,** *we often take water supply for granted until it is threatened, either by drought, water main breaks, or some other event; any measure of a successful society – low mortality rates, economic growth and diversity, productivity, and public safety – are in some way related to access to safe water; and*
- WHEREAS,** *we are all stewards of the water supply and infrastructure upon which future generations depend; and*
- WHEREAS,** *each citizen of the City of Leavenworth is called upon to help protect our source waters from pollution, to practice responsible water conservation, to get involved in local water issues; and*

NOW, THEREFORE, I, Myron J. (Mike) Griswold, Mayor of the City of Leavenworth, Kansas hereby proclaim May 3-9, 2020 as:

Leavenworth Drinking Water Week

and I urge all citizens to recognize the vital role water plays in our daily lives and to value the importance and fragility of our water resources.

IN WITNESS WHEREOF, I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this twenty-eighth day of April in the year of two-thousand and twenty.

Myron J. (Mike) Griswold, Mayor

ATTEST:

Carla K. Williamson, CMC, City Clerk

City of Leavenworth, Kansas



Proclamation

- WHEREAS,** *from the storefront shops that anchor Main Street to the high-tech startups that keep America on the cutting edge, small businesses are the backbone of our economy and the cornerstones of our nation's promise; and*
- WHEREAS,** *small business owners and Main Street businesses have energy and a passion for what they do; and*
- WHEREAS,** *when we support small business, jobs are created, and local communities preserve their unique culture; and*
- WHEREAS,** *because this country's 28 million small businesses create nearly two out of three jobs in our economy, we cannot resolve ourselves to create jobs and spur economic growth in America without discussing ways to support our entrepreneurs; and*
- WHEREAS,** *the President of the United States has proclaimed National Small Business Week every year since 1963 to highlight the programs and services available to entrepreneurs through the U.S. Small Business Administration and other government agencies; and*
- WHEREAS,** *the City of Leavenworth, Kansas supports and joins in this national effort to help America's small businesses do what they do best – grow their business, create jobs, and ensure that our communities remain as vibrant tomorrow as they are today; and*
- WHEREAS,** *the Leavenworth Main Street Program has been in existence since 1995, personally supporting and growing downtown small businesses and entrepreneurs within the community and specifically within the 28 blocks of the First City of Kansas.*

NOW, THEREFORE, *I, Myron J. (Mike) Griswold, Mayor of the City of Leavenworth, Kansas hereby proclaim May 3-9, 2020 to be:*

National Small Business Week

and urge all citizens to acknowledge and celebrate the achievements made by small business both locally and nationally and encourage all citizens to Live Local.

IN WITNESS WHEREOF, *I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this twenty-eighth day of April in the year of two-thousand and twenty.*

Myron J. (Mike) Griswold, Mayor

ATTEST:

Carla K. Williamson, CMC, City Clerk

City of Leavenworth, Kansas



Proclamation

- WHEREAS,** *travel to and within Kansas provides a significant economic benefit for the state; with 35.6 million visitors to Kansas in 2018 spending \$7.1 billion dollars directly by travelers.*
- WHEREAS,** *travel is among the top 10 private-sector employers in Kansas, it is supporting 96,590 jobs in 2018, including 65,352 directly in the travel industry and 31,238 in other industries.*
- WHEREAS,** *tourism-supported tax revenues in 2018 included \$638 million in state and local tax revenues which equates to \$570 in tax revenue per household in Kansas.*
- WHEREAS,** *meetings, events and incentive travel are core business functions that help companies strengthen business performance, educate employees and customers and reward business accomplishments.*
- WHEREAS,** *leisure travel, which accounts for more than 63.4 percent of all trips taken in Kansas, spurs countless benefits to travelers' health and wellness, creativity, cultural awareness, education, happiness, productivity and relationships.*
- WHEREAS,** *the City of Leavenworth realized approximately \$9.2 million from overnight visitor expenditures in 2019 per the Smith Travel Research Report, validating the unique significance of the National travel industry in the lives of the citizens of Leavenworth, Kansas.*
- NOW, THEREFORE,** *I, Myron J. (Mike) Griswold, Mayor of the City of Leavenworth, Kansas hereby proclaim May 3-9, 2020 to be:*

National Travel & Tourism Week

and call upon the people of Leavenworth to observe this coming week, as sanctioned by the U.S. Congress, with appropriate ceremonies and activities.

IN WITNESS WHEREOF, *I set my hand and have affixed the Great Seal of the City of Leavenworth, Kansas this twenty-eighth day of April in the year of two-thousand and twenty.*

Myron J. (Mike) Griswold, Mayor

ATTEST:

Carla K. Williamson, CMC, City Clerk



CITY OF LEAVENWORTH
100 N. 5th Street
Leavenworth, Kansas 66048

City Commission Regular Meeting
Commission Chambers
Tuesday, April 14, 2020 7:00 p.m.

CALL TO ORDER - The Governing Body met for a regular meeting and the following commission members were present in the commission chambers: Mayor Myron J. (Mike) Griswold. The following commission members attended via teleconference: Mayor Pro-Tem Nancy Bauder, Commissioners Camalla Leonhard, Mark Preisinger and Jermaine Wilson.

Others present in the commission chambers: City Manager Paul Kramer, Assistant City Manager Taylour Tedder, Planning & Community Development Director Julie Hurley, and City Clerk Carla Williamson.

Other members participating via teleconference: Public Works Director Mike McDonald, and City Attorney David Waters.

Mayor Griswold called the meeting to order.

Mayor Griswold read the following notice:

Due to the restriction of social distancing and prohibition of gathering of 10 or more people to mitigate the spread of COVID-19, the City Commission meeting is not be open to the public. In accordance with Kansas Open Meetings Act (KOMA), the meeting can be viewed live on Channel 2 and via Facebook Live. Citizens were offered the opportunity to submit questions for the City Commission to be read during public comment unless they are related to an agenda item. Questions on agenda items will be read during discussion on that topic. Questions were to be submitted to cwilliamson@firstcity.org no later than 6:00 pm on April 14th.

Mayor Griswold asked everyone to stand for the pledge of allegiance followed by silent meditation.

PROCLAMATIONS:

The following proclamations were read by the Mayor.

National Library Week April 19-25, 2020
National Child Abuse Prevention Month
Fair Housing Month
National Public Safety Tele-Communicator's Week April 12-18, 2020
Arbor Day April 24, 2020

OLD BUSINESS:

Consideration of Previous Meeting Minutes:

Commissioner Leonhard moved to approve the minutes from the March 24, 2020 regular meeting. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

NEW BUSINESS:

Public Comment: *emails received by the public for public comment on non-agenda items will be read at this time.* None received.

General Items:

Mayor's Appointments Leavenworth Preservation Commission – Mayor Griswold moved to re-appoint to the Leavenworth Preservation Commission Richard L Gibson and Edward Otto to terms ending April 15, 2023. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Public Hearing for Fire Damaged Structure 1109 Spruce Street Postponed – City Clerk Carla Williamson announced that the public hearing set for tonight by Resolution B-2241 is further postponed to May 12, 2020. Staff has been in contact with the owner and monitoring the property and repairs are being done on the structure.

Commissioner Wilson moved to postpone the public hearing on the fire-damaged structure at 1109 Spruce Street as unsafe or dangerous until May 12, 2020. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Consider Cereal Malt Beverage License – 300 N. 4th Street – City Clerk Carla Williamson presented for consideration a request for 2020 off-premise Cereal Malt Beverage License by Leavenworth Operations, LLC. (Conoco) located at 300 N 4th Street due to new ownership. The application was approved by the Police Department. The Fire Department, who also serves as the City Health Inspector, has not inspected the facility due to the suspension of such inspections during the COVID-19 orders to reduce contact. City Clerk Staff spoke with Shawn Kell, the Health/Safety Officer and there have been no issues with this establishment regarding health or sanitation under the previous ownership. Staff recommends approval of the license. A health and safety inspection of the premise will be completed as soon as it is possible.

Commissioner Preisinger moved to approve the 2020 off premise Cereal Malt Beverage License for Conoco/Leavenworth Operations, LLC, at 300 N 4th Street, Leavenworth, Kansas. Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Approval of the Bureau of Justice Assistance (BJA) 2020 Coronavirus Emergency Supplemental Fund Grant – City Manager Paul Kramer presented for approval, authorization by the Commission for the Police Department to apply for the BJA grant in the amount of \$76,918.00. The grant is retroactive to January 1, 2020 and will have a two-year cycle. The funds are to assist in preventing, preparing for, and responding to the coronavirus.

Commissioner Leonhard moved to authorize the Police Department to apply for the Bureau of Justice Assistance (BJA) 2020 Coronavirus Emergency Supplemental Fund Grant on behalf of the City of Leavenworth for \$76,918.00. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Acceptance of Dedicated Land for Public Use – West Glen 3rd Plat - Planning & Community Development Director Julie Hurley presented for consideration the acceptance of dedicated land for public purposes of

the final plat, West Glen 3rd Plat. The plat was reviewed and approved unanimously by the Planning Commission at their April 6, 2020 meeting.

Commissioner Bauder moved to accept the dedication of land for public purposes as part of the final plat. Commissioner Leonhard seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Acceptance of Dedicated Land for Public Use – Moonlight Lake Plat - Planning & Community Development Director Julie Hurley presented for consideration the acceptance of dedicated land for public purposes of the Moonlight Lake final plat. The plat was reviewed and approved unanimously by the Planning Commission at their April 6, 2020 meeting.

Commissioner Wilson moved to accept the dedication of land for public purposes as part of the final plat. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Resolutions:

Resolution B-2246 One-Time Amendment to Resolution B-1185 – City Manager Paul Kramer presented for consideration and adoption Resolution B-2246 as a one-time amendment to Resolution B-1185 to allow for the transfer of \$35,000.00 from the Housing Trust Fund set up by Resolution B-1185; to the Catholic Charities or Northeast Kansas (CCNEKS). The funds are to be used for families at or below 150% of the poverty guideline who have lost employment during the COVID-19 period from March 18, 2020 forward. Any funds remaining After December 15, 2020 will be returned to the City.

Commissioner Leonhard moved to [adopt Resolution B-2246] authorizing the transfer of \$35,000.00 from the Housing Trust Fund to (CCNEKS) used for families at or below 150% of the poverty guideline who have lost employment during the COVID-19 period from March 18, 2020 forward. Any funds remaining after December 15, 2020 will be returned to the City. Commissioner Bauder seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Review and Assessment for Consensus:

Dangerous Structures Review and Assessment - Planning & Community Development Director Julie Hurley Reviewed the following structures to be evaluated by the Commission based upon the criterion established for unsafe and dangerous structures:

1. 109 Allen– Single family house
2. 407 N. 20th – Single family house
3. 1033 Osage – Detached garage
4. 1152 Randolph – Detached garage
5. 1186 Randolph – ~~Single family house and~~ shed (this item is a shed only)
6. ~~1320 Spruce – Single family house~~ *Structure removed by Community Development*
7. ~~315 Sheridan – Single family house~~ *Structure removed by Community Development*
8. 519 Marshall – Single family house
9. ~~1016 2nd Avenue – Single family house~~ *Structure removed by Community Development*

10. 1612 W. 7th – Single family house
11. 1914 W. 7th – Single family house
12. 306 N. 3rd – Single family house
13. 420 Ottawa – Single family house
14. 504 Miami – Single family house
15. 513 Lawrence Ave – Single family house
16. 515 N. 5th – ~~Single~~ Multi-family house *(Noted that this is a multi-family house not a single)*
17. 525 Pawnee – Single family house and shed
18. 701 S. 2nd – Single family house
19. 708 Kiowa – Single family house
20. 714 Kiowa – Single family house
21. 718 Dakota – Single family house and detached garage
22. 824 Osage – Single family house and detached garage
23. 836 Pottawatomie – Single family house
24. 934 Ottawa – Single family house
25. 719 N. 9th – Detached garage

Pending consensus by the City Commission to move forward with the list of dangerous structures as presented, staff will prepare a resolution to set a public hearing for the structures. The Resolution is tentatively anticipated to be brought to the Commission for approval at the May 26, 2020 City Commission meeting, with the public hearing anticipated to take place in July. Prior to approval of the Resolution setting the public hearing, staff will prepare a Remediation Agreement for each property and notify property owners, giving property owners the opportunity to make needed repairs.

Ms. Hurley briefly discussed the land bank. There are five (5) septate properties that Community Development is reviewing and possibly available for the land bank program. Those will come back to the Commission.

Commissioner Wilson asked about the possibility of 519 Marshall being added to the land bank. City Attorney Waters commented that there could be some difficulties in adding to the land bank and getting title.

There was a consensus for the list of dangerous structures, as presented, and to be formally placed on a list for public hearing, review and consideration for Resolution of demolition.

Bids, Contracts and Agreements:

Consider Unified School District (USD) 453 Land Swap Agreement – David Brewer Park/10th Avenue Park – City Manager Paul Kramer presented for consideration a land exchange agreement between the City of Leavenworth and USD 453. The properties to be swapped are David Brewer Park owned by USD 453 and a portion of 10th Avenue Park owned by the City. The contract is contingent upon a public protest period as outlined in K.S.A. 12-1301 and adopted by the USD 453 School Board.

Mayor Griswold moved to accept Land Swap contract with the USD 453 School Board as presented by Mr. Kramer. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

Consider Bid for Independence Court Bank Stabilization Project – City Manager Paul Kramer presented for consideration the low bid received from Kissick Construction for the Independence Court Bank Stabilization Project in the amount of \$362,000.00. Bids were opened on April 1, 2020. Bids received were as follows:

| Company | City | Base Bid |
|------------------------------|------------------|-----------------|
| Kissick Construction | Kansas City MO | \$362,000.00 |
| Mega KS | N Kansas City MO | \$438,158.00 |
| Linaweaver Construction | Lansing KS | \$465,088.00 |
| LEXECO | Leavenworth KS | \$640,305.70 |
| Engineer's Base Bid Estimate | | \$548,866.00 |

Commission Leonhard moved to approve the low bid submitted by Kissick Construction for the Independence Court Bank Stabilization Project, in the amount of \$362,000.00. Commissioner Preisinger seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

First Consideration Ordinances:

First Consideration Ordinance Amending Chapter 20 to Adopt International Fire Code – City Manager Paul Kramer presented for first consideration an ordinance to amend Chapter 20, Article II of the City of Leavenworth Code of Ordinances. The recommendation by Chief Birch and Fire Marshal Brooks is to adopt the 2018 International Fire Code 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”. The City is currently using the 2006 International Fire Code.

There was a consensus to place the ordinance on first consideration.

First Consideration Ordinance Amending Chapter 10 Buildings & Construction – City Manager Paul Kramer presented for first consideration an ordinance to amend Chapter 10, Buildings and Construction of the City of Leavenworth Code of Ordinances. Chief Building Inspector Hal Burdette and Director of Planning and Community Development Julie Hurley first discussed the adoption of new international and national codes at the December 3, 2019 Study Session. Those codes include the following:

- 2018 International Building Code
- 2018 International Residential Code
- 2018 International Existing Building Code
- 2018 International Fuel Gas Code
- 2018 International Mechanical Code
- 2018 International Plumbing Code
- 2018 International Swimming Pool and Spa Code
- 2017 National Electrical Code
- 2018 International Property Maintenance Code

The City is currently using the 2006 International codes for building related guidance and the 1985 Uniform Housing Code for the purposes of assessing and enforcing violations related to property maintenance and unfit structures.

There was a consensus to place the ordinance on first consideration.

CONSENT AGENDA:

Commissioner Leonhard moved to approve claims for March 21, 2020 through April 10, 2020 in the amount of \$1,964,961.95; Net amount for Payroll #7 effective March 27, 2020, in the amount of \$339,290.61; (Includes Police & Fire Pension in the amount of \$11,839.36) and Payroll #8 effective April 10, 2020 in the amount of \$315,603.69; (no Police & Fire Pension). Commissioner Wilson seconded the motion and the motion was unanimously approved. The Mayor declared the motion carried 5-0.

- At 8:42 the connection with Commissioner Preisinger was lost and left the meeting
- At 8:44 the connection with Commissioner Preisinger was re-established and rejoined the meeting

Adjournment:

Commissioner Bauder moved to adjourn the meeting. Commissioner Preisinger seconded the motion and the motion was unanimously approved.

Time Meeting Adjourned 8:47 p.m.

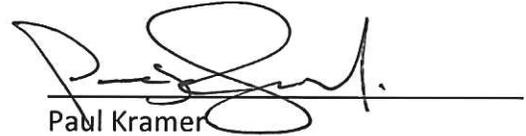
Minutes taken by City Clerk Carla K. Williamson, CMC

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8125
AMENDING CHAPTER 20, ARTICLE II FIRE CODE
OF THE CITY OF LEAVENWORTH CODE OF ORDINANCES**

APRIL 28, 2020



Carla K. Williamson, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the April 14, 2020 City Commission special meeting the City Commission reviewed and placed on first consideration:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS, CHAPTER 20, FIRE PREVENTION AND PROTECTION, ARTICLE II, FIRE CODE, PROVIDING SUBSTITUTE PROVISIONS AND REPEALING THE SECTIONS AMENDED.

There have been no other changes since first consideration.

Ordinance No. 8125 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8125

(Summary Publish in the Leavenworth Times on May 1, 2020)

ORDINANCE NO. 8125

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS, CHAPTER 20, FIRE PREVENTION AND PROTECTION, ARTICLE II, FIRE CODE, PROVIDING SUBSTITUTE PROVISIONS AND REPEALING THE SECTIONS AMENDED.

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

Section 1. That the Code of Ordinance of the City of Leavenworth, Kansas, Chapter 20, Fire Prevention and Protection, Article II, Fire Code, is hereby deleted in its entirety and amended to read as follows:

ARTICLE III. FIRE CODE

DIVISION 1. INTERNATIONAL FIRE CODE

Sec. 20-52. International fire code adopted.

The city has adopted the International Code Council (ICC) International Fire Code, 2018 edition, including appendices B, C, D, H and I published by the International Code Council, which is incorporated by reference as if fully set forth in this article, except such parts or portions thereof as are specifically changed, omitted, or added to in this article. One copy of the adopted code marked or stamped "Official Copy as Incorporated by the Code of Ordinances of Leavenworth, Kansas," with a copy of this article attached and with all amendments established in this article clearly marked, shall be on file in the office of the city clerk and available to the public for inspection.

Sec. 20-53. Amendments to adopted fire code.

The following amendments shall be made to the International Fire Code, 2018 edition adopted in section 20-52:

Chapter 1 Scope and Administration.

Section 101 General

101.1 *Title.* Shall be amended as follows: These regulations shall be known as the Fire Code of Leavenworth, Kansas; hereinafter referred to as "this code."

101.6 *Extra-territorial jurisdiction (ETJ).* Shall be added as follows: Nothing in this code shall be construed as limiting the application and enforcement of this code in areas such as the Extra-Territorial Jurisdiction (ETJ) of the city as may be allowed by local, state, or federal laws, ordinances, or codes.

Section 105 Permits.

105.6 Required operational permits. Shall be amended as follows: The fire code official is authorized to issue operational permits for the operations set forth in Sections 105.6.4 Carnivals and fairs, 105.6.14 Explosives, 105.6.30 Mobile food preparation vehicles and 105.6.32 Open burning. All other subsections of 105.6 are omitted.

105.7 Required construction permits. Shall be amended as follows: The building code and/or fire code official is authorized to issue construction permits for work as set forth in Sections 105.7.1 through 105.7.25.

Section 109 Board of appeals.

109.1 General. Shall be amended as follows: Appeals under this article shall be the same as provided in section 10-61. Section

109.2 Limitations of authority and *Section 109.3 Qualifications* shall be deleted.

Section 110 Violations.

110.4 Violation penalties. Shall be amended as follows: Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment not exceeding 30 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 112 Stop work order.

112.4 Failure to comply. Shall be amended as follows: 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 liable to a fine of not less than \$50.00 or more than \$2,000.00.

Chapter 3 General requirements.

Section 307 Open burning, recreational fires and portable outdoor fireplaces.

307.1.1 Prohibited open burning. Shall be amended as follows: Open burning shall be prohibited when atmospheric conditions or local circumstances make such fire hazardous.

Exceptions:

1. Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the fire code official.

2. The burning of debris resulting from municipal operations, disaster, or declared emergency is allowed by city personnel or their designee on city owned or controlled property when authorized by the fire chief or designee.

307.1.2 Nature of materials being burned. Shall be added as follows: Open burning is limited to natural and ordinary combustible materials. The burning of heavy smoke producing materials, including leaves, is prohibited. No processed or demolition debris construction wood products shall be burned.

307.3 Extinguishment authority. Shall be amended as follows: When open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, or a nuisance is created as identified by local ordinance, the fire code official is authorized to order the extinguishment of the open burning operation.

307.4 Location. Shall be amended as follows: The location for open burning shall not be less than 50 feet (15,240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15,240 mm) of any structure.

Exceptions:

1. Fires in approved containers that are not less than 15 feet (4572 mm) from a structure.
2. The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.
3. Air curtain open pit destructor burning shall meet requirements set forth in local ordinance.

307.4.1 Bonfires. Shall be amended as follows: *307.4.1 Ceremonial Bonfires.* A ceremonial bonfire shall not be conducted within 50 feet (15,240 mm) of a structure or combustible material. Conditions that could cause a fire to spread within 50 feet (15,240 mm) of a structure shall be eliminated prior to ignition. Maximum pile size shall be 6 feet (1828 mm) in diameter and 4 feet (1219 mm) in height. A separation trench or barrier such as bricks or stones shall surround the burn pile.

307.4.2 Recreational fires. Shall be amended as follows: Recreational/camp fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition. Maximum pile size shall be 3 feet (914 mm) in diameter and 2 feet (610 mm) in height.

Section 308, Open flames.

308.1.4 Open-flame cooking devices. Shall be amended as follows: Charcoal burners and other open-flame cooking devices shall not be operated or located on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One-and two family dwellings.
2. Where buildings, balconies and decks are protected by an automatic sprinkler system.
3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 2 ½ pounds [nominal 1 pound (0.454 kg) LP-gas capacity].

Section 310 Smoking.

310.7.1 Smoking receptacles required. Shall be added as follows: Owners of commercial and multi-family properties, where smoking is permitted, shall be responsible for providing approved receptacles for discarded smoking material in locations approved by the authorizing jurisdiction.

Chapter 5 Fire service features.

Section 501 General.

501.3.1 Code footprint. Shall be added as follows: A code footprint shall be submitted to the fire department for review as required per Kansas Administrative Regulation and Kansas Statute.

Section 503 Fire apparatus access roads.

503.2.3 Surface. Shall be amended as follows: Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be concrete or asphalt surfaced so as to provide all-weather driving capabilities.

Chapter 9 Fire protection and life safety systems.

Section 903, Automatic sprinkler systems.

903.2.8 Group R. Shall be amended as follows adding the exception: An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exception: One- or two-family dwellings as identified and exempted per Kansas Statute.

903.4.2 Alarms. Shall be amended as follows: An approved audio/visual alarm device shall be connected to every automatic sprinkler system. Such sprinkler system waterflow alarm device shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Section 906 Portable fire extinguishers.

906.1 Where required. Shall be amended as follows: Portable fire extinguishers shall be installed in all of the following locations:

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.

Exceptions:

1. In Group R-2 occupancies, portable fire extinguishers shall be required only in locations specified in items 2 through 6 where each dwelling unit is provided with a portable fire extinguisher having a minimum rating of 1-A; 10-B:C and each exit discharge serving more than one dwelling unit is provided with a portable fire extinguisher having a minimum rating of 2-A; 10-B:C.
2. In Group E occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 6 where each classroom is provided with a portable fire extinguisher having a minimum rating of 2-A; 20-B:C.
3. Within 30 feet (9144 mm) distance of travel from commercial cooking equipment and from domestic cooking equipment in Group I-1; I-2, Condition 1; and R-2 college dormitory occupancies.
4. In areas where flammable or combustible liquids are stored, used or dispensed.
5. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 3315.1.
6. Where required by the sections indicated in Table 906.1.
7. Special-hazard areas, including but not limited to laboratories, computer rooms and generator rooms. Where required by the fire code official.

Section 912 Fire department connections.

912.3 Fire hose threads. Shall be amended as follows: Fire hose threads used in connection with standpipe systems shall be approved and shall be compatible with fire department hose threads. Fire department connections shall be 4 inch Storz with a 30-degree turn-down.

912.4 Access. Shall be amended as follows: Immediate access to fire department connections shall be no less than 36 inches in width and maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or moveable objects. Access to fire department connections shall be approved by the fire code official.

Chapter 11 Construction requirements for existing buildings.

Chapter 11, Construction Requirements. Shall be omitted **except** for Sections 1103.8 through 1103.9

Chapter 56 Explosives and fireworks.

5601.2.4 Financial responsibility. Shall be amended as follows: Before a permit is issued, as required by Section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$1,000,000 or a public liability insurance policy for the same amount or the current amount identified by local ordinance, for the purpose of the payment of all damages to persons or property

that arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

5601.2.4.2 Fireworks display. Shall be amended as follows: The permit holder shall furnish a bond or certificate of insurance in an amount deemed adequate by the City of Leavenworth for the payment of all potential damages to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit holder, the agent, employees or subcontractors.

Chapter 57 Flammable and combustible liquids.

5704.2.9.6.1 Location where above-ground tanks are prohibited. Shall be amended as follows: Storage of flammable or combustible liquids in outside above-ground tanks is prohibited in any residential, commercial, or M-1 zoning district.

5704.2.13.1.3 Out of service for one year. Shall be amended as follows: Underground tanks that have been out of service for a period of one year shall be removed from the ground in accordance with Section 5704.2.14.

5704.2.13.1.4 Tanks abandoned in place. Shall be deleted.

5706.2.4.4 Locations where above-ground tanks are prohibited. Shall be amended as follows: The storage of Class I and II liquids in above-ground tanks is prohibited in any residential, commercial, or M-1 zoning district.

Chapter 58, Flammable gasses and flammable cryogenic fluids.

5806.2 Limitations. Shall be amended as follows: Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in any residential, commercial, or M-1 zoning district.

Chapter 61, Liquefied petroleum gases.

6104.2 Maximum capacity within established limits. Shall be amended as follows: Storage of liquefied petroleum gas is restricted in any residential or commercial zoning district.

Appendix D

D103.1 Access road width with a hydrant. Shall be deleted.

D107.1 One-or two-family dwelling residential developments. Shall be amended as follows: Developments of one- or two-family dwellings where the number of dwelling units exceeds 40 shall be provided with two separate and approved fire apparatus access roads.

Exemptions:

1. Deleted.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will be connected with future development as determined by city planners and code officials and approved by the city commission.

DIVISION 2. ADDITIONAL LOCAL FIRE CODES

Sec. 20-54. Regulations for the use of air curtain open pit destructors.

- (a) *Generally.* Permit applications for the burning of land clearing debris, including trees, brush and vegetation only shall normally be considered as being necessary and in the public interest, providing that an air curtain open pit destructor of suitable design and capacity is used to accomplish the burning and, further, providing that such a device is installed, maintained and operated at maximum efficiency. Each such application, however, shall be considered individually upon its merits and the fire chief or his designee may decide that other factors require that such permit applications be denied.
- (b) *Burning permits.* Air curtain open pit destructors can only be used to burn trees and brush. They cannot be used to burn construction waste, demolition debris or other waste material. Any person intending to use an air curtain open pit destructor to burn trees or brush must apply to the fire department at least three working days prior to the intended start date.
 - (1) The application must include a site plan, including distances to the nearest structures and the location of the pit.
 - (2) The fire chief or his designee shall make the decision to require a fire to be extinguished if complaint is received.
 - (3) No permit shall be issued for a site that is less than 500 feet from an inhabited structure nor less than 250 feet from a vacant structure.
 - (4) Burning shall only be allowed on days when the cloud cover does not exceed a factor of 0.7 in accordance with National Weather Bureau Standards.
 - (5) Burning shall only be allowed on days when the wind speed is less than 15 mph, as determined by the fire chief or his designee.
 - (6) Burning shall be allowed between the hours of 8:00 a.m. and one-half hour before sunset. No materials shall be added to the pit less than two hours before sunset. Any material still burning one-half hour before sunset shall be extinguished by filling the pit with dirt or completely extinguishing with water.
 - (7) Each permit issued under this section shall be for a specified period of time not to exceed 30 days.
 - (8) A separate application and permit is required for each job site on which an air curtain open pit destructor is used. Each application is considered individually upon its merits. In addition to those factors discussed under subsection (a) of this section, other factors may require that a specific permit application be denied.

- (9) Each permit issued is accompanied by a copy of FDR-01-94, which contains required operating conditions and may include but may not be limited to the requirements and guidelines as set out in subsections (c) through (g) of this section.
 - (10) The fire department shall be notified each time the burner is going to be used by calling the number enclosed in the informational package.
- (c) *Design requirements.* Air curtain open pit destructors proposed for use in the city must meet the following design guidelines in order to accomplish minimum emission burning:
- (1) The pit should be the exact length of the nozzle-equipped air blowing plenum-manifold, less than ten feet across (preferably eight feet or less across), 12 feet or deeper, consistent with local soil conditions, and have all four sides smooth and vertical.
 - (2) The blower or fan selected should be capable of delivering an air velocity of at least 150 feet per second through nozzles designed to deliver a flat sheet or curtain of air blowing diagonally downward across the entire pit.
 - (3) Carefully examine the guideline diagram (on file with the city clerk) for pit construction and configuration of an air curtain open pit destructor.
- (d) *General operation.* Operations of air curtain open pit destructors shall be in accordance with the manufacturer's instructions and FDR-01-94; if there is a conflict, the manufacturer's instructions shall be followed.
- (1) Construction and placement of the pit as well as actual set-up of the air curtain open pit destructor itself must be approved by the fire chief or his designee before burning begins.
 - (2) The fire chief or his designee will also make spot check inspections during operation to ensure that everything possible is being done to minimize smoke and other emissions, that the operator is complying with all conditions of the permit, and that the burning is not causing a local nuisance or safety problem.
 - (3) Failure to comply with the terms of the permit or causing or contributing to significant nuisance, air pollution, or safety problems may compel revocation of the permit.
 - (4) Operator must do everything possible to minimize smoke, sparks and embers, fly ash and other emissions from the destructor. Extra care must be taken during start-up to minimize emissions. Trees and brush should be cut as long a time before burning as possible to maximize drying.
 - (5) Great care must also be taken when charging the pit to never overload. Newly added trees and brush must not pile or protrude so high that they break the air curtain.
 - (6) Periodic ash removal is essential to maintaining efficient combustion and minimizing air emissions. Ashes should not be allowed to build up in the pit to higher than one-third of the pit depth or to the point where they begin to impede combustion, whichever occurs first.
- (e) *Integrity of the pit.* If wear and tear, heat, or soil conditions cause significant crumbling or erosion of the pit walls, the fire chief or his designee may require the operator to cease burning until a new acceptable pit can be dug and approved.
- (f) *General safety requirements.* The operator must do everything possible to protect the safety of workers and the public.

- (1) To protect public safety, it is required that an effective, child-proof fence surround the combustion pit when unattended.
 - (2) To protect against potentially serious loader accidents, the pit should be dug in stable soil. Where necessary, earth anchors, backstays, or wire mesh should be used for additional support.
 - (3) A stop guide or restraining board is recommended at the loading side of the pit to prevent the loader from getting too close to the pit during charging operations.
- (g) *Additional requirements.* Fire department representatives may determine that additional operating or safety requirements are needed, based on conditions observed during inspections, public complaints, or other factors. Such additional requirements or restrictions shall become enforceable conditions of the burning permit.

Secs. 20-55—20-81. Reserved.

Section 2. REPEAL. Chapter 20, Fire Prevention and Protection, Article II, Fire Code, of the Code of Ordinances of the City of Leavenworth, Kansas, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

Section 3: EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on this 28th day of April 2020.

Myron J. "Mike" Griswold, Mayor

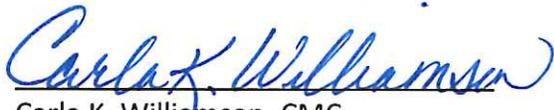
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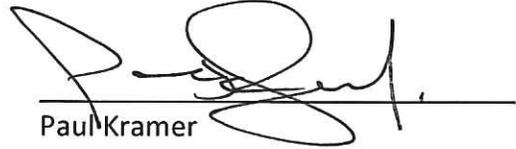
Carla K. Williamson, CMC, City Clerk

**POLICY REPORT
SECOND CONSIDERATION ORDINANCE 8126
AMENDING CHAPTER 10, BUILDINGS & CONSTRUCTION
OF THE CITY OF LEAVENWORTH CODE OF ORDINANCES**

APRIL 28, 2020



Carla K. Williamson, CMC
City Clerk



Paul Kramer
City Manager

BACKGROUND:

At the April 14, 2020 City Commission special meeting the City Commission reviewed and placed on first consideration:

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF
LEAVENWORTH, KANSAS; CHAPTER 10, BUILDINGS AND CONSTRUCTION.
PROVIDING SUBSTITUTE PROVISIONS AND REPEALING THE CHAPTER AMENDED.**

There have been no other changes since first consideration.

Ordinance No. 8126 is now presented for second consideration and requires a roll call vote.

ATTACHMENTS:

- Ordinance No. 8126

(Summary Publish in the Leavenworth Times on May 1, 2020)

ORDINANCE NO. 8126

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAVENWORTH, KANSAS; CHAPTER 10, BUILDINGS AND CONSTRUCTION. PROVIDING SUBSTITUTE PROVISIONS AND REPEALING THE CHAPTER AMENDED.

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

Section 1. That the Code of Ordinance of the City of Leavenworth, Kansas, Chapter 10 Buildings and Construction, is hereby deleted in its entirety and amended to read as follows:

CHAPTER 10. BUILDINGS AND CONSTRUCTION

ARTICLE I. IN GENERAL

Sec. 10-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ICC means the International code council, publisher of certain construction codes.

Sec. 10-2. Applicability; minimum standards.

This chapter, including provisions adopted by reference, is intended to be 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 therefor.

Sec. 10-3. Liability insurance requirements.

When liability insurance is required under this chapter, including under any of the construction codes adopted by reference in this chapter, the contractor, licensee or permittee shall file with the city clerk a certificate of liability insurance issued by a company authorized to do business in the state providing \$1,000,000.00 per occurrence for bodily injury or property and \$2,000,000.00 aggregate coverage. The description of operations section of such policy shall include a reference to the activity for which the insurance is issued and the words "City of Leavenworth, its assigned, officers and affiliates are additional insured on a primary and non-contributory basis." The policy shall also include a provision that notice of change or cancellation shall be given to the city. The applicant, licensee or permit holder shall hold the city harmless for

all claims that may arise against the city by any person for damages caused by the licensee to persons or property.

Secs. 10-4. - 10-24. Reserved.

ARTICLE II. BUILDING CODE

DIVISION 1. GENERALLY

Sec. 10-25. International building code adopted.

The city has adopted the ICC International Building Code, 2018 edition, including appendices C, E, F, G, I and J, which is incorporated by reference fully set forth in this article, except such parts or portions thereof as are specifically changed, omitted, or added to in this article. One copy of the adopted code marked or stamped "Official Copy as Incorporated by the Code of Ordinances of Leavenworth, Kansas," with a copy of this article attached and with all amendments established in this article clearly marked, shall be on file in the office of the city clerk and available to the public for inspection.

Secs. 10-26 - 10-53. - Reserved.

DIVISION 2. AMENDMENTS TO ADOPTED BUILDING CODE

Sec. 10-54. Generally.

The amendments to the adopted international building code are as provided 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.

Sec. 10-55. 101 General.

Chapter 1, Scope and administration, section 101, General, shall be amended as follows:

101.1, Title. These regulations shall be known as the building code of the City of Leavenworth, Kansas, hereinafter referred to as "this code."

Sec. 10-56. 103 Department of building safety.

Chapter 1, Scope and administration, Section 103, Department of building safety, shall be amended as follows:

103.1, Creation of enforcement agency. The "building inspection division" shall be designated in the administrative division annually established as provided in chapter 2 of this code.

Any reference to the "building official" means the "public works director" or his designated agent.

103.2, Appointment. Shall be deleted.

Sec. 10-57. 105 Permits.

Chapter 1, Scope and administration, Section 105, Permits, shall be amended with the addition of the following:

105.2.3, Additional work exempt from permit shall include the following:

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

Sec. 10-58. 109 Fees amended.

Chapter 1, Scope and administration, Section 109, Fees, shall be amended as follows:

109.2, 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 as required, as set forth in the city fee schedule.

109.4, Work commencing before permit issuance. 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 set forth in the city fee schedule.

109.6, Refunds. The building official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before the plan review effort has been expended.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permit holder not later than 180 days after the date of fee payment.

Sec. 10-59. 109 Fees added.

Chapter 1, Scope and administration, Section 109, Fees, shall be amended with the addition of the following:

109.7 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 set forth in the city fee schedule. The building official or his designated agent may waive the plan review fee at their discretion.

109.8 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 \$5,000.00 to guarantee payment of such charges.

Sec. 10-60. 110 Inspections.

Chapter 1, Scope and administration, Section 110, Inspections, shall be amended as follows:

110.1 General. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain visible and able to be accessed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation or 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 owner or the owner's authorized agent to cause the work to remain visible and able to be accessed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expenses entailed in the removal or replacement of any material required to allow inspection. The building official or his designated agent may waive any of the required inspections at their discretion.

Sec. 10-61. 113 Board of appeals.

Chapter 1, Scope and administration, Section 113, Board of appeals, shall be amended as follows:

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the mayor, which appointment shall be subject to the approval of the city commission. Terms of all members of the board shall be for five (5) years and until their successors are appointed and qualified. Each appointee shall not succeed himself to more than one succeeding five-year term. All vacancies shall be filled for any unexpired term in a similar manner. The building official or his designated agent shall be an ex-officio member and shall act as secretary of the board. The board shall adopt reasonable rules and regulations for conducting its business, and shall render all decisions and findings in writing to the building official or his designated agent with a copy to the appellant, and may recommend to the city commission such new legislation as is consistent therewith.

113.2 Application for appeal; limitations on authority. Any person directly affected by a decision of the building official or code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice, or order was served. 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. The board shall not have authority to waive requirements of this code.

Appeals of notice and orders, other than emergencies or imminent dangers, shall stay the enforcement in municipal court of any violation notice.

113.3 Exceptions from appeal to board of appeals. Notwithstanding the foregoing, the board of appeals shall not have the right, power, or authority to review or consider any enforcement action commenced under the provisions of Article XI of the Leavenworth Municipal Code or K.S.A. 12-1750-12-1756g, inclusive, including to the extent any such provisions are incorporated by reference into other articles, chapters, or sections of the Leavenworth Municipal Code.

113.4 Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and/or property maintenance and are not employees of the jurisdiction. The board shall consist of one architect or engineer; one citizen at large; and three people engaged in relevant trades.

113.5 Fee. The fee for an application for an appeal to the board shall be as set forth in the city fee schedule, no part of which is refundable. The city clerk shall be responsible for the collection of the application fee.

113.6 Commission and Court Review. The decisions of the board of appeals shall be subject to review by the city commission upon request of any involved party, provided that a written application for review is filed within twenty (20) days after the date of the final decision of the board of appeals. Any person shall have the right to apply to the appropriate court for a review or appeal of the city commission's review within thirty (30) days after the date of the final decision of the city commission.

Sec. 10-62. 114 Violations.

Chapter 1, Scope and administration, Section 114, Violations, shall be amended as follows:

114.4, Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred (\$500.00) dollars or by imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Sec. 10-63. 116 Unsafe structures and equipment.

Chapter 1, Scope and administration, Section 116, Unsafe structures and equipment, shall be amended as follows:

All buildings or structures which are unsafe or not provided with adequate egress or which constitute a fire hazard or are otherwise dangerous to human life, or unfit for human occupancy, or 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, or other conditions or defects as specified in this code, or any other effective ordinance are, for the purpose of this section, unsafe buildings. Such unsafe buildings are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures specified in state law or this code, including but not limited to Article XI of the Leavenworth Municipal Code, which is incorporated herein by this reference.

Sec. 10-64. 1612 Flood loads.

Chapter 16, Structural design, Section 1612, Flood loads, shall be amended as follows:

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the federal emergency management agency in an engineered report entitled "The Flood Insurance Study for Leavenworth County, KS., and Incorporated Areas," dated July 16, 2015, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

Sec. 10-65. 1809 Shallow foundations.

Chapter 18, Soils and foundations, Section 1809, Shallow foundations, shall be amended as follows:

1809.5 Frost protection. Except where otherwise protected from frost, foundations and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. Extending below the frost line. The frost line for the City of Leavenworth is defined as thirty-six inches (36") below finished exterior grade.
2. Constructing in accordance with ASCE 32.
3. Erecting on solid rock.

Exception: Free-standing buildings meeting all of the following conditions shall not be required to be protected:

1. Assigned to Risk Category I.
2. Area of 600 square feet or less for light-frame construction or 400 square feet or less for other than light-frame construction.
3. Eave height of 10 feet or less.

Shallow foundations shall not bear on frozen soil unless such frozen condition is of a permanent character.

Secs. 10-66 - 10-88. Reserved.

ARTICLE III. ELECTRICAL CODE

DIVISION 1. GENERALLY

Sec. 10-89. National electrical code adopted.

The city has adopted the National Electrical Code (NFPA 70), 2017 edition, which is incorporated by reference as set forth in this article, except such parts or portions thereof as are specifically changed, omitted, or added to in this article. One copy of the adopted code marked or stamped "Official Copy as Incorporated by the Code of Ordinances of Leavenworth, Kansas," with a copy of this article attached and with all amendments established in this article clearly marked, shall be on file in the office of the city clerk and available to the public for inspection.

Secs. 10-90 - 10-106. Reserved.

DIVISION 2. AMENDMENTS TO ADOPTED ELECTRICAL CODE

Sec. 10-107. Generally.

The amendments to the adopted National Electrical Code are as provided 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 National Electrical Code," unless clearly indicated to the contrary.

Sec. 10-108. Article 80 Scope and Administration (Informative Annex H Administration and Enforcement)

Article 80, Scope and administration (Informative Annex H Administration and Enforcement) shall be amended to include as follows:

Part 1. Scope and administration.

Section 80.1 General.

80.1.1 Title. These regulations shall be known as the Electrical Code of the City of Leavenworth hereinafter referred to as "this code."

80.1.2 Scope. The provisions of this code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of electrical systems within this jurisdiction.

Exception: Detached one-and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.

80.1.3 Intent. The purpose of this code is to establish minimum standards to provide a reasonable level of safety, health, property protection and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of electrical equipment and systems.

80.1.4 Severability. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

Section 80.2 Applicability.

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

80.2.2 Existing installations. Electrical systems lawfully in existence at the time of the adoption of this code shall be permitted to have their use and maintenance continued if the use, maintenance or repair is in accordance with the original design and hazard to life, health or property is not created by such electrical system.

80.2.2.1 Existing building. Additions, alterations, renovations or repairs related to building or structural issues shall be regulated by the International Existing Building Code.

80.2.2 Services off for over one year. Each building or electrical system that has been disconnected or has not been in use for one year or longer shall require a service reconnection inspection be made prior to reconnection of the building or electrical system to the utility source of energy or power.

80.2.3 Maintenance. Electrical systems, materials and appurtenances, both existing and new, and parts thereof, shall be maintained in proper operating condition in accordance with the original design in a safe condition. Devices or safeguards required by this code shall be maintained in compliance with the edition of the code under which they were installed. The owner or the owner's authorized agent shall be responsible for maintenance of electrical systems. To determine compliance with this provision, the code official shall have the authority to require any electrical system to be reinspected.

80.2.4 Additions, alterations or repairs. Additions, alterations, renovations or repairs to any electrical system shall conform to that required for a new electrical system without requiring the existing electrical system to comply with all the requirements of this code. Additions, alterations or repairs shall not cause an existing system to become unsafe or overloaded. Minor additions, alterations, renovations and repairs to existing systems shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous and is approved.

80.2.5 Change in occupancy. It shall be unlawful to make any change in the occupancy of any structure that will subject the structure to any special provision of this code applicable to the new occupancy without approval of the code official. The code official shall certify that such structure meets the intent of the provisions of law governing building construction for the proposed new occupancy and that such change of occupancy does not result in any hazard to the public health, safety or welfare.

80.2.6 Historic buildings. The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings where such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings.

80.2.7 Moved buildings. Except as determined by Section 102.2, electrical systems that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new installations.

80.2.8 Referenced codes and standards. The standards referenced in this code shall be those that are listed in Annex A and such standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.8.1 and 102.8.2.

80.2.8.1 Conflicts. Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

80.2.8.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

80.2.9 Requirements not covered by code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed electrical system, or for the public safety, health and general welfare, not specifically covered by this code shall be determined by the code official.

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

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

Part 2. Administration and enforcement.

Section 80.3 Department of building safety.

80.3.1 Creation of enforcement agency. The "building inspection division" shall be as provided in chapter 2 of this code. Any reference to the "code official" means the "public works director" or designated agent.

80.3.2 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to

appoint a deputy code official, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the code official.

80.3.3 Liability. The code official, member of the 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 civilly or criminally liable personally, and is hereby relieved from all 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.

80.3.3.1 Legal defense. Any suit or criminal complaint instituted against any 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 the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

Section 80.4 Duties and powers of the code official.

80.4.1 General. The code official is hereby authorized and directed to enforce the provisions of this code. The code 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 be in compliance 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.

80.4.2 Applications and permits. The code official shall receive applications, review construction documents and issue permits for the installation and alteration of electrical systems, inspect the premises for which such permits have been issued, and enforce compliance with the provisions of this code.

80.4.3 Inspections. The code official shall make all the required inspections, or shall 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 code official is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

80.4.4 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the code official has reasonable cause to believe that there exists in any building or on any premises any conditions or violations of this code that make the building or premises unsafe, dangerous or hazardous, the code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the code official by this code. If such building or premises is occupied, the code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, the owner's authorized agent or other person having charge or

control of the building or premises and request entry. If entry is refused, the code official shall have recourse to every remedy provided by law to secure entry. Where the code official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, the owner, owner's authorized agent, occupant or person having charge, care or control of any building or premises shall not fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

80.4.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

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

80.4.7 Department records. The code 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 the retention of public records.

Section 80.5 Approval.

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

80.5.2 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 or method of construction shall be approved where the code 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, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

80.5.2.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

80.5.3 Required testing. Where 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 alternate materials or methods, the code official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction.

80.5.3.1 Test methods. 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 code official shall approve the testing procedures.

80.5.3.2 Testing agency. Tests shall be performed by an approved agency.

80.5.3.3 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

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

80.5.4.1 Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements have been reconditioned, tested, placed in good and proper working condition and approved.

80.5.4.2 Listing and labeling. Electrical materials, components, devices, appliances, fixtures and equipment shall be listed for the application, shall bear the label of an approved agency and shall be installed, and used, or both, in accordance with any instructions included in the listing and labeling.

Section 80.6 permits.

80.6.1 Where required. Any owner, owner's authorized agent or contractor who desires to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the code official and obtain the required permit for the work.

80.6.1.1 Annual permit. Instead of an individual construction permit for each alteration to an already approved system or equipment or appliance installation, the code official is authorized to issue an annual permit upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.

80.6.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The code official shall have access to such records at all times or such records shall be filed with the code official as designated.

80.6.2 Exempt work. The following work shall be exempt from the requirement for a permit:

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including the replacement of lamps, receptacles, switches, light fixtures, ceiling fans, bath fans, attic fans and hard-wired smoke detectors or connection of approved portable electrical equipment or approved permanently installed receptacles.

80.6.3 Application for permit. Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or owner's authorized agent. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.

80.6.3.1 Construction documents. Construction documents, engineering calculations, diagrams and other such data shall be submitted in two or more sets with each application for a permit. The code official shall require construction documents, computations and specifications to be prepared and designed by a registered design professional where required by state law.

Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for the electrical system installation and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

Exception: The code official shall have the authority to waive the submission of construction documents, calculations or other data if the nature of the work applied for is such that reviewing of construction documents is not necessary to determine compliance with this code.

80.6.3.2 Preliminary inspection. Before a permit is issued, the code official shall be authorized to inspect and evaluate the systems, equipment, buildings, devices, premises and spaces or areas to be used.

80.6.3.3 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 code official shall have the authority to grant one or more

extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

80.6.4 By whom application is made. Application for a permit shall be made by the person or agent to install all or part of any electrical system. The applicant shall meet all qualifications established by statute, or by rules promulgated by this code, or by ordinance or by resolution. The full name and address of the applicant shall be stated in the application.

80.6.5 Permit issuance. The application, construction documents and other data filed by an applicant for permit shall be reviewed by the code official. If the code official finds that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, and that the fees specified in Section 80.6.6 have been paid, a permit shall be issued to the applicant.

80.6.5.1 Approved construction documents. When the code official issues the permit where construction documents are required, the construction documents shall be endorsed in writing and stamped "APPROVED." Such approved construction documents shall not be changed, modified or altered without authorization from the code official. Work shall be done in accordance with the approved construction documents.

The code official shall have the authority to issue a permit for the construction of a part of an electrical system before the entire construction documents for the whole system have been submitted or approved, provided that adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holders of such permit shall proceed at their own risk without assurance that the permit for the entire electrical system will be granted.

80.6.5.2 Validity. The issuance of a permit or approval of construction documents shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or any other ordinance of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of this code shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the code official from thereafter requiring the correction of errors in said construction documents and other data or from preventing building operations being carried on thereunder where in violation of this code or of other ordinances of this jurisdiction.

80.6.5.3 Expiration. Every permit issued by the code official under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained and the fee therefor shall be one-half the amount required for a new permit for such work, provided that changes have not been made and will not be made in the original construction documents

for such work, and provided further that such suspension or abandonment has not exceeded 1 year.

80.6.5.4 Extensions. Any permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The code official shall extend the time for action by the permittee for a period not exceeding 180 days if there is reasonable cause. A permit shall not be extended more than once. The fee for an extension shall be one-half the amount required for a new permit for such work.

80.6.5.5 Suspension or revocation of permit. The code official shall have the authority to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

80.6.5.6 Retention of construction documents. One set of approved construction documents shall be retained by the code official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws. One set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

80.6.5.7 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.

80.6.5.8 Posting of permit. The permit or a copy shall be kept on the site of the work until the completion of the project.

80.6.6 Fees. A permit shall not be issued until the fees prescribed in Section 80.6.6.2 have been paid, and an amendment to a permit shall not be released until the additional fee, if any, due to an increase of the electrical systems, has been paid.

80.6.6.1 Work commencing before permit issuance. Any person who commences any work on an electrical system before obtaining the necessary permits shall be subject to 100 percent of the usual permit fee in addition to the required permit fees.

80.6.6.2 Fee schedule. The fees for electrical work shall be as set forth in the city fee schedule.

80.6.6.3 Fee refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid where work has been done under a permit issued in accordance with this code.
3. Not more than 80 percent of the plan review fee paid where an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section 80.7 Inspections and testing.

80.7.1 General. The code official is authorized to conduct such inspections as are deemed necessary to determine compliance with the provisions of this code. Construction or work for which a permit is required shall be subject to inspection by the code official, and such construction or work shall remain visible and able to be accessed for inspection purposes until approved. Approval as a result 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 visible and able to be accessed for inspection purposes. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

80.7.2 Required inspections and testing. The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or an agent of any violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.

1. Underground inspection shall be made after trenches or ditches are excavated and bedded, raceways installed, and before any backfill is put in place.
2. Rough-in inspection shall be made after the roof, framing, fireblocking, firestopping, draftstopping and bracing is in place and the electrical system is roughed-in, and prior to the installation of wall or ceiling membranes.
3. Final inspection shall be made after the building is complete, all electrical fixtures are in place and properly connected, and the structure is ready for occupancy.
4. Service reconnection. Service reconnection inspection shall be made prior to reconnection of any building or electrical system to the utility source of energy, fuel or power if the building or electrical system has not been in use for one year or longer.

80.7.2.1 Other inspections. In addition to the inspections specified in Section 80.7.2, the code official shall be 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.

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

80.7.2.3 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent 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 code official.

80.7.2.4 Approved agencies. The code official is authorized to accept reports of approved inspection agencies, provided that such agencies satisfy the requirements as to qualifications and reliability.

80.7.2.5 Evaluation and follow-up inspection services. Prior to the approval of a closed, prefabricated electrical system and the issuance of an electrical permit, the code official shall require the submittal of an evaluation report on each prefabricated electrical system indicating the complete details of the electrical system, including a description of the system and its components, the basis on which the electrical system is being evaluated, test results and similar information, and other data as necessary for the code official to determine conformance to this code.

80.7.2.5.1 Evaluation service. The code official shall designate the evaluation service of an approved agency as the evaluation agency, and review such agency's evaluation report for adequacy and conformance to this code.

80.7.2.5.2 Follow-up inspection. Except where ready access is provided to all electrical systems, service equipment and accessories for complete inspection at the site without disassembly or dismantling, the code official shall conduct the frequency of in-plant inspections necessary to ensure conformance to the approved evaluation report or shall designate an independent, approved inspection agency to conduct such inspections. The inspection agency shall furnish the code official with the follow-up inspection manual and a report of inspections on request, and the electrical system shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.

80.7.2.5.3 Test and inspection records. Required test and inspection records shall be available to the code official at all times during the fabrication of the

electrical system and the erection of the building, or such records as the code official designates shall be filed.

80.7.3 Special inspections. Special inspections of alternative engineered design electrical systems shall be conducted in accordance with Sections 80.7.3.1 and 80.7.3.2.

80.7.3.1 Periodic inspection. The registered design professional or designated inspector shall periodically inspect and observe the alternative engineered design to determine that the installation is in accordance with the approved construction documents. Discrepancies shall be brought to the immediate attention of the electrical contractor for correction. Records shall be kept of all inspections.

80.7.3.2 Written report. The registered design professional shall submit a final report in writing to the code official upon completion of the installation, certifying that the alternative engineered design conforms to the approved construction documents. A notice of approval for the electrical system shall not be issued until a written certification has been submitted.

80.7.4 Approval. After the prescribed tests and inspections indicate that the work complies in all respects with this code, a notice of approval shall be issued by the code official.

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

80.7.5 Temporary connection. The code official shall have the authority to authorize the temporary connection of the building or system to the utility source for the purpose of testing electrical systems or for use under a temporary certificate of occupancy.

80.7.6 Connection of service utilities. A person shall not make connections from a utility, source of energy, fuel, or power to any building or system that is regulated by this code for which a permit is required until authorized by the code official.

Section 80.8 Violations.

80.8.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize any electrical system, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

80.8.2 Notice of violation. The code official shall serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of electrical work in violation of the provisions of this code, or in violation of a detail statement or the approved construction documents thereunder, 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.

80.8.3 Prosecution of violation. If the notice of violation is not complied with promptly, the code official shall request the legal counsel of the jurisdiction 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.

80.8.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair electrical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred (\$500.00) dollars or by imprisonment not exceeding thirty (30) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

80.8.5 Stop work orders. Upon notice from the code official, work on any electrical system that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code.

80.8.6 Abatement of violation. The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or 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 electrical systems on or about any premises.

80.8.7 Unsafe electrical systems. Any electrical systems regulated by this code that is unsafe or that constitutes a fire or health hazard, or is otherwise dangerous to human life is hereby declared unsafe. Any use of an electrical system regulated by this code constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Any such unsafe equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

80.8.7.1 Authority to condemn equipment. Where the code official determines that any electrical system, or portion thereof, regulated by this code has become hazardous to life, health or property, the code official shall order in writing that such electrical system or component thereof either be removed or restored to a safe condition. A time limit for compliance with such order shall be specified in the written notice. A person shall not use or maintain defective electrical system after receiving such notice. Where such electrical system is to be disconnected, written

notice as prescribed in Section 80.8.2 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

80.8.7.2 Authority to disconnect service utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the technical codes in case of an emergency, where necessary, to eliminate an immediate danger to life or property. Where possible, the owner or the owner's authorized agent and occupant of the building, structure or service system shall be notified of the decision to disconnect utility service prior to taking such action. If not notified prior to disconnecting, the owner, the owner's authorized agent or occupant of the building, structure or service systems shall be notified in writing, as soon as practical thereafter.

80.8.7.3 Connection after order to disconnect. A person shall not make connections from any energy, fuel, or power supply or supply energy or fuel to any equipment regulated by this code that has been disconnected or ordered to be disconnected by the code official or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such equipment.

Where any electrical system is maintained in violation of this code, and in violation of any notice issued pursuant to the provisions of this section, the code official shall institute any appropriate action to prevent, restrain, correct or abate the violation.

Section 80.9 Means of appeal.

80.9.1 General. Appeals under this article shall be the same as provided for in section 10-61 of the Leavenworth Municipal Code, the terms of which are incorporated herein by this reference.

Section 80.10 Temporary equipment, systems and uses.

80.10.1 General. The code official is authorized to issue a permit for temporary equipment, systems and uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The code official is authorized to grant extensions for demonstrated cause.

80.10.2 Conformance. Temporary equipment, systems and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

80.10.3 Temporary utilities. The code official is authorized to give permission to temporarily supply utilities before an installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the code.

80.10.4 Termination of approval. The code official is authorized to terminate such permit for temporary equipment, systems or uses and to order the temporary equipment, systems or uses to be discontinued.

Section 80.11 Licenses.

80.11.1 Licenses. No person other than a licensed electrician shall do any electrical work in the city, and no person other than a licensed electrical contractor shall engage in the business of electrical construction, installation or maintenance of electrical wiring and apparatus, nor shall any person advertise for electrical work in the city unless such person shall be duly licensed in accordance with the provisions of this article. Licenses are not transferable from one person to another and the lending of any license or the obtaining of permits thereunder for any other person shall be deemed cause for revocation. It shall not be necessary for electrical contractors, maintenance electricians, master electricians, residential landlord electricians, and journeyman electricians who are presently licensed in the city at the time of the passage of this code to take an examination for a certificate of qualification if they obtain a license during the next subsequent year.

80.11.2 Type of licenses.

1. An electrical contractor is a person who may conduct, carry on, or engage in the business of electrical work. The electrical contractor must provide a copy of master electrical exam score of a 75 percent or better, in accordance with K.S.A 12-1525 et seq. Liability insurance requirements shall be as provided in section 10-3. An electrical contractor license is not transferable and the right to do business under an electrical contractor license depends upon the retention of the person holding the license as an acting member or officer of the firm, partnership, or corporation.
2. A master electrician is a person who may conduct, carry on, or engage in the business of electrical work where there is one electrical contractor. The master electrician must provide a copy of a master electrical exam score of a 75 percent or better, in accordance with K.S.A 12-1525 et seq.
3. A journeyman electrician is a person who labors in the trade of electrical work as an employee of an electrical contractor. The journeyman electrician must provide a copy of a journeyman electrical exam score of a 75 percent or better, in accordance with K.S.A 12-1525 et seq.
4. An apprentice electrician is a person who labors at the trade of electrical work as an employee under the supervision of a licensed electrical contractor, master electrician, or a journeyman electrician.
5. A residential landlord electrician is a person who may do electrical installation, replacement and service on residential structures up to three individual living units that he owns. The residential landlord electrician must provide a copy of a master residential electrical exam score of a 75 percent or better, by an approved testing agency acceptable to the jurisdiction having authority. Liability insurance requirements shall be as provided in section 10-3.
6. A maintenance electrician is a person who is restricted to the repair and maintenance of existing apparatus. Also, the work of a maintenance

electrician is to be restricted to the maintenance electrician's place of employment. The maintenance electrician must provide a copy of a maintenance electrical exam score of a 75 percent or better, by an approved testing agency acceptable to the jurisdiction having authority.

80.11.3 Display of electrician's license. All licensed electricians, contractors, masters, journeyman and apprentice shall carry their licenses on their persons and exhibit the license on the demand of the inspector, his assistants or any officer of the city.

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

80.11.5 Revocation of license. The board of appeals may cancel or revoke any license issued to any person if such person later shows incompetency or lack of knowledge in matter relevant to such license or if such license was obtained by fraud. If the license is canceled or revoked, another such license shall not be granted to such person within 12 months after the date of cancellation or revocation.

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

80.11.7 When unlicensed persons may do electrical work. It is unlawful for any person other than the licensed electrician, to do any construction or work regulated by this article except in the following circumstances.

Homeowners:

1. A letter shall accompany the permit application stating that the owner will live in the dwelling for a minimum of one year from the day of final inspection and is able to do the work to pass all inspections.
2. The owner shall submit a sketch with the permit application showing all electrical work desired to be done.
3. When the work is done in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings.
4. When the person doing the work is the bona fide owner of such dwelling and accessory buildings and quarters, and the same are occupied or designed to be occupied by such owner.
5. When such owner shall personally perform all labor in connection therewith.

80.11.8 Working without a license. When an individual performs electrical work that requires a license by this code without first obtaining a license, they shall be fined the

amount equal to twice the license fee and all work must immediately cease until proper licensing is obtained.

Sec. 10-109. Chapter 2 Wiring and protection.

Chapter 2, Wiring and protection, shall be amended as follows:

230.70 (A) (1) Readily accessible location. The service disconnecting means shall be installed at a readily accessible location either outside of a building or inside nearest point of entrance of the service conductors. When service conductors are more than 6 feet from the point of entry to the service panel, a separate means of disconnect shall be installed at the service conductor entrance to the building.

Sec. 10-110. Chapter 3 Wiring methods and materials.

Chapter 3, Wiring methods and materials, shall be amended by including as follows:

300.1 Scope (D) Cutting, notching and boring. The cutting, notching and boring of wood and steel framing members, structural members and engineered wood products shall be in accordance with the building code as adopted by the city.

310.106 Conductor material. (B) (1) Aluminum or copper clad wire must be 60 amperes or larger and used only for service entrance conductors or panel feeders.

Sec. 10-111. Chapter 3 Wiring methods and materials.

Chapter 3, Wiring methods and materials, shall be amended as follows:

334.10 Uses permitted. Type NM, Type NMC, and Type NMS cables shall be permitted to be used in the following, except as prohibited in 334.12:

1. One- and two-family dwellings and their attached or detached garages, and their storage buildings.
2. Multi-family dwellings.
3. Other structures provided that the cables shall be concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at least a 15-minute finish rating as identified in listings of fire-rated assemblies.
4. Where installed in cable trays where the cables are identified for the use.
5. Where installed in raceways and the cables are identified for the use.

Secs. 10-112 - 10-140. Reserved.

ARTICLE IV. PLUMBING CODE

DIVISION 1. GENERALLY

Sec. 10-141. International Plumbing Code adopted.

The city has adopted the ICC International Plumbing Code, 2018 edition, including appendices C and E, which is incorporated by reference as set forth in this article, except such parts or portions thereof as are specifically changed, omitted, or added to in this article. One copy of the adopted code marked or stamped "Official Copy as Incorporated by the Code of Ordinances of Leavenworth, Kansas," with a copy of this article attached and with all amendments established in this article clearly marked, shall be on file in the office of the city clerk and available to the public for inspection.

Secs. 10-142 - 10-165. - Reserved.

DIVISION 2. AMENDMENTS TO ADOPTED PLUMBING CODE

Sec. 10-166. Generally.

Amendments to the adopted International Plumbing Code are as provided 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 Plumbing Code," unless clearly indicated to the contrary.

Sec. 10-167. 101 General.

Chapter 1, Scope and administration, Section 101, General, shall be amended as follows:

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

Sec. 10-168. 103 Department of building safety.

Chapter 1, Scope and administration, Section 103, Department of plumbing inspection, shall be amended as follows:

103.1 Creation of enforcement agency. The "building inspection division" shall be as provided in chapter 2 of this code. Any reference to the "code official" means the "public works director" or designated agent.

103.2, Appointment. Shall be deleted.

Sec. 10-169. 106 Permits added.

Chapter 1, Scope and administration, Section 106, Permits, shall be amended by adding as follows:

106.2.1 Items of replacement exempted from permit and inspection performed by property owner, business employees or nonpaid helpers are; water closets (toilets), bidets, urinals, hose bibs (outdoor water faucets), residential sinks, water faucets, residential icemakers, residential humidifiers, exposed traps, residential garbage disposals, and dishwashers.

Sec. 10-170. 106, Permits amended.

Chapter 1, Scope and administration, Section 106, Permits, shall be amended as follows:

106.6.2 Fee schedule. The fees for plumbing work shall be as set forth in the city fee schedule.

106.6.3 Fee refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before the plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permit holder not later than 180 days after the date of fee payment.

106.6.4 Bond. Each license holder desiring to maintain a monthly charge account with the city for permit or inspection fees shall file a surety bond or other cash security in the amount of \$5,000 to guarantee payment of such charges.

Sec. 10-171. 108 Violations.

Chapter 1, Scope and administration, Section 108, Violations, shall be amended as follows:

108.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred (\$500.00) dollars, or by imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

108.5 Stop work orders. Upon notice from the code official, work on any plumbing system that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code.

Sec. 10-172. 109 Means of appeal.

Chapter 1, Scope and administration Section 109, Means of appeal, shall be amended as follows:

109.1 General. Appeals under this article shall be the same as provided for in section 10-61 of the Leavenworth Municipal Code, the terms of which are incorporated herein by this reference.

109.2-109.7. Shall be deleted.

Sec. 10-173. Scope and administration.

Chapter 1, Scope and administration, shall be amended to include the following:

Section 111.1 Licenses. It is unlawful for any person to conduct, carry on, or engage in the business of plumbing or labor in the trade of plumbing without first having had issued a valid license, nor shall any person advertise for plumbing work in the city, without such license. Licenses are not transferable from one person to another and the lending of any license or the obtaining of permits thereunder for any other person shall be deemed cause for revocation.

It shall not be necessary for plumbing contractors, master plumbers, residential landlord plumbers, and journeyman plumbers who are presently licensed in the city at the time of the passage of this code to take an examination for a certificate of qualification if they obtain a license during the next subsequent year.

Section 111.2 Type of licenses.

1. A plumbing contractor is a person who may conduct, carry on, or engage in the business of plumbing work. The plumbing contractor must provide a copy of a master plumbing with gas exam score of a 75 percent or better, in accordance with K.S.A. 12-1508 et seq. Liability insurance requirements shall be as provided in section 10-3. A plumbing contractor license is not transferable and the right of a firm, partnership, or corporation to do business under a plumbing contractor license depends upon the retention of the person holding the license as an acting member or officer of the firm, partnership, or corporation.
2. A master plumber is a person who may conduct, carry on, or engage in the business of plumbing work as an employee of a plumbing contractor. The master plumber must provide a copy of a master plumbing with a gas exam score of a 75 percent or better, in accordance with K.S.A. 12-1508 et seq.
3. A journeyman plumber is a person who labors in the trade of plumbing work as an employee of a plumbing contractor. The journeyman plumber must provide a copy of journeyman plumbing with a gas exam score of a 75 percent or better, in accordance with K.S.A. 12-1508 et seq.
4. An apprentice plumber is a person who labors at the trade of plumbing as an employee under the supervision of a licensed plumbing contractor, master plumber, or journeyman plumber.
5. A residential landlord plumber is a person who may do plumbing work on residential structures for up to three individual living units that he owns. The residential landlord plumber must provide a copy of a master residential plumbing with a gas exam score of a 75 percent or better, by an approved

testing agency acceptable to the jurisdiction having authority. Liability insurance requirements shall be as provided in section 10-3.

Section 111.3 Display of plumber's license. All licensed plumbers, contractors, masters, journeyman and apprentice shall carry their licenses on their persons and exhibit the license on the demand of the inspector, his assistants or any officer of the city.

Section 111.4 Renewal. All plumbing licenses pursuant to this article shall expire on December 31 of each year. In addition, proof of 12 hours of continuing education of a type acceptable to the building official shall be submitted biennially at the time of license renewal in order to renew. Any license holder who fails to make proper application for renewal before March 1 shall be required to make an original application and take the qualifying examination.

Section 111.5 Revocation of license. The board of appeals may cancel or revoke any license issued to any person if such person later shows incompetency or lack of knowledge in matter relevant to such license or if such license was obtained by fraud. If the license is canceled or revoked, another such license shall not be granted to such person within 12 months after the date of cancellation or revocation.

Section 111.6 Fees. License fees shall be in accordance with the city fee schedule. If a new license application is made after January 1, of any year, the amount of the fee shall be determined by dividing the annual fee by four and multiplying the figure obtained by the number of quarters, or fractions thereof remaining until the next year.

Section 111.7 When unlicensed persons may do plumbing work. It is unlawful for any person other than a licensed plumbing contractor to do any construction or work regulated by this article except in the following circumstance.

Homeowners:

1. A letter shall accompany the permit application stating that the owner will live in the dwelling for a minimum of one year from the day of final inspection and is able to do the work to pass all inspections.
2. The owner shall submit a sketch with the permit application showing all plumbing work desired to be done.
3. When the work is done in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings.
4. When the person doing the work is the bona fide owner of such dwelling and accessory buildings and quarters, and the same are occupied or designed to be occupied by such owner.
5. When such owner shall personally perform all labor in connection therewith.

Section 111.8 Working without a license. When an individual performs plumbing work that requires a license by this code without first obtaining a license, they shall be fined the amount equal to twice the license fee and all work must immediately cease until proper licensing is obtained.

Sec. 10-174. 305 General.

Chapter 3, General regulations, Section 305, General regulations, shall be amended as follows:

305.6.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be installed not less than 12 inches below finished grade at the point of septic tank connection. Building sewers shall be installed not less than 12 inches below grade.

Sec. 10-175. 903 Vent Terminals.

Chapter 9, Vents, Section 903, Vent Terminals, shall be amended as follows:

903.1 Roof extension. Open vent pipes that extend through a roof shall be terminated at least 6 inches above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than 7 feet above the roof.

Secs. 10-176—10-196. Reserved.

ARTICLE V. FUEL GAS CODE

DIVISION 1. GENERALLY

Sec. 10-197. International Fuel Gas Code and appendix adopted.

The city has adopted the ICC International Fuel Gas Code, 2018 edition, which is incorporated by reference as set forth in this article, except such parts or portions thereof as are specifically changed, omitted, or added to in this article. One copy of the adopted code marked or stamped "Official Copy as Incorporated by the Code of Ordinances of Leavenworth, Kansas," with a copy of this article attached and with all amendments established in this article clearly marked, shall be on file in the office of the city clerk and available to the public for inspection.

Secs. 10-198 - 10-217. Reserved.

DIVISION 2. AMENDMENTS TO ADOPTED FUEL GAS CODE

Sec. 10-218. Generally.

Amendments to the International Fuel Gas Code are as provided 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 Fuel Gas Code," unless clearly indicated in the contrary.

Sec. 10-219. 101 General.

Chapter 1, Scope and administration, Section 101, General, shall be amended as follows:

101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Leavenworth, Kansas, hereinafter referred to as "this code."

Sec. 10-220. 103 Department of inspection.

Chapter 1, Scope and administration, Section 103, Department of inspection, shall be amended as follows:

Section 103, Department of building safety.

103.1 Creation of enforcement agency. The "building inspection division" shall be as provided in chapter 2 of this code. Any reference to the "code official" means the "public works director" or designated agent.

103.2, Appointment. Shall be deleted.

Sec. 10-221. 106 Permits.

Chapter 1, Scope and administration, Section 106, Permits, shall be amended as follows:

106.6.2 Fee schedule. The fees for all work governed by this code shall be as set forth in the city fee schedule.

106.6.3 Fee refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before the plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permit holder not later than 180 days after the date of fee payment.

106.6.4 Bond. Each license holder desiring to maintain a monthly charge account with the city for permit or inspection fees shall file a surety bond or other cash security in the amount of \$5,000 to guarantee payment of such charges.

Sec. 10-222. 108 Violations.

Chapter 1, Scope and administration, Section 108, Violations, shall be amended as follows:

108.4, Violation penalties. Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred (\$500.00) dollars or by imprisonment

not exceeding thirty (30) days, or by both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

108.5, Stop work orders. Upon notice from the code official that work is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's authorized agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system 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 in violation of this code.

Sec. 10-223. 109 Means of appeal.

Chapter 1, Scope and administration, Section 109, Means of appeal, shall be amended as follows:

109.1 General. Appeals under this article shall be the same as provided for in section 10-61 of the Leavenworth Municipal Code, the terms of which are incorporated herein by this reference.

109.2.-109.7. Shall be deleted.

Sec. 10-224. 110, Licenses added.

Chapter 1, Administration, shall be amended to add/include as follows:

Section 111, Licenses.

Section 111.1 Licenses. It is unlawful for any person to conduct, carry on, or engage in the business of fuel gas systems and gas fired appliances or labor in the trade of fuel gas systems and gas fired appliances without first having had issued a valid license, nor shall any person advertise for fuel gas systems and gas fired appliances work in the city, without such license. Licenses for fuel gas systems and gas fired appliances covered by this code shall be issued in accordance with article IV or VI, chapter 10 of this Code.

Section 111.2 When unlicensed persons may do fuel gas work. It is unlawful for any person other than a licensed plumbing contractor or mechanical contractor to do any construction or work regulated by this article except in the following circumstances.

Homeowners:

1. A letter shall accompany the permit application stating that the owner will live in the dwelling for a minimum of one year from the day of final inspection and is able to do the work to pass all inspections.
2. The owner shall submit a sketch with the permit application showing all fuel gas work desired to be done.

3. When the work is done in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings.
4. When the person doing the work is the bona fide owner of such dwelling and accessory buildings and quarters, and the same are occupied or designed to be occupied by such owner.
5. When such owner shall personally perform all labor in connection therewith.
6. Kansas Gas Meter Relocation: Kansas Gas trained personnel shall be allowed to disconnect and reconnect gas meters to remove from inside a building to outside the building subject to the following:
 - (i) Kansas Gas identifies all the houses by address or area.
 - (ii) Limit pipe-outs to ten feet or less.
 - (iii) Plumbing permits will be secured on all meter sets.
 - (iv) Shut-in tests performed for leakage, Kansas Gas will contact a licensed plumbing contractor if test fails.
 - (v) City inspectors may request air tests be performed by a plumbing contractor at any time.
 - (vi) City inspectors measure all meter sets prior to any work being performed to determine the ten-foot limit.
 - (vii) All meter sets in excess of ten feet will be done by a licensed plumber.
 - (viii) At the end of the project, all piping on the customer side of the meter will be done by a licensed plumbing contractor.

Section 111.3 Working without a license. When an individual performs fuel gas work that requires a license by this code without first obtaining a license, they shall be fined the amount equal to twice the license fee and all work must immediately cease until proper licensing is obtained.

Sec. 10-225. 406 Inspection, testing and purging.

Chapter 4, Gas piping installations, Section 406, Inspection, testing and purging, shall be amended as follows:

406.1 General. Prior to acceptance and initial operation and on any piping system that has not been in operation for one year or longer, all piping installations shall be visually inspected and pressure tested to determine that the materials, design, fabrication, and installation practices comply with the requirements of this code.

406.4.1 Test pressure. The test pressure to be used shall be no less than one and one-half times the proposed maximum working pressure, but not less than 20 psig (138 kPa gauge), irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

Secs. 10-226 - 10-251. Reserved.

ARTICLE VI. MECHANICAL CODE

DIVISION 1. – GENERALLY

Sec. 10-252. International Mechanical Code and appendix adopted.

The city has adopted the ICC International Mechanical Code, 2018 edition, which is incorporated by reference as if fully set forth in this article, except such parts or portions thereof as are specifically changed, omitted, or added to in this article. One copy of the adopted code marked or stamped "Official Copy as Incorporated by the Code of Ordinances of Leavenworth, Kansas," with a copy of this article attached and with all amendments established in this article clearly marked, shall be on file in the office of the city clerk and available to the public for inspection.

Secs. 10-253 - 10-282. Reserved.

DIVISION 2. AMENDMENTS TO ADOPTED MECHANICAL CODE

Sec. 10-283. Generally.

Amendments to the International Mechanical Code are as provided in this division. All references to section and chapter numbers in the text of this division shall be construed as if followed by the words "of the International Mechanical Code," unless clearly indicated in the contrary.

Sec. 10-284. 101 General.

Chapter 1, Scope and administration, Section 101, General, shall be amended as follows:

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

Sec. 10-285. 103 Department of mechanical inspection.

Chapter 1, Scope and administration, Section 103, Department of mechanical inspection, shall be amended as follows:

Section 103, Department of building safety.

103.1 Creation of enforcement agency. The "building inspection division" shall be as provided in chapter 2 of this code. Any reference to the "code official" means the "public works director" or designated agent.

103.2 Appointment. Shall be deleted.

Sec. 10-286. 106 Permits.

Chapter 1, Scope and administration, Section 106, Permits, shall be amended as follows:

106.2.1 Items of replacement exempted from permit and inspection performed by property owner, business employees or nonpaid helpers are; thermostats, registers, filters and duct cleaning.

106.5.2 Fee schedule. The fees for mechanical work shall be as set forth in the city fee schedule.

106.5.3, Fee refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before the plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permit holder not later than 180 days after the date of fee payment.

106.5.4 Bond. Each license holder desiring to maintain a monthly charge account with the city for permit or inspection fees shall file a surety bond or other cash security in the amount of \$5,000 to guarantee payment of such charges.

Sec. 10-287. 108 Violations.

Chapter 1, Scope and administration, Section 108, Violations, shall be amended as follows:

108.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred (\$500.00) dollars, or by imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

108.5 Stop work orders. Upon notice from the code official that mechanical work is being performed contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served

with a stop work order, except such work as that person is directed to perform to remove an unsafe condition, shall be in violation of this code.

Sec. 10-288. 109 Means of appeal.

Chapter 1, Scope and Administration Section 109, Means of appeal, shall be amended as follows:

109.1 General. Appeals under this article shall be the same as provided for in section 10-61 of the Leavenworth Municipal Code, the terms of which are incorporated herein by this reference.

109.2.-109.7. Shall be deleted.

Sec. 10-289. 111 Licenses added.

Chapter 1, Scope and administration, shall be amended to include the following:

Section 111, Licenses.

Section 111.1 Licenses. It is unlawful for any person to conduct, carry on, or engage in the business of mechanical systems or labor in the trade of mechanical systems without first having had issued a valid license, nor shall any person advertise for mechanical work in the city, without such license. Licenses are not transferable from one person to another and the lending of any license or the obtaining of permits thereunder for any other person shall be deemed cause for revocation.

It shall not be necessary for mechanical contractors, master mechanical license holders or, residential landlord mechanical license holders who are presently licensed in the city at the time of the passage of this code to take an examination for a certificate of qualification if they obtain a license during the next subsequent year.

Section 111.2 Type of licenses.

1. A mechanical contractor is a person who may conduct, carry on, or engage in the business of mechanical system work. The mechanical contractor must provide a copy of a master mechanical exam score of a 75 percent or better, in accordance with K.S.A. 12-1541 et seq. Liability insurance requirements shall be as provided in section 10-3.
2. A master mechanical license holder is a person who may conduct, carry on, or engage in the business of mechanical work as an employee of a mechanical contractor. The master mechanical license holder must provide a copy of a master plumbing exam score of a 75 percent or better, in accordance with K.S.A. 12-1541 et seq.
3. A mechanical apprentice is a person who labors at the mechanical trade as an employee of a mechanical contractor.
4. A residential landlord mechanical license holder is a person who may do mechanical work on residential structures for up to three individual living units that he owns. The residential landlord mechanical license holder must

provide a copy of a residential air conditioning exam score of a 75 percent or better, by an approved testing agency acceptable to the jurisdiction having authority. Liability insurance requirements shall be as provided in section 10-3.

Section 111.3 Display of mechanical license. All mechanical license holders, contractors, masters and apprentice, shall carry their licenses on their persons and exhibit the license on the demand of the inspector, his assistants or any officer of the city.

Section 111.4 Renewal. All mechanical licenses pursuant to this article shall expire on December 31 of each year. In addition, proof of 12 hours of continuing education of a type acceptable to the building official shall be submitted biennially at the time of license renewal in order to renew. Any license holder who fails to make proper application for renewal before March 1 shall be required to make an original application and take the qualifying examination.

Section 111.5 Revocation of license. The board of appeals may cancel or revoke any license issued to any person if such person later shows incompetency or lack of knowledge in matter relevant to such license or if such license was obtained by fraud. If the license is canceled or revoked, another such license shall not be granted to such person within 12 months after the date of cancellation or revocation.

Section 111.6 Fees. License fees shall be in accordance with the city fee schedule. If a new license application is made after January 1, of any year, the amount of the fee shall be determined by dividing the annual fee by four and multiplying the figure obtained by the number of quarters, or fractions thereof remaining until the next year.

Section 111.7 When unlicensed persons may do mechanical work. It is unlawful for any person other than a licensed mechanical contractor to do any construction or work regulated by this article except in the following circumstances.

Homeowners:

1. A letter shall accompany the permit application stating that the owner will live in the dwelling for a minimum of one year from the day of final inspection and is able to do the work to pass all inspections.
2. The owner shall submit a sketch with the permit application showing all mechanical work desired to be done.
3. When the work is done in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings.
4. When the person doing the work is the bona fide owner of such dwelling and accessory buildings and quarters, and the same are occupied or designed to be occupied by such owner.
5. When such owner shall personally perform all labor in connection therewith.

Section 111.8 Working without a license. When an individual performs mechanical work that requires a license by this code without first obtaining a license, they shall be fined the

amount equal to twice the license fee and all work must immediately cease until proper licensing is obtained.

Secs. 10-290 - 10-321. Reserved.

ARTICLE VII. RESIDENTIAL CODE

DIVISION 1. GENERALLY

Sec. 10-322. International residential code adopted.

The city has adopted the ICC International Residential Code, 2018 edition, including appendices H, I, J, M, and Q, which is incorporated by reference as if fully set forth in this article, except such parts or portions thereof as are specifically changed, omitted, or added to in this article. One copy of the adopted code marked or stamped "Official Copy as Incorporated by the Code of Ordinances of Leavenworth, Kansas", with a copy of this article attached and with all amendments established in this article clearly marked, shall be on file in the office of the city clerk and available to the public for inspection.

Secs. 10-323 - 10-347. Reserved.

DIVISION 2. AMENDMENTS TO RESIDENTIAL CODE

Sec. 10-348. Generally.

The amendments to the International Residential Code are as provided 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 Residential Code," unless clearly indicated in the contrary.

Sec. 10-349. R101 General.

Chapter 1, Scope and administration, Section R101, General, shall be amended as follows:

R101.1, Title. These provisions shall be known and the Residential Code for One-and Two-family Dwellings of the City of Leavenworth, Kansas, and shall be cited as such and will be referred to herein as "this code."

Sec. 10-350. R103 Department of building safety.

Chapter 1, Scope and administration, Section R103, Department of building safety, shall be amended as follows:

R103.1, Creation of enforcement agency. The "building inspection division" shall be designated in the administrative division annually established as provided in chapter 2 of this code. Any reference to the "building official" means the "public works director" or his designated agent.

R103.2, Appointment. Shall be deleted.

Sec. 10-351. R105 Permits.

Chapter 1, Scope and administration, Section R105, Permits, shall be amended as follows:

R105.2 Work exempt from permit.

Building:

1. One story detached accessory structures, provided that the floor area does not exceed 120 square feet.
2. Fences not over 6 feet high.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways on private property.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
10. Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.

R105.2.4, Additional work exempt from permit shall include the following:

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

Sec. 10-352. R108 Fees.

Chapter 1, Scope and administration, Section R108 Fees, shall be amended as follows:

R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each shall be paid as required, as set forth in the city fee schedule.

R108.5 Refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before the plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permit holder not later than 180 days after the date of fee payment.

R108.6 Work commencing before permit issuance. 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 set forth in the city fee schedule.

108.7 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 \$5,000.00 to guarantee payment of such charges.

Sec. 10-353. R112 Board of appeals.

Chapter 1, Scope and administration, Section R112, Board of appeals, shall be amended as follows:

R112.1 General. Appeals under this article shall be the same as provided for in section 10-61 of the Leavenworth Municipal Code, the terms of which are incorporated herein by this reference.

R112.2 Limitation on authority, R112.3 Qualifications and R112.4 Administration. Shall be deleted.

Sec. 10-354. R113 Violations.

Chapter 1, Scope and administration, Section R113, Violations, shall be amended as follows:

R113.4, Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred (\$500.00) dollars or by imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Sec. 10-355. 115 Licenses added.

Chapter 1, Scope and administration, shall be amended to include as follows:

Section 115, Licenses.

R115.1 Licenses. It is unlawful for any person to conduct, carry on, or engage in the business of electrical, mechanical, fuel gas systems and gas fired appliances, or plumbing, or to labor in the trade of electrical, mechanical, fuel gas systems and gas fired appliances, or plumbing without first having had issued a valid license, nor shall any person advertise for electrical, mechanical, fuel gas systems and gas fired appliances, or plumbing work in the city, without such license. Licenses for electrical, mechanical, fuel gas systems and gas fired appliances, or plumbing covered by this code shall be issued in accordance with article III, IV, or VI, chapter 10, Building and Building Regulations, of the Code of Ordinances of the city.

R115.2 When unlicensed persons may do work. It is unlawful for any person other than a licensed contractor to do any electrical, mechanical, fuel gas systems and gas fired appliances, or plumbing work regulated by this article except in the following circumstance.

Homeowners:

1. A letter shall accompany the permit application stating that the owner will live in the dwelling for a minimum of one year from the day of final inspection and is able to do the work to pass all inspections.
2. The owner shall submit a sketch with the permit application showing all electrical, mechanical, fuel gas systems and gas fired appliances, or plumbing work desired to be done.
3. When the work is done in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings.
4. When the person doing the work is the bona fide owner of such dwelling and accessory buildings and quarters, and the same are occupied or designed to be occupied by such owner.
5. When such owner shall personally perform all labor in connection therewith.

Kansas gas meter relocation: Kansas Gas's trained personnel shall be allowed to disconnect and reconnect gas meters to remove from inside a building to outside the building subject to the following:

1. Kansas Gas identifies all the houses by address or area.
2. Limit pipe-outs to ten feet or less.
3. Plumbing permits will be secured on all meter sets.
4. Shut-in tests performed for leakage, Kansas Gas will contact a licensed plumbing contractor if test fails.
5. City inspectors may request air tests be performed by a plumbing contractor at any time.
6. City inspectors measure all meter sets prior to any work being performed to determine the ten-foot limit.

7. (vii) All meter sets in excess of ten feet will be done by a licensed plumber.
8. At the end of the project, all piping on the customer side of the meter will be done by a licensed plumbing contractor.

R115.3 Working without a license. When an individual performs electrical, mechanical, fuel gas systems and gas fired appliances, or plumbing work that requires a license by this code without first obtaining a license, they shall be fined the amount equal to twice the license fee and all work must immediately cease until proper licensing is obtained.

Sec. 10-356. Building planning table R301.2(1) Climatic and geographic design criteria.

Chapter 3, Building planning, Table R301.2(1) Climatic and geographic design criteria, shall be amended as follows:

| CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA | | | | | | | | | |
|---|--------------------------|---|---------------------|-----------------------|-------------------------|------------------------|------------------|---------|--|
| Ground Snow Load | WIND DESIGN | | | | SEISMIC DESIGN CATEGORY | SUBJECT TO DAMAGE FROM | | | |
| | SPEED (MPH) | Topographic effect | Special wind region | Windborne debris zone | | Weathering | Frost line Depth | Termite | |
| 20 | 115 | NO | NO | NO | A | SEVERE | 36" | YES | |
| CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA | | | | | | | | | |
| WINTER DESIGN TEMP | ICE BARRIER UNDERLAYMENT | FLOOD HAZARDS | | | | AIR FREEZING INDEX | MEAN ANNUAL TEMP | | |
| 6 | YES | A.) 1/9/1978 B.) 7/16/2015 C.) 0129G - 7/16/2015 0133G - 7/16/2015 0134G - 7/16/2015 0137G - 7/16/2015 0139G - 7/16/2015 0141G - 7/16/2015 0142G - 7/16/2015 0143G - 7/16/2015 0144G - 7/16/2015 | | | | 1015 | 54.4 | | |
| MANUAL J DESIGN CRITERIA SHALL BE DELETED | | | | | | | | | |

Sec. 10-357. R302 Fire-resistant construction.

Chapter 3, Building planning, Section R302, Fire-resistant construction, shall be amended as follows:

R302.3 Two-family dwellings. Dwelling units in two-family dwellings shall be separated in accordance with the requirements as set forth in Section R302.2 Townhouses of this code.

Sec. 10-358. R313 Automatic fire sprinkler systems.

Chapter 3, Building planning, Section R313, Automatic fire sprinkler systems, shall be amended as follows:

R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in townhouses of four or more attached units. An automatic fire sprinkler system may be installed in townhouses of three attached units.

Exception: An automatic residential fire sprinkler system shall not be required where additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.

R.313.1.1 Design and installation. Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with Section P2904 or NFPA 13D.

R313.2 One- and two-family dwellings automatic residential fire sprinkler systems. An automatic fire sprinkler system may be installed in one- and two-family dwellings.

R.313.2.1 Design and installation. Automatic residential fire sprinkler systems shall be designed and installed in accordance with Section P2904 or NFPA 13D.

Sec. 10-359. Chapter 11 Energy efficiency amendments.

Chapter 11 Energy efficiency shall be amended as follows:

Section 1101 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. The city is designated as being in Climate Zone 4 for determining the applicable requirements from this chapter.

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) wide or more. Insulating materials shall be installed such that the manufacturer's 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).

N1101.6 Installation. All materials, systems and equipment shall be installed in accordance with the manufacturer's installation instructions and the provisions of this code.

N1101.6.1 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 a 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 (152 mm) below grade.

N1101.7 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.

| 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 |

Section N1102 Building thermal envelope.

N1102.1 Insulation and fenestration criteria. The building thermal envelope shall meet the requirements of Table N1102.1.

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.

Exception: For mass walls not meeting the criterion for insulation location in Section N1102.2.3, the U-factor shall be permitted to be 0.10.

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.

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.

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 ft² (46 m²) of ceiling area.

| TABLE N1102.1 | | | | | | | | | | |
|--|-----------------------|--------------------------------|--------------------------|-----------------|-------------------------|-------------------|---------------|------------------------------------|-------------------------------------|-------------------------|
| INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT ^a | | | | | | | | | | |
| CLIMATE ZONE | FENESTRATION U-FACTOR | SKYLIGHT U-FACTOR ^b | GLAZED FENESTRATION SHGC | CEILING R-VALUE | WOOD FRAME WALL R-VALUE | MASS WALL R-VALUE | FLOOR R-VALUE | BASEMENT WALL R-VALUE ^c | SLAB R-VALUE AND DEPTH ^d | CRAWLSPACE WALL R-VALUE |
| 4 | 0.4 | 0.6 | NR | 38 | 13 | 5 | 19 | 10/13 | 10, 2 FT | 10/13 |

- a) R-values are minimums. U-factors and SHGC are maximums. R-19 insulation shall be permitted to be compressed into a 2 x 6 cavity.
- b) The fenestration U-factor column excludes skylights. The solar heat gain coefficient (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.

| 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 | FLOOR U-FACTOR | BASEMENT WALL U-FACTOR | CRAWLSPACE WALL U-FACTOR |
| 4 | 0.4 | 0.6 | 0.03 | 0.082 | 0.141 | 0.047 | 0.059 | 0.065 |

- a) Nonfenestration U-factors shall be obtained from measurement, calculation or an approved source.

N1102.2.3 Mass walls. Mass walls, for the purposes of this chapter, shall be considered 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. The provisions of Section N1102.1 for mass walls shall be applicable when at least 50 percent of the required insulation

R-value is on the exterior of, or integral to, the wall. Walls that do not meet this criterion for insulation placement shall meet the wood frame wall insulation requirements of Section N1102.1.

Exception: For walls that do not meet this criterion for insulation placement, the minimum added insulation R-value shall be permitted to be 10.

N1102.2.4 Steel-frame ceilings, walls and floors. Steel-frame ceilings, walls and floors shall meet the insulation requirements of Table N1102.2.4 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.

| TABLE N1102.2.4 | | |
|---|-----------------------------------|---|
| 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-38 | | R-49 or R-38 +3 |
| | Steel Joist Ceilings ^b | |
| R-38 | | R-49 IN 2X4 or 2X6 or 2X8 or 2X10 |
| | Steel Framed Wall | |
| R-13 | | R-13 + 5 or R-15 +4 r-21 + 3 |
| | Steel Joist Floor | |
| R-19 | | R19 + R-6 in 2x6 R-19 + R-12 in 2x8 or 2x10 |

- 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.

N1102.2.5 Floors. Floor insulation shall be installed to maintain permanent contact with the underside of the subfloor decking.

N1102.2.6 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 Sections N1102.1 and N1102.2.5.

N1102.2.7 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.

N1102.2.8 Crawl space walls. As an alternative to insulating floors over crawl spaces, insulation of crawl space walls when the crawl space is not vented to the outside is permitted.

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 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.

N1102.2.9 Masonry veneer. Insulation shall not be required on the horizontal portion of the foundation that supports a masonry veneer.

N1102.2.10 Thermally isolated sunroom insulation. The minimum ceiling insulation R-value shall be R-19. The minimum wall R-value shall be R-13. 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 R-factor requirements.

N1102.3.2 Glazed fenestration SHC.C. 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 solar heat gain coefficient (SHGC) requirements in Section N1102.1.

N1102.3.4 Opaque door exemption. One opaque door assembly is exempted from the U-factor requirement in Section N 1102.1.

N1102.3.5 Thermally isolated sun room U-factor. 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. Other sources of infiltration.

N1102.4.2 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 [$1.5(\text{L/s})/\text{m}^2$], and swinging doors no more than 0.5 cubic-foot per minute per square foot [$2.5(\text{L/s})/\text{m}^2$], when tested according to NFRC400 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.

N1102.4.3 Recessed lighting. Recessed luminaires installed in the building thermal envelope shall be sealed to limit air leakage between conditioned and unconditioned spaces by being:

1. IC-rated and labeled with enclosures that are sealed or gasketed to prevent air leakage to the ceiling cavity or unconditioned space; or
2. IC-rated and labeled as meeting ASTM E 283 when tested at 1.57 pounds per square foot (75 Pa) pressure differential with no more than 2.0 cubic feet per minute (0.944 L/s) of air movement from the conditioned space to the ceiling cavity; or
3. Located inside an airtight sealed box with clearances of at least 0.5 inch (13 mm) from combustible material and 3 inches (76 mm) from insulation.

N1102.5 Moisture control. The building design shall not create conditions of accelerated deterioration from moisture condensation. Above-grade frame walls, floors and ceilings not ventilated to allow moisture to escape shall be provided with

an approved vapor retarder. The vapor retarder shall be installed on the warm-in-winter side of the thermal insulation.

Exceptions:

1. In construction where moisture or its freezing will not damage the materials.
2. Frame walls, floors and ceilings. (Crawl space floor vapor retarders are not exempted.)
3. Where other approved means to avoid condensation are provided.

Section N1103 Systems.

N1103.1 Controls. At least one thermostat shall be installed for each separate heating and cooling system.

N1103.1.1 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 and return ducts shall be insulated to a minimum of R-8. Ducts in floor trusses 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 M1601.3.1.

N1103.2.3 Building cavities. Building framing cavities shall not be used as supply duct.

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-2.

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.

Sec. 10-360. G2417 Inspection, testing and purging.

Chapter 24, Fuel gas, Section G2417, Inspection, testing and purging, shall be amended as follows:

G2417.1.1 General. Prior to acceptance and initial operation and on any piping system that has not been in operation for one year or longer, all piping installations shall be visually inspected and pressure tested to determine that the materials, design, fabrication, and installation practices comply with the requirements of this code.

G2417.4.1 Test pressure. The test pressure to be used shall be no less than one and one-half times the proposed maximum working pressure, but not less than 20 psig (138 kPa gauge), irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

Sec. 10-361. P2603 Structural and piping protection.

Chapter 26, General plumbing requirements, Section P2603, Structural and piping protection, shall be amended as follows:

P2603.5.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 12 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 12 inches below grade.

Sec. 10-362. E3403, Inspection and approval.

Chapter 34, General requirements, Section E3403, Inspection and approval, shall be amended as follows:

E3403.2.1 Electrical systems off for over one year. Each building or electrical system that has been disconnected or has not been in use for one year or longer shall require a service reconnection inspection be made prior to reconnection of the building or electrical system to the utility source of energy or power.

E3406.2 Conductor material. Conductors used to conduct current shall be of copper or aluminum except as otherwise provided in Chapters 34 through 43. Aluminum or copper clad wire must be 60 amperes or larger and used only for service entrance conductors or panel feeders. Where the conductor material is not specified, the material and the sizes given in these chapters shall apply to copper conductors. Where other materials are used, the conductor size shall be changed accordingly. (110.5)

Sec. 10-363. E3406, Electrical conductors and connections.

Chapter 34, General requirements, Section E3406, Electrical conductors and connections, shall be amended as follows:

E3406.2 Conductor material. Conductors used to conduct current shall be of copper or aluminum except as otherwise provided in chapters 34 through 43. Aluminum or copper clad wire must be 60 amperes or larger and used only for service entrance conductors or panel feeders. Where the conductor material is not specified, the material and the sizes given in these chapters shall apply to copper conductors. Where other materials are used, the conductor size shall be changed accordingly. (110.5)

Sec. 10-364. E3601, General services.

Chapter 36, Services, Section E3601, General services, shall be amended as follows:

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 point of entrance of the service conductors. When service conductors are more than 6 feet from the point of entry to the service panel, a separate means of disconnect shall be installed at the service conductor entrance to the building. Service disconnecting means shall not be installed in bathrooms. Each occupant shall have access to the disconnect serving the dwelling unit in which they reside.

Sec. 10-365. E3602, Service size and rating.

Chapter 36, Services, Section E3602, Service size and rating, shall be amended to include as follows:

E3602.5 Minimum service entrance size.

1. New and existing one- and two-family dwellings with floor area not exceeding 1,000 square feet—100 amperes.
2. New and existing one- and two-family dwellings with floor area equal to or exceeding 1,000 square feet—150 amperes.

Sec. 10-366. E3902, Ground-fault and arc-fault circuit-interrupter protection.

Chapter 39, Power and lighting distribution, Section E3902, Ground-fault and arc-fault circuit-interrupter protection, shall be amended as follows:

E3902.2 Garage and accessory building receptacles. All 125-volt, single-phase, 15- and 20-ampere receptacles installed in garages and grade-level portions of unfinished accessory buildings used for storage or work areas shall have ground-fault circuit-interrupter protection for personnel.

Exceptions:

1. A dedicated single receptacle for a garage door opener.
2. A single receptacle supplied by a dedicated branch circuit that is located and identified for specific use by cord-and plug-connected appliance such as a refrigerator or freezer.
3. A dedicated single receptacle for a sump pump.
4. A dedicated single receptacle supplying a permanently installed fire alarm or security alarm system.
5. Receptacles installed in accordance with these exceptions shall not be considered as meeting the requirements of Section E3901.9.

E3902.5 Unfinished basement receptacles. All 125-volt, single-phase, 15- and 20-ampere receptacles installed in unfinished basements shall have ground-fault circuit interrupter protection for personnel. For purposes of this section, unfinished basements are defined as portions or areas of the basement not intended as habitable rooms.

Exceptions:

1. A dedicated single receptacle for a garage door opener.
2. A single receptacle supplied by a dedicated branch circuit that is located and identified for specific use by cord-and plug-connected appliance such as a refrigerator or freezer.
3. A dedicated single receptacle for a sump pump.
4. A dedicated single receptacle supplying a permanently installed fire alarm or security alarm system.
5. Receptacles installed in accordance with these exceptions shall not be considered as meeting the requirements of Section E3901.9.

Secs. 10-367—10-378. - Reserved.

ARTICLE VIII. SWIMMING POOL AND SPA CODE

DIVISION 1. GENERALLY.

Sec. 10- 379. Swimming pool and spa code adopted.

The city has adopted the ICC International Swimming Pool and Spa Code, 2018 edition, which is incorporated by reference as if fully set forth in this article, except such parts or portions thereof as are specifically changed, omitted, or added to in this article. One copy of the adopted code marked or stamped "Official Copy as Incorporated by the Code of Ordinances of Leavenworth, Kansas," with a copy of this article attached and with all amendments established in this article clearly marked, shall be on file in the office of the city clerk and available to the public for inspection.

Secs. 10-380—10-390 . Reserved.

DIVISION 2. AMENDMENTS TO SWIMMING POOL AND SPA CODE.

Sec. 10-391 . Generally.

Amendments to the adopted International Swimming Pool and Spa Code are as provided 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 Swimming Pool and Spa Code," unless clearly indicated to the contrary.

Sec. 10- 392. 101 General.

Chapter 1, Scope and Administration, Section 101, General, shall be amended as follows:

101.1 Title. These regulations shall be known as the Swimming Pool and Spa Code of the City of Leavenworth, Kansas, hereinafter referred to as "this code."

Sec. 10- 393. 103 Department of building safety.

Chapter 1, Scope and Administration, Section 103, Department of building safety, shall be amended as follows:

103.1, Creation of enforcement agency. The "building inspection division" shall be designated in the administrative division annually established as provided in chapter 2 of this code. Any reference to the "code official" means the "public works director" or designated agent.

103.2, Appointment. Shall be deleted.

Sec. 10-394 . 105 Permits.

Chapter 1, Scope and Administration, Section 105, Permits, shall be amended as follows:

105.6.2 Fee schedule. The fees for work under this code shall be as set forth in the city fee schedule.

105.6.3 Fee refunds. The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before the plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permit holder not later than 180 days after the date of fee payment.

105.6.4 Bond. Each license holder desiring to maintain a monthly charge account with the city for permit or inspection fees shall file a surety bond or other cash security in the amount of \$5,000 to guarantee payment of such charges.

Sec. 10-395. 107 Violations.

Chapter 1, Scope and Administration, Section 107, Violations, shall be amended as follows:

107.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair a pool or spa in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred (\$500.00) dollars, or by imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

107.5 Stop work orders. Upon notice from the code official, work on any system that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code.

Sec. 10-396. 108 Means of appeal.

Chapter 1, Scope and Administration Section 109, means of appeal, shall be amended as follows:

108.1 General. Appeals under this article shall be the same as provided for in section 10-61 of the Leavenworth Municipal Code, the terms of which are incorporated herein by this reference.

108.2.-108.7. Shall be deleted.

Secs. 10-397 - 10- 410. Reserved.

ARTICLE IX. EXISTING BUILDING CODE.

DIVISION 1. GENERALLY.

Sec. 10-411. International existing building code adopted.

The city has adopted the ICC International Existing Building Code, 2018 edition, which is incorporated by reference as if fully set forth in this article, except such parts or portions thereof as are specifically changed, omitted, or added to in this article. One copy of the adopted code marked or stamped "Official Copy as Incorporated by the Code of Ordinances of Leavenworth, Kansas," with a copy of this article attached and with all amendments established in this article

clearly marked, shall be on file in the office of the city clerk and available to the public for inspection.

Secs. 10-412 - 10-422. Reserved.

DIVISION 2. AMENDMENTS TO ADOPTED EXISTING BUILDING CODE

Sec. 10-423. Generally.

The amendments to the adopted International Existing Building Code are as provided 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 Existing Building Code," unless clearly indicated in the contrary.

Sec. 10-424. 101 General amended.

Chapter 1, Scope and Administration, Section 101, General, shall be amended as follows:

101.1 Title. These regulations shall be known as the Existing Building Code of the City of Leavenworth, Kansas, hereinafter referred to as "this code."

Sec. 10-425 101 General added.

Chapter 1, Scope and Administration, Section 101, General, shall be amended by including as follows:

101.4.3 Vacant buildings. A building or portion of a building that has not been occupied for 24 months or longer shall be assigned an occupancy classification of Low-hazard storage, Group S-2, for the purpose of enforcement of this code. The code official is authorized to assign a different occupancy classification when circumstances exist that the code official determines that the Low-hazard storage, Group S-2, is not appropriate.

Section 10-426. 103 Department of building safety.

Chapter 1, Scope and Administration, Section 103, Department of building safety, shall be amended as follows:

103.1, Creation of enforcement agency. The "building inspection division" shall be designated in the administrative division annually established as provided in chapter 2 of this code. Any reference to the "code official" means the "public works director" or designated agent.

103.2, Appointment. Shall be deleted.

Section 10-427. 105 Permits.

Chapter 1, Scope and Administration, Section 105, Permits, shall be amended with the addition of the following:

105.2.4, *Additional work exempt from permit* shall include the following:

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

Sec. 10-428. 108 Fees amended.

Chapter 1, Scope and Administration, Section 108, Fees, shall be amended as follows:

108.2, *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 as required, as set forth in the city fee schedule.

108.4, *Work commencing before permit issuance.* 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 set forth in the city fee schedule.

108.6, *Refunds.* The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before the plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permit holder not later than 180 days after the date of fee payment.

Sec. 10-429. Fees added.

Chapter 1, Scope and 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 as set forth in the city fee schedule, 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 \$5,000.00 to guarantee payment of such charges.

Sec. 10-430. 110 Inspections.

Chapter 1, Scope and Administration, Section 110, Inspections, shall be amended as follows:

110.1 General. Construction or work for which a permit is required shall be subject to inspection by the code official and such construction or work shall remain visible and able to be accessed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation or 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 owner or the owner's authorized agent to cause the work to remain visible and able to be accessed for inspection purposes. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection. The code official or designated agent may waive any of the required inspections at their discretion.

Sec. 10-431. 112 Board of appeals.

Chapter 1, Scope and Administration, Section 112, Board of appeals, shall be amended as follows:

112.1 General Appeals under this article shall be the same as provided for in section 10-61 of the Leavenworth Municipal Code, the terms of which are incorporated herein by this reference.

112.2 Limitations on authority. Shall be deleted.

112.3 Qualifications. Shall be deleted.

Sec. 10-432. 115 Unsafe Structures and equipment.

Chapter 1, Scope and Administration, Section 115, Unsafe structures and equipment, shall be amended as follows:

All buildings or structures which are unsafe or not provided with adequate egress or which constitute a fire hazard or are otherwise dangerous to human life, or unfit for human occupancy, or 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, or other conditions or defects as specified in this code, or any other effective ordinance are, for the purpose of this section, unsafe buildings. Such unsafe buildings are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures specified in state law or this code, including but not limited to Article XI of the Leavenworth Municipal Code, which is incorporated herein by this reference.

Sec. 10-433. 117 Demolition.

Chapter 1, Scope and administration, Section 117, Demolition, shall be deleted.

Secs. 10-434. - 10-445. - Reserved.

ARTICLE X. PROPERTY MAINTENANCE.

DIVISION 1. INTERNATIONAL PROPERTY MAINTENANCE CODE.

Sec. 10-446. International property maintenance code adopted.

The city has adopted the ICC International Property Maintenance Code, 2018 edition, including appendix A, which is incorporated by reference as if fully set forth in this article, except such parts or portions thereof as are specifically changed, omitted, or added to in this article. One copy of the adopted code marked or stamped "Official Copy as Incorporated by the Code of Ordinances of Leavenworth, Kansas," with a copy of this article attached and with all amendments established in this article clearly marked, shall be on file in the office of the city clerk and available to the public for inspection.

Secs. 10-447 - 10-457 Reserved.

DIVISION 2. AMENDMENTS TO ADOPTED PROPERTY MAINTENANCE CODE.

Sec. 10-458. Generally.

The amendments to the adopted international property maintenance code are as provided 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 property maintenance code," unless clearly indicated in the contrary.

Sec. 10-459. 101 General.

Chapter 1, Scope and administration, section 101, General shall be amended to read:

Section [A] 101.1 Title. These regulations shall be known as the "International Property Maintenance Code" of The City of Leavenworth, hereinafter referred to as "this code".

Sec. 10-460. 103 Department of property maintenance inspection.

Chapter 1, Scope and administration, section 103, Department of property maintenance inspection shall be amended to read:

Section [A] 103.5 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the city fee schedule.

Sec. 10-461. 110 Demolition.

Chapter 1, Scope and administration, Section 110, Demolition, shall be amended as follows:

Section 110.1 General. All buildings or structures which are unsafe or not provided with adequate egress or which constitute a fire hazard or are otherwise dangerous to human life, or unfit for human occupancy, or 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, or other conditions or defects as specified in this code, or any other effective ordinance are, for the purpose of this section, unsafe buildings. Such unsafe buildings are declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures specified in state law or this code, including but not limited to Article XI of the Leavenworth Municipal Code, which is incorporated herein by this reference.

110.2.-110.4. Shall be deleted.

Sec. 10-462. 111 Means of appeal.

Chapter 1, Scope and administration, Section 111, Means of appeal, shall be deleted.

Sec. 10-463. 112 Stop work order.

Chapter 1, Scope and administration, Section 112, Stop work order, Section [A] 112.4 Failure to Comply, shall be amended to read:

Section [A] 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 that person is directed to perform to remove a violation or unsafe condition, shall be subject to prosecution in municipal court.

Sec. 10-464. 2 General definitions.

Chapter 2, Definitions, Section 2, General definitions shall be amended to read:

[a] Code official. The department head or other person designated by the city manager to enforce this article. The present designated code official is the zoning administrator, community development department. All officers of the city including code enforcement, law enforcement and building inspection personnel may report violations to this person who shall investigate and determine appropriate action. Citizens are also encouraged to report violations of this code to the designated code official.

Sec. 10-465. 302 Exterior property maintenance areas.

Chapter 3, General requirements, Section 302, Exterior property maintenance areas shall be amended to read:

Section 302.4 Weeds, Premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches in height. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

Sec. 10-466. 304 Exterior structure.

Chapter 3, General requirements, Section 304 Exterior structure shall be amended to read:

Section 304.14 Insect Screens During the period from April 1 to October 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 minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

Sec. 10-467. 602 Heating facilities.

Chapter 6, Mechanical and electrical requirements, Section 602 Heating facilities shall be amended to read:

Section 602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to April 1 to maintain a minimum temperature of 60°F (20°C) 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°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

Section 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to April 1 to maintain a minimum temperature of 65°F (18°C) 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.

Sec. 10-468. Purpose.

The purpose of this article is to provide for enforcement of property maintenance standards which are considered essential to health and sanitation, but their violation would not necessarily make a home unfit for continued occupancy. Each standard enumerated herein is a minimum order of law. Persons are encouraged to maintain their properties to higher standards.

Secs. 10-469. - 10-526. - Reserved.

ARTICLE XI. UNSAFE OR DANGEROUS STRUCTURES; ABANDONED PROPERTY.

Sec. 10-527. State law adopted.

The provisions of K.S.A. 12-1750-12-1756g are adopted by reference as though fully set forth herein. The term "abandoned property" shall have such meaning as is provided in K.S.A. 12-1750, as amended.

Sec. 10-528. Designation of enforcing officer.

The environmental officer is designated as the enforcing officer charged with the administration of the provisions of this article.

Sec. 10-529. Prohibition.

It is unlawful to maintain or allow the existence of any unsafe or dangerous structure, or any abandoned property, in the city. It is unlawful for the owner, occupant or custodian of any unsafe or dangerous structure to permit such structure to remain in such an unsafe or dangerous condition or to occupy, permit occupation or otherwise utilize such a structure while it remains in an unsafe or dangerous condition. It is unlawful for the owner or custodian or any abandoned property to permit such property to remain as abandoned property, whether as the result of unpaid taxes or such property having a blighting influence (as defined in K.S.A. 12-1750, as amended).

Sec. 10-530. Determination.

- (a) When the enforcing officer shall file with the city commission a statement in writing that any structure is unsafe or dangerous or is abandoned property, describing the structure and where located, the city commission shall by resolution fix a time and place at which the owner, the owner's agent, any lienholder of record,

and any occupant of such structure may appear and show cause why such structure should not be condemned and ordered repaired or demolished, or rehabilitated in the case of abandoned property.

- (b) The resolution provided for in subsection (a) of this section shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail within three days after its first publication to each such owner, agent, lienholder or occupant at their last-known place of residence and shall be marked "deliver to addressee only."
- (c) On the date fixed for hearing under this section or any adjournment thereof, the city commission shall hear all evidence submitted by the owner, the owner's agent, lienholders of record and occupants having an interest in such structure, as well as evidence submitted by the enforcing officer filing the statement and shall make findings by resolution. If the city commission finds that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired or removed and the premises made safe or secure. If the city commission finds that such structure is abandoned property, the governing body may authorize the rehabilitation of such property as provided by K.S.A. 12-1756a, as amended. Such resolution shall be published once in the official city newspaper and a copy thereof mailed to the owners, agents, lienholders of record and occupants in the same manner provided in the notice of hearing. The resolution shall fix a reasonable time within which the repair or the removal of such structure shall be commenced, and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated, or fails to diligently prosecute such repair or removal until the work is completed, the city commission will cause the structure to be repaired or razed and removed in the case of unsafe or dangerous structures, or rehabilitated in the case of abandoned property.

Sec. 10-531. Posting of notice.

The enforcement officer shall place a notice on the particular structures found by the enforcement officer to be unsafe or dangerous, reading as follows: "This structure has been found to be unsafe or dangerous by the Enforcement Officer of Leavenworth, Kansas." This notice is to remain on this building until it is repaired or demolished in accordance with the notice which has been given the owner, the owner's agent, any lienholder of record and any occupant of this structure.

Sec. 10-532. Vacation of premises.

Any structure condemned as unfit for human habitation, and so designated and placarded by the enforcement officer, shall be vacated within 30 days after notice of such condemnation has been given to the owner, the owner's agent, any lienholder of record and any occupant of the structure.

Sec. 10-533. Reuse only after defects are corrected.

No structure which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until approval is secured from and such placard is removed by the enforcement officer. The enforcement officer shall remove such placard when the defect upon which the condemnation and placarding action were based has been eliminated.

Sec. 10-534. Removing notices prohibited.

No person shall deface or remove the placard from any structure which has been condemned as unfit for human habitation and placarded as such, except as provided in this article.

Sec. 10-535. Abatement by city; collection of costs.

- (a) If the owner of any structure determined to be unsafe or dangerous fails to commence the repair or removal of such structure within the time stated in the resolution or has failed to diligently prosecute such repair or removal thereafter, the city may proceed to raze and remove the structure, make the premises safe and secure or let the same to contract. The city shall keep an account of the cost of such work and may sell the salvage from such structure and apply the proceeds or any necessary portion thereof to pay the costs of removing such structure and making the premises secure. All moneys in excess of that necessary to pay such costs shall, after payment of all costs, be paid to the owner of the premises upon which the structure was located.
- (b) If there is no salvageable material or money received from the salvage is insufficient to pay the costs of such work, such costs, or any portion thereof, including an administrative cost as set out in the city fee schedule, shall be assessed as a special assessment against the parcel of land on which the structure is located and the city clerk shall, at the time of certifying other city taxes, certify the unpaid portion of the costs, and the county clerk shall extend such costs on the tax rolls of the county against the lot or parcel of land. When any structure is removed from any premises under the provisions of this article, the city clerk shall certify to the county assessor that such structure, describing the same, has been so removed.
- (c) If there is no salvageable material, or if the moneys received from the sale of salvage is insufficient to pay the cost of the work, such costs, or any portion thereof in excess of that received from the sale of the salvage, may be financed until the assessment is paid out of the general fund or by the issuance of no fund warrants. When no fund warrants are issued under the authority of K.S.A. 12-1755, or any amendments thereto, the city commission shall make a tax levy at the first tax levying period for the purpose of paying such warrants and the interest thereon, all as provided by K.S.A. 12-1755.

Sec. 10-536. Immediate hazard.

When, in the opinion of the enforcing officer, any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, such officer may erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay, and such action may, under such circumstances, be taken without prior

notice to or hearing of the owners, agents, lienholders and occupants. The cost of any such action shall be assessed against the property and paid in the manner provided by section 10-535 above.

Sec. 10-537. Duties of owner after removal of structure.

The owner of any structure, upon removing the structure, shall fill any basement or other excavation located upon the premises and take any other action necessary to leave such premises in a safe condition.

Secs. 10-538 - 10-567. Reserved.

ARTICLE X11 MOVING OF STRUCTURES

DIVISION 1. GENERALLY

Sec. 10-568 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:

Structure means any house, building, derrick or any other similar structure.

Public property means any street, alley, public right-of-way, park, city building, bridges or other city owned property.

Sec. 10-569. Compliance with construction codes; inspections; expenses.

All structures that are constructed outside the city and then moved to the city for erection or location will have to meet and comply with the current building, electrical, plumbing and other codes of the city. The city inspection team will make spot checks at the location of the manufacturer of structures to be erected in the city, or the manufacturer shall provide a certification by an engineer licensed to do business in the state, or other approval inspection agency, certifying that each home meets all city construction codes. The manufacturers of structures that are erected in the city shall be required to pay the travel expense for the city inspectors to visit their respective plants if travel is necessary.

Sec. 10-570. Duty of mover, damages.

- (a) It shall be the duty of the applicant, the applicant's agent and employees, to whom a permit is issued under this article, to move such structure with rubber-tired equipment along the route designated in the permit with the least possible interference with the use public property for public purposes.
- (b) If in the moving of any structure under this article any person shall cause damage to any public property, the same shall be immediately repaired under the direction and supervision of the public works director or designee.

- (c) It shall be the duty of the applicant to notify all utility companies of the move to obtain approval and to coordinate any necessary modification or moving of wires, cables, poles or other property. All expense incurred shall be coordinated between the applicant and the utility company.

Sec. 10-571. Cutting or trimming of trees, owner's consent.

It is unlawful for any person moving any structure to cut or trim any trees growing upon any property abutting any street, avenue or alley without the consent of the owner of the property. Trees in the public rights-of-way may be trimmed only upon the approval of the parks and recreation director or designee.

Sec. 10-572. Damaging trees.

Any person moving any structure within the city shall use care to prevent injury to trees and shall be liable for any damage. Such damage shall immediately be reported to the city inspector to estimate and determine such damage.

DIVISION 2. PERMIT

Sec. 10-573. Permit, fees, deposit of costs, liability insurance required.

No person shall engage in the moving of any structure within the city without first having made application to the city clerk and paying the permit fee provided in the city fee schedule.

Liability insurance is required. The contractor, licensee or permittee shall file with the city clerk a certificate of liability insurance issued by a company authorized to do business in the state providing \$1,000,000.00 per occurrence for bodily injury or property and \$2,000,000.00 aggregate coverage. The description of operations section of such policy shall include a reference to the activity for which the insurance is issued and the words "City of Leavenworth, its assigned, officers and affiliates are additional insured on a primary and non-contributory basis." The policy shall also include a provision that notice of change or cancellation shall be given to the city. The applicant, licensee or permit holder shall hold the city harmless for all claims that may arise against the city by any person for damages caused by the licensee to persons or property.

The application shall be in writing to the city clerk. The application shall describe the structure, its size, current location and where the structure it is to be relocated. City staff shall review the application and determine the following:

1. Route to be taken.
2. Conformity to all codes of the city.
3. Any required moving or rearrangement of any city property to include but not limited to city trees, street signs, wires and traffic lights. An estimate of the reasonable cost and expenses necessary to cut, elevate, rearrange or reconstruct to allow passage of the structure shall be provided to the applicant.

Before the permit shall be issued, the applicant shall deposit with the city clerk a sum sufficient to cover one-half of such estimated cost and expense.

After approval by city staff, proof of liability insurance provided, and a deposit of the sum of one-half of the estimate cost and expense to the city for the moving or rearrangement of city property as describe in the applications process, the permit shall be issued. The permit shall designate the name of the applicant, name of owner, the route to be used, the date and time of the move and any other details and requirements deemed necessary by city staff.

After the work is done, the actual cost of city expenses incurred will be calculated. The applicant shall pay within 30 days any remaining balance due not covered by the deposit. Should the deposit be in excess of the actual costs, the excess shall be returned to the applicant within 14 days.

Sec. 10-574. Denial, revocation and appeal.

- (a) If a permit is not issued, the city clerk or designee shall indicate in writing the reasons for denial and inform the applicant of the applicant's right to an appeal of the denial in accordance with the provision of this article.
- (b) A permit may be revoked if the applicant fails to provide true and correct information on the application, the applicant fails to continuously maintain insurance in accordance with requirements of this chapter, or upon a violation by the applicant or any involved agents or employees of any provision of this Code or any federal, state, or local law, rule, or regulation applicable or related to the license or permit issued under this article. Notice of such revocation shall be mailed by the city clerk or designee to the applicant's address as shown on the registration application form, or to the applicant's last-known address, indicating in writing the reasons for revocation and informing the applicant of the applicant's right to an appeal of the revocation in the same manner as a denied application; however, any appeal of a license or permit revocation shall not suspend the revocation during the pendency of the appeal.
- (c) Upon the city's denial of an application for revocation of a permit under this article, the applicant shall have the right to appeal such action within 14 days of the denial or revocation being mailed to the applicant's address as shown on the registration application form, or to the applicant's last-known address. Such an appeal must be in the form of a written request, filed with the city clerk, setting the grounds for the appeal. Upon receipt of such a written request, the city clerk shall schedule the appeal hearing to take place during the next ten calendar days, before the city manager. Notice of the appeal hearing shall be given to the appellant in the same manner as provided for in the mailing of the notice of license or permit denial or revocation. The decision of the city manager on the appeal shall be final and binding on all parties.

Secs. 10-575 - 10-590. Reserved.

ARTICLE XIII. RENTAL REGISTRATION PROGRAM

Sec. 10-591. 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:

Dwelling means a building or structure or portion of a building or structure designed for or used for human habitation, including any rental unit or rooming unit.

Dwelling unit or *unit* means any room or group of rooms located within a dwelling and forming a single habitable unit with cooking, living, sanitary and sleeping facilities or rooming unit.

Operator/manager means any person who, alone or jointly or severally with others, shows rental dwelling units to prospective tenants or enters lease agreements on the owner's behalf or receives rent from tenants.

Owner means any person who, alone or jointly or severally with others:

- (1) Has legal title to any building with or without accompanying actual possession thereof;
- (2) Has charge, care or control of any building or structure or part thereof as agent or personal representative of the person having legal title to the building or structure or part thereof; or
- (3) Has possession or right to possession under a contract for deed.

Premises means the building in which the unit is located and all land appurtenant to such building.

Registered agent means the person designated by the owner to be the agent required by sections 10-593 and 10-594.

Rental housing complex means any residential rental units of any nature or character on one property or on adjacent property under common ownership.

Tenant/occupant means any person living, sleeping, cooking or eating at or actually having possession of a rental dwelling, dwelling unit or a rooming unit.

Unit means any dwelling unit or rooming unit.

Sec. 10-592. Applicability.

- (a) The provisions of this article shall apply to all rental dwellings, including rented single-family and multifamily dwellings and rented dwelling units in owner-occupied dwellings.
 - (1) A one-time registration shall be filed per owner of all property in which rental dwellings exist providing all property is titled under the same name;
 - (2) If the owner of the property in which rental dwellings exist is titled under different names, each property titled differently will be required to submit additional registrations; and

- (3) The city shall have the authority to exercise its powers under this article, including the power to enforce or to declare one or more of the owner's rental dwellings in violation of this article.
- (b) The provisions of this article shall not apply to:
 - (1) State-licensed hotels, motels, and bed and breakfast facilities or to convents, monasteries, parish houses or rectories, mosques, temples, churches, synagogues, hospitals, licensed nursing homes;
 - (2) Assisted living facilities subject to inspection by other government agencies;
 - (3) Jails; or
 - (4) Residential dwelling units owned and operated by any housing authority.

Sec. 10-593. Application for registration.

- (a) No person shall allow any dwelling units in the city to be occupied or rent to another for occupancy unless the owner has first registered under the terms of this article. The owner of each rental dwelling shall make written application for registration to the city clerk's office on a form furnished by the city for such purpose. No application shall be considered without payment of the registration fee in the amount provided in the city fee schedule. The application shall set forth the following information:
 - (1) *Owner information.* If the owner is a partnership or limited liability company, the name of the entity and the name, residence address, and telephone number of the managing partner or member shall be provided. If the owner is a corporation, the name and address of the corporation and the name, residence address, and telephone number of the chief operating officer shall be provided.
 - (2) *Registered agent information.* In cases where the owner of a rental dwelling resides more than 40 miles outside of the city, the owner shall designate a resident agent who shall reside within a 40-mile radius of the corporate limits of the city, and the registered agent's name, street and mailing address, and telephone number must be included on the application.
 - (3) *Manager information.* If some person other than the owner, manager or agent is actively involved in and responsible for the maintenance and management of the premises, that person's name, street and mailing address, and telephone number must be given in the application.
 - (4) *Keeper of tenant register.* The name, address, street and mailing address, and telephone number of the person designated as responsible for maintaining a current register of all tenants and other persons with a lawful right of occupancy to a rental dwelling.
 - (5) *Location; number and type of units.* Address identifying locations of the rental dwelling owned by the owner and the number and type of rental units in the building (dwelling units, rooming units or shared bath units).
- (b) Post office box addresses are not acceptable for any address required in this section. A street address must be provided.

Sec. 10-594. Duties of licensee and registered agents.

Every owner of a residential rental property shall notify the city in writing of any changes of information contained in the last registration filed within 30 days of the changed information. The registered agent shall be jointly and severally responsible with the owner for the upkeep and maintenance of the premises, compliance with this article and all other codes regulating the premises and acceptance of service of process and of all notices under this article.

Sec. 10-595. Penalties; remedies not exclusive.

- (a) *Failure to comply with any term of this article is unlawful.* The minimum penalty for a registration violation will be \$150.00. Each day that a person fails to comply as required by this article shall constitute a separate offense. Fines and penalties shall be consistent with the city's uniform offense code.
- (b) *The remedies provided in this article are not exclusive.* They are in addition to and do not supersede or pre-empt other remedies such as a declaration of being unsafe or dangerous, written violation orders and warnings and criminal charges for violation of substantive provisions of any city or state code relating to housing maintenance, fire safety, building codes, zoning, health and the like. Further, the remedies in this article do not supersede or affect the legal rights and remedies of tenants provided under state law or this Code.

Sec. 10-596 – 10-615. Reserved.

Section 2. REPEAL. Chapter 10, Buildings and Construction, of the Code of Ordinances of the City of Leavenworth, Kansas, in existence as of and prior to the adoption of this ordinance, are hereby repealed.

Section 3: EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

PASSED and APPROVED by the Governing Body on this 28th day of April 2020.

Myron J. "Mike" Griswold, Mayor

{Seal}

ATTEST:

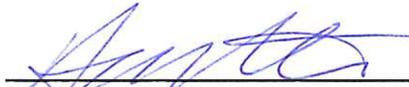
Carla K. Williamson, CMC, City Clerk

POLICY REPORT PWD NO. 20-22

UPDATE ON UNSAFE STRUCTURE
228-230 OTTAWA STREET

April 28, 2020

Prepared by:



Harold D. Burdette,
Chief Building Inspector

Reviewed by:



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

Reviewed by:



Paul Kramer,
City Manager

ISSUE:

Update status of the unsafe structure located at 228-230 Ottawa Street.

BACKGROUND:

This two-family structure was damaged by fire on June 25, 2019. The City received a check from insurance proceeds for \$11,250. A Public Hearing was held on October 22, 2019 regarding the status of repairs. The Commission adopted Resolution No. B-2238, which stated that the owner was to begin repairs and the City Commission would review the status of the project in 90 days.

A building permit had been issued before the Public Hearing to the owner, Mr. James L. Patterson, on July 22, 2019. The City Commission reviewed this issue at the January 28, 2020 meeting and gave the owner a 90-day extension to complete the work to the point that the funds could be released. Staff has tried to reach Mr. Patterson by telephone, but have not been able to make contact. A letter has been sent requesting that Mr. Patterson contact staff and provide an update on the project. Some additional progress appears to have been made, such as new windows on the second floor, but the siding along the window has not been replaced yet. As far as staff is aware, the electrical work has not been completed on the second floor. The first floor was sheetrocked last year, but the second floor is still not ready.

On other fire-damaged projects in recent years where the City received insurance proceeds, staff has released the funds when repairs had been completed to the point that the structure was watertight on the exterior, and the interior was ready for sheetrock to be installed.

RECOMMENDATION:

Staff recommends that the City Commission allow up to another 90 days for repairs to be made to 228-230 Ottawa Street.

ATTACHMENT:

Picture of property



MAYOR'S APPOINTMENT

April 28, 2020

Mayor Griswold

Motion:

"Move to

Re-appoint to the Board of Zoning Appeals Jan Horvath to terms ending May 1, 2023;

Re-appoint to the Building Code Board of Appeals John Larkin to a term ending May 1, 2025;

Appoint to the Electrical Board of Appeals Tyler Haas to a term ending May 1, 2025;

Appoint to the Library Board Melissa Davis to a term ending April 30, 2023;

Appoint to the Mechanical Board of Appeals Brett Grossenburg to a term ending May 1, 2025;

Appoint to the Plumbing Board of Appeals Terry Scarf to a term ending May 1, 2025.

Requires a second and vote by the Governing Body.

POLICY REPORT PWD NO. 20-21

CONSIDER CHANGE ORDER No. 1 FOR THE BAR SCREEN REPAIR PROJECT

April 28, 2020

Prepared by:



Tim Guardado
WPC Superintendent

Reviewed by:



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

Reviewed by:



Paul Kramer,
City Manager

ISSUE:

Consider Change Order No. 1 for the Bar Screen Repair Project

BACKGROUND:

On November 12, 2019, the City Commission approved the sole source contract for the repair/replacement of the West Bar Screen for \$140,788 submitted by Douglas Pump/C & B.

Douglas Pump/C & B needed to obtain actual field measurements to ensure the replacement bar screen will fit into the existing frame. City Staff cleaned the Bar Screen and Douglas Pump/C & B brought in the manufacturer (Infilco Degremont) to get the necessary measurements. Excessive wear on the rollers and bushings of both pin racks was identified. The pin racks are the combination drive and guide for the main mechanism of the bar screen. They noted that without new pin racks the rake will possibly jump the tracks causing damage to the new rake.

The replacement of the pin racks were not included in the original estimate. The project cannot move forward until the matter of keeping the existing pin racks (1997) or purchasing replacement units is resolved. The additional cost for the new pin racks and installation is \$38,120.

Pictures of the pin racks are shown below. They are essentially a stationary chain with roller links that the drive wheel of the rake assembly fits into.



ATTACHMENTS:

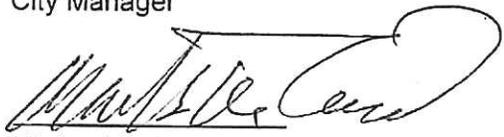
November 12, 2019 Policy report
Revised Quote (3/25/2020)

POLICY REPORT PWD NO. 19-53
CONSIDER APPROVAL OF SOLE SOURCE CONTRACT WITH DOUGLAS PUMP
FOR WATER POLLUTION CONTROL DIVISION
REPAIR BAR SCREEN RAKE & ASSEMBLY

November 12, 2019

Prepared by: 
Tim Guardado
Acting WPC Superintendent

Reviewed by: 
Paul Kramer
City Manager


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

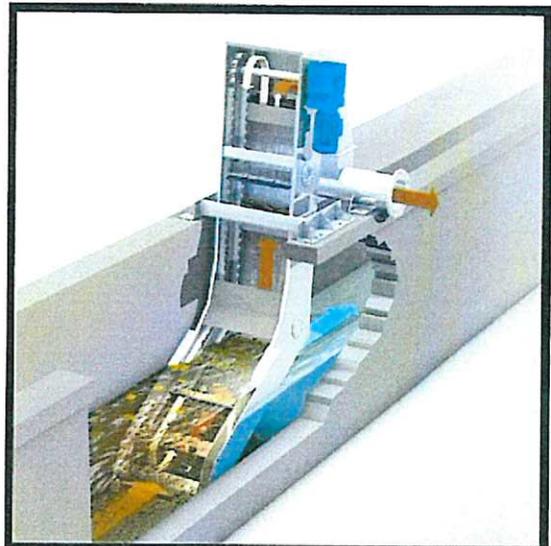
ISSUE:

Bar rake and assembly for the bar screen was damaged due to prolonged high water levels. The high water levels brought in large debris causing the bar screen and its assembly to bend.

BACKGROUND:

All wastewater comes into the "headworks" of the plant. This incoming wastewater carries debris that can damage pumps and other equipment. There are two bar screens at the front end of the treatment plant designed to remove the large debris and rags. This protects the downstream processes from damage to pumps, plugging of lines, and ponding of the Trickling Filters. Failure to remove these items also contributes to high total suspended solids throughout the plant which then adds to UV treatment costs as well.

The bar screens are subject to being flooded, and are designed to minimize risk from inundation, force of the water and impact from large objects. The two original Bar Screens were installed in 1972. They were replaced in a \$460,000 project in 1997. Since that time, the various floods have resulted in substantial repairs to both bar screens. The most recent floods in 2019 resulted in the rake, arm and discharge assembly for one screen being sufficiently damaged from the current and debris, and it is more cost effective to replace it than to repair it.



WPC staff called C&B Equipment (supplier of the original equipment) to get a cost of an exact replacement for the Infilco-Degremont Bar Screen. Quotes were also obtained for a new style Kusters Multi-Rake Bar Screen from JCI. The Kusters equipment is similar in size and installation, but was found not suitable for use with current equipment without completely updating all of the associated parts, significantly raising the cost of repairs.

Douglas Pump through C&B Equipment is the only company that could get the exact replacement parts and provide a quote that included installation for the Infilco-Degremont Bar Screen. It will take from 12 to 16 weeks for parts to arrive and an additional 3-man days for installation. The plant can operate on one bar screen assuming that there are normal flows.

Bid Received for equipment and installation:

Douglas Pump: \$140,788.

OPTIONS/ALTERNATIVES: The City Commission can accept the bid as recommended by City Staff, or can ask the staff to re-bid.

STAFF RECOMMENDATION:

The Staff recommends the City Commission approve the sole source contract with Douglas Pump for the purchase and repair bids of the bar screen rake and assembly in the amount of \$140,788.

ATTACHMENTS:

Pictures of Operational Bar Screen Rake & Assembly
Insurance Company Claim Letter (\$25,000)

**DOUGLAS PUMP SERVICE, INC.
& C&B Equipment**

4719 Merriam Drive
Overland Park, Kansas 66203
(913) 236-8222
Fax (913) 262-8992

PROPOSAL

| | |
|-------------------|----------------------------------|
| PHONE | DATE |
| 913-306-2735 | 7/9/2019 |
| JOB NAME/LOCATION | Good for 45 days from this date. |

**REVISED
03/25/20**

To: Leavenworth KS
Attn: Tim

DPS Job # 190234

JOB DESCRIPTION: Bar Rake

We are pleased to help with your rake needs. We have pulled your rake and returned to our shop to disassemble and inspect. Found brass shavings, water and oil in gear box. Motor windings going to ground. Drive shaft and follower roller shaft are bent. Rake shaft is bent and twisted out of shape. Support are is bent and twisted out of alignment. Numerous brackets are bent. Rake will be more economical to replace than to repair.

Recommend we supply a new rake assembly and lower bar rake. Install new and perform start up into system. Manufacturer will supply three man days on site for measurement, inspections, start up and training of Plant personnel.

\$140,788.00
estimate 12 to 16 weeks ARO plus fgt

Inspection on your bar rake was completed per factory recommendations. Found excessive wear on the rollers and bushings of both pin racks. Each pin rack will be pulled and new installed.

| | |
|---|--------------------|
| inner & outer pin racks, rollers and bushings | \$31,545.00 |
| misc hardware & miles | \$915.00 |
| shop labor - loading & unloading | \$660.00 |
| field labor to install | \$5,000.00 |
| total adder | \$38,120.00 |

THIS PROPOSAL IS FOR COMPLETING THE JOB AS DESCRIBED ABOVE. IT IS BASED ON OUR EVALUATION AND DOES NOT INCLUDE MATERIAL PRICE INCREASES OR ADDITIONAL LABOR AND MATERIALS WHICH MAY BE REQUIRED SHOULD UNFORESEEN PROBLEMS OR ADVERSE WEATHER CONDITIONS ARISE AFTER THE WORK HAS STARTED.

PROPOSED COST **see above**
NOTES: taxes not included
pricing good for 45 days

PROPOSED BY Billy Perry



Please sign and fax back your acceptance of the above listed pricing.

PO# _____

Date: _____

print name

signature