

ORDINANCE NO. 3832

AN ORDINANCE AMENDING CHAPTER IV. BUILDINGS AND CONSTRUCTION, 4-105, 4-202 OF THE CODE OF THE CITY OF OSAWATOMIE, KANSAS

WHEREAS, on June 23, 2022 the Osawatome City Council adopted the 2018 series of building codes as published by the International Code Council; and

WHEREAS, certain modifications were made to those model codes to fit the needs of the City of Osawatome; and

WHEREAS, the city's Building Official has identified items that should be modified and it is the desire of the city council to make further modifications to those codes.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OSAWATOMIE KANSAS, as follows:

SECTION ONE: The following changes are made to Chapter IV, Article 1 Section 4-105 and renumbered according:

SECTION 4.105 - PERMITS

(a) Required. Any owner or owner's authorized agent who intends 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, gas, mechanical or plumbing 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 building official and obtain the required permit.

(b) Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

- ~~1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than 120 square feet (11 m²).~~
- ~~2. Fences not over 7 feet (2134 mm) high.~~
- ~~3. Oil derricks.~~
1. 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 or impounding Class I, II or IIIA liquids.
- ~~1. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.~~

- ~~2. 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 building and do not serve as part of a required means of egress.~~
2. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
3. Temporary motion picture, television and theater stage sets and scenery.
4. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.
- ~~5. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.~~
5. Swings and other playground equipment accessory to detached one- and two-family dwellings.
- ~~6. Window awnings in Group R-3 and U occupancies, 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.~~
6. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

SECTION 2. The following changes are made to Chapter IV, Article 1 Section 4-202:

4.202. INTERNATIONAL RESIDENTIAL CODE.

(b) The following sections of the International ~~Building~~ Residential Code are hereby deleted:

1. Chapter 1 of the International Residential Code is deleted in its entirety.
2. Sections **R302.13 (Fire protection of floors)** and R312.2, R312.2.1 and R312.2.2 Window Fall Protection **are** is deleted in **their** its entirety.
3. Delete Chapter 11 in its entirety.
4. Section M1411.8 Locking Access Caps is deleted in its entirety.
5. Section E3902.16 Arc Fault Circuit Interrupter Protection is deleted in its entirety.
6. Section E3902.17 Arc-fault circuit-interrupter protection for branch circuit extensions or modifications are deleted in its entirety.
7. Section **E4002.14** Tamper resistant receptacles are deleted in their entirety.

(c) The following sections of the International Residential are amended to read as follows:

(11). ~~**E3902.16 Arc-fault circuit-interrupter protection.** Branch circuits that supply 120-volt, single-phase, 15- and 20-ampere outlets installed in bedrooms shall be protected by any of the following: [210.12(A)]~~

~~Exceptions:-~~

- ~~1. Circuits supplying ceiling outlets that are terminated in a fan-rated box and that do not supply power to any receptacle outlets within 5 feet 5 inches of the floor.~~
- ~~2. Circuits supplying smoke detectors outlets and that do not supply power to any receptacle outlets within 5 feet 5 inches of the floor.~~

~~Items 1 through 6 of Section 3902.16 remain unchanged.~~ **NOT USED**

(12). ~~E4002.14 Tamper-resistant receptacles. In areas specified in Section E3901.1, 15- and 20-ampere, 125- and 250-volt nonlocking-type receptacles shall be listed tamper-resistant receptacles. [406.12(A)]~~

~~Exception: Receptacles in the following locations shall not be required to be tamper resistant:~~

- ~~1. Receptacles located more than 5.5 feet (1676 mm) above the floor.~~
- ~~2. Receptacles that are part of a luminaire or appliance.~~
- ~~3. A single receptacle for a single appliance or a duplex receptacle for two appliances where such receptacles are located in spaces dedicated for the appliances served and, under conditions of normal use, the appliances are not easily moved from one place to another. The appliances shall be cord and plug connected to such receptacles in accordance with Section E3909.4. [406.12(A) Exception]~~
4. ~~Receptacles that serve kitchen countertops.~~ **NOT USED**

SECTION THREE: EFFECTIVE DATE. This Ordinance shall take effect upon its publication in the Miami County Republic.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas, this 27th day of July, 2023.

APPROVED AND SIGNED by the Mayor.

Nick Hampson,
Mayor

(SEAL)

ATTEST:

Tammy Seamands,
City Clerk