

## **ORDINANCE NO. 3811**

AN ORDINANCE REGULATING BUILDING CODES IN THE CITY OF OSAWATOMIE AND ITS GROWTH AREA INCORPORATING BY REFERENCE THE 2018 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, INTERNATIONAL FIRE CODE, THE 2017 EDITION OF THE NATIONAL ELECTRICAL CODE, AND THE INTERNATIONAL SWIMMING POOL AND SPA CODE

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

**SECTION ONE: INCORPORATION OF INTERNATIONAL BUILDING CODES; AMENDMENTS AND DELETIONS.** There is incorporated by reference, for the purpose of adopting regulations, provisions, terms, and specifications, for the control of buildings and structures within the City and growth areas of Osawatomie; the 2018 International Building Code, International Residential Code, International Plumbing Code, International Fuel Gas Code, International Existing Building Code, International Mechanical Code, International Swimming pool and Spa Code, and International Property Maintenance Code, as published by the International Code Council, Inc., and the National Electrical Code 2017, as published by the National Fire Protection Association, excepting only such parts or portions thereof as are specifically deleted or amended and including such new and additional provisions added to said code herein after referred to as the 2018 IBC Codes and the 2017 NEC . Not less than one (1) copy of said 2018 Codes shall be marked Official Copy as Adopted by Ordinance No. 3811, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours.

**SECTION TWO: INCORPORATION OF CERTAIN APPENDICES, AMENDEMENTS, AND DELETIONS OF THE 2018 IBC CODES.** The following Appendices, Amendments, and Deletions to the 2018 IBC Codes are hereby adopted and incorporated herein by reference:

**SECTION THREE: AMENDING SECTION.** Chapter 4 Article 2 of the Code of the City of Osawatomie is hereby amended to read as follows:

### **CODE OF THE CITY OF OSAWATOMIE: CHAPTER 4. BUILDING CODES**

- Article 1. General Provisions and Administration
- Article 2. Model Codes Adopted; Deletions; Amendments
- Article 3. Fees for Permits and Services
- Article 4. Contractor Licensing Code
- Article 5. Property Maintenance; Nuisance Code

## **ARTICLE 1 General Provisions and Administration**

### **SECTION 4.101 - GENERAL**

**4.101.1 Title.** These regulations shall be known as the Building Code of Osawatomie, Kansas, hereinafter referred to as “this code.”

**4.101.2 Scope.** The provisions of this code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures that are located within the incorporated city limits of Osawatomie, Kansas.

**4.101.2.1 Appendices.** Provisions in the appendices of any model code adopted by this code shall not apply unless specifically adopted in Article 2 of this code.

**4.101.3 Intent.** The purpose of this code is to establish the minimum requirements to provide a reasonable level of safety, public health and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire, explosion and other hazards, and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations.

**4.101.4 Referenced codes.** The codes listed in Article 2 and referenced elsewhere in this code shall be considered to be part of the requirements of this code to the prescribed extent of each such reference.

### **SECTION 102 - APPLICABILITY**

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

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

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

**4.102.4 Referenced codes and standards.** The codes and standards referenced in this code shall be considered to be part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 4.102.4.1 and 4.102.4.2.

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

**4.102.4.2 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 or the International Codes adopted in Article 2 of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

**4.102.5 Partial invalidity.** In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

**4.102.6 Existing structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically

provided in this code, the International Existing Building Code, the International Property Maintenance Code or the International Fire Code as adopted in Article 2 of this code.

**4.102.6.1 Buildings not previously occupied.** A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the International Building Code or International Residential Code, as applicable, for new construction or with any current permit for such occupancy.

**4.102.6.2 Buildings previously occupied.** The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the International Fire Code or International Property Maintenance Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

## **PART 2—ADMINISTRATION AND ENFORCEMENT**

### **SECTION 4.103 - DEPARTMENT OF BUILDING SAFETY**

**4.103.1 Creation of enforcement agency.** The Department of Building Safety is hereby created and the official in charge thereof shall be known as the building official.

**4.103.2 Appointment.** The building official shall be appointed by the chief appointing authority of the jurisdiction.

**4.103.3 Deputies.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official. For the maintenance of existing properties, see the International Property Maintenance Code.

### **SECTION 4.104 - DUTIES AND POWERS OF BUILDING OFFICIAL**

**4.104.1 General.** The building official is hereby authorized and directed to enforce the provisions of this code. The building 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.

**4.104.2 Applications and permits.** The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

**4.104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.** For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and

where required by this code, the building official shall require the building to meet the requirements of Section 1612 of the International Building Code.

**4.104.3 Notices and orders.** The building official shall issue necessary notices or orders to ensure compliance with this code.

**4.104.4 Inspections.** The building official shall make the required inspections, or the building official shall have the authority to 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 building 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.

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

**4.104.6 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or on a premises a condition that is contrary to or in violation of this code that makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

**4.104.7 Department records.** The building 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 retention of public records.

**4.104.8 Liability.** The building 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 civilly or criminally rendered liable personally and is hereby relieved from 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.

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

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

**4.104.9.1 Used materials and equipment.** Materials that are reused shall comply with the requirements of this code for new materials. Used equipment and devices shall not be reused unless approved by the building official.

**4.104.10 Modifications.** Where there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or the owner's authorized agent, provided that the

building official shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

**4.104.10.1 Flood hazard areas.** The building official shall not grant modifications to any provision required in flood hazard areas as established by Section 1612.3 of the International Building Code unless a determination has been made that:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section 1612 of the International Building Code inappropriate.
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.
5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

**4.104.11 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, design or method of construction shall be approved where the building 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 building official shall respond in writing, stating the reasons why the alternative was not approved.

**4.104.11.1 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.

**4.104.11.2 Tests.** Whenever 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 alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made without expense to the jurisdiction.

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 building official shall approve the testing procedures.

Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

## **SECTION 4.105 - PERMITS**

**4.105.1 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.

**4.105.2 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 m<sup>2</sup>).
2. Fences not over 7 feet (2134 mm) high.
3. Oil derricks.
4. 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.
5. 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.
6. Decks not exceeding 200 square feet (18.58 m<sup>2</sup>) 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.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. 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.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. 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.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

## **Electrical:**

1. **Repairs and maintenance:** Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles; Reinstallation of attachment plug receptacles but not the outlets therefor; Replacement of branch circuit overcurrent devices of the required capacity in the same location.
2. **Electrical wiring, devices, appliances,** apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
3. **Radio and television transmitting stations:** The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
4. **Temporary testing systems:** A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

## **Gas:**

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

## **Mechanical:**

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

## **Plumbing:**

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided that such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

**4.105.2.1 Emergency repairs.** Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

**4.105.2.2 Public service agencies.** A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

**4.105.3 Application for permit.** To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 107.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

**4.105.3.1 Action on application.** The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.

**4.105.3.2 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 building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**4.105.4 Validity of permit.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

**4.105.5 Expiration.** Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. It shall be the responsibility of the permit holder to



request an inspection to show that work has not been suspended or abandoned prior to the building official granting an extension being authorized.

**4.105.6 Suspension or revocation.** The building official is authorized 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.

**4.105.7 Placement of permit.** The building permit or copy shall be kept on the site of the work until the completion of the project.

## **SECTION 4.106 - FLOOR AND ROOF DESIGN LOADS**

**4.106.1 Live loads posted.** In commercial or industrial buildings, for each floor or portion thereof designed for live loads exceeding 50 psf (2.40 kN/m<sup>2</sup>), such design live loads shall be conspicuously posted by the owner or the owner's authorized agent in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

**4.106.2 Issuance of certificate of occupancy.** A certificate of occupancy required by Section 4.111 shall not be issued until the floor load signs, required by Section 4.106.1, have been installed.

**4.106.3 Restrictions on loading.** It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

## **SECTION 4.107 - SUBMITTAL DOCUMENTS**

**4.107.1 General.** Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

**Exception:** The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

**4.107.1.1 Design required.** A design in accordance with accepted engineering practice shall be provided for concrete or masonry foundation walls when any of the conditions listed below are found to exist.

1. Foundation walls are subject to hydrostatic pressure from ground water.
2. Foundation walls and retaining walls supporting more than 48 inches (1219 mm) of unbalanced backfill that do not have permanent lateral support at the top and bottom.
3. Foundation walls exceeding 10 feet in height, measured from the top of the wall to the bottom of the slab.
4. Footings and foundations placed on fill.
5. Foundations installed on slopes steeper than 4:1 before grading.
6. Foundations that bear partially on soil and partially on rock.
7. Foundation walls with an unbroken line of greater than 25 feet.
8. Masonry foundation walls with an unbalanced backfill height greater than 4 feet.

9. ICF foundation walls.
10. Concrete slabs located over accessible space that have a clear span greater than 4 feet in any direction.
11. Concrete slabs where any portion of the slab is placed on more than 2 feet of fill material.
12. Log Structures.
13. Cold formed steel framing.
14. Foundations and anchorage systems for manufactured homes.
15. Solar voltaic systems including supporting elements.

**4.107.2 Construction documents.** Construction documents shall be in accordance with Sections 107.2.1 through 107.2.8 of this code.

**4.107.2.1 Information on construction documents.** Construction documents shall be dimensioned and drawn on suitable material. Electronic media documents are permitted to be submitted where approved by the building official.

Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.

**4.107.2.2 Fire protection system shop drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 of the International Building Code.

**4.107.2.3 Means of egress.** The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress including the path of the exit discharge to the public way in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

**4.107.2.4 Exterior wall envelope.** Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.

**4.107.2.5 Exterior balconies and elevated walking surfaces.** Where balconies or other elevated walking surfaces are exposed to water from direct or blowing rain, snow, or irrigation, and the structural framing is protected by an impervious moisture barrier, the construction documents shall include details for all elements of the impervious moisture barrier system. The construction documents shall include manufacturer's installation instructions.

**4.107.2.6 Site plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the

proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted.

**4.107.2.6.1 Design flood elevations.** Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1 of the International Building Code.

**4.107.2.7 Structural information.** The construction documents shall provide the information specified in Section 1603 of the International Building Code.

**4.107.2.8 Relocatable buildings.** Construction documents for relocatable buildings shall comply with Section 3112 of the International Building Code.

**4.107.3 Examination of documents.** The building official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

**4.107.3.1 Approval of construction documents.** When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as “Reviewed for Code Compliance.” One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

**4.107.3.2 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.

**4.107.3.3 Phased approval.** The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder’s own risk with the building operation and without assurance that a permit for the entire structure will be granted.

**4.107.3.4 Design professional in responsible charge.** Where it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner or the owner’s authorized agent to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner or the owner’s authorized agent shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner or the owner’s authorized agent if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

**4.107.3.4.1 Deferred submittals.** Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official.

**4.107.4 Amended construction documents.** Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

**4.107.5 Retention of construction documents.** One set of approved construction documents shall be retained by the building 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.

## **SECTION 4.108 - TEMPORARY STRUCTURES AND USES**

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

**4.108.2 Conformance.** Temporary structures and uses shall comply with the requirements in Section 3103.

**4.108.3 Temporary power.** The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such 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 NFPA 70 as adopted in Article 2 of this code.

**4.108.4 Termination of approval.** The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

## **SECTION 4.110 - INSPECTIONS**

**4.110.1 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 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 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 expense entailed in the removal or replacement of any material required to allow inspection.

**4.110.2 Preliminary inspection.** Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

**4.110.3 Required inspections.** The building official, upon notification, shall make the inspections set forth in Sections 110.3.1 through 110.3.11 of this code.

**4.110.3.1 Footing and foundation inspection.** Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C94, the concrete need not be on the job. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.

**4.110.3.2 Concrete slab and under-floor inspection.** Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

**4.110.3.3 Floodplain inspections.** For construction in flood hazard areas as established by FEMA NFIP Community Maps, upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement.

**4.110.3.4 Frame and masonry inspection.** Inspection of framing and masonry construction shall be made after the roof, masonry, framing, firestopping, draftstopping and bracing are in place and after the plumbing, mechanical and electrical rough in construction has been completed.

**4.110.3.5 Plumbing, mechanical, gas and electrical systems inspection.** Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed.

**4.110.3.6 Lath, gypsum board and gypsum panel product inspection.** Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

**Exception:** Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.

**4.110.3.7 Weather-exposed balcony and walking surface waterproofing.** Where balconies or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious moisture barrier system shall not be concealed until inspected and approved.

**Exception:** Where special inspections are provided in accordance with Section 1705.1.1, Item 3 of the International Building Code.

**4.110.3.8 Fire- and smoke-resistant penetrations.** Protection of joints and penetrations in fire-resistance rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

**4.110.3.9 Fire-resistance-rated construction inspection.** Where fire-resistance-rated construction is required an inspection of such construction after lathing or gypsum board or gypsum panel products are in place, but before any plaster is applied, or before board or panel joints and fasteners are taped and finished.

**4.110.3.10 Final inspection.** Final inspection shall be made after the permitted work is complete and prior to occupancy.

**4.110.3.11 Special inspections.** For special inspections, see Chapter 17 of the International Building Code.

**4.110.3.12 Other inspections.** In addition to the inspections specified in Sections 4.110.3.1 through 4.110.3.12, the building official is 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 by the department of building safety.

**4.110.3.13.1 Flood hazard documentation.** If located in a flood hazard area, documentation of the elevation of the lowest floor as required in Section 1612.4 of the International Building Code shall be submitted to the building official prior to the final inspection.

**4.110.4 Inspection agencies.** The building official is authorized to accept reports of approved inspection agencies, provided that such agencies satisfy the requirements as to qualifications and reliability.

**4.110.5 Inspection requests.** It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building 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.

**4.110.6 Approval required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official.

The building 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 building official.

## **SECTION 4.111 - CERTIFICATE OF OCCUPANCY**

**4.111.1 Change of occupancy.** A building or structure shall not be used or occupied, and a change of occupancy of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

**Exception:** Certificates of occupancy are not required for work exempt from permits in accordance with Section 105.2 of this code.

**4.111.2 Certificate issued.** After the building official inspects the building or structure and does not find violations of the provisions of this code or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.

7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3 of the International Building Code.
9. The type of construction as defined in Chapter 6 of the International Building Code.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

**4.111.3 Temporary occupancy.** The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

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

## **SECTION 4.112 - SERVICE UTILITIES**

**4.112.1 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 released by the building official.

**4.112.2 Temporary connection.** The building official shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel or power.

**4.112.3 Authority to disconnect service utilities.** The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Article 2 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 112.1 or 112.2. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

## **SECTION 4.113 - BOARD OF APPEALS**

### **4-113.1. Code Board of Appeals; membership; application; procedures.**

**4.113.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The building official shall be an ex officio member of said board but shall not have a vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render decisions and findings in writing to the appellant with a duplicate copy to the building official.

**4.113.2 Limitations on authority.** 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 an equally good or better form of construction is proposed. The board shall not have authority to waive requirements of this code.

**4.113.3 Membership of board.** The City's planning commission shall serve as the building code board of appeals.

**4.113.3.1 Disqualification of a member.** A member shall not hear an appeal in which that member has a personal, professional or financial interest.

**4.113.3.2 Secretary.** The City Manager shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the code official.

**4.113.4 Application.** The application for appeal, other than matters related to license suspension or revocation, shall be filed on a form obtained from the building official within 20 days after the notice was served. The application shall show the code sections that are applicable to the appeal and how building official's order, application or interpretation of the code is in error.

**4.113.5 Notice of meeting.** The board shall meet upon notice from the chairperson within 20 days of the filing of an appeal or at stated periodic meetings.

**4.113.6 Open hearing.** All hearings before the board shall be open to the public. The appellant, the appellant's representative, the building official and any person whose interests are affected shall be given an opportunity to be heard.

**4.113.7 Procedure.** The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandated that only relevant information be received.

**4.113.8 Postponed hearing.** When at least three board members are not present to hear an appeal, either the appellant or the applicant's representative shall have the right to request a postponement of the hearing.

**4.113.9 Board decisions.** The board shall modify or reverse the decision of the building official by a concurring vote of at least two-thirds of its members present and voting.  
(Ord. 3771)

**4.113.10 Court review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

## **SECTION 4.114 - VIOLATIONS**

**4.114.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

**4.114.2 Notice of violation.** The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, 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.



**4.114.3 Prosecution of violation.** If the notice of violation is not complied with promptly, the building official is authorized to 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 building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

**4.114.4 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 subject to penalties as prescribed by Section 1-115 of the Code of Osawatomie, Kansas. Each day a violation is continued shall constitute a separate offense.

**4.113.5 Other remedies.** In case any activity is, or is proposed to be, executed in violation of this article, the building inspector, code officials, city attorney, or other appropriate authority of the municipality may in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent or stop such unlawful activity.

## **SECTION 4.115 - STOP WORK ORDER**

**4.115.1 Authority.** Where the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.

**4.115.2 Issuance.** The stop work order shall be in writing and shall be given to the owner of the property involved, the owner's authorized agent or the person performing the work.

Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

**4.115.3 Unlawful continuance.** 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 penalties as prescribed by law.

## **ARTICLE 2 – MODEL CODES ADOPTED**

**4.201 International Building Code.** The International Building Code, 2018 Edition published by the International Code Council, Inc., 4051 West Flossmoor, Country Club Hills, IL 60478-5975, hereafter referred to as the Building Code, is hereby adopted by reference and made part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the Miami County Code.

At least (1) copy of said International Building Code will be kept on file in the office of the city clerk, marked or stamped "Official Copy as Incorporated by **Ordinance No. 3811**," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

**4.201.1 INTERNATIONAL BUILDING CODE APPENDICES ADOPTED.** The following appendices of the International Building Code are hereby adopted in their entirety and are considered to be a part of this code as if they were written herein:

## 1. APPENDIX E -SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS

**4.201.2 INTERNATIONAL BUILDING CODE DELETIONS.** The following sections of the International Building Code are hereby deleted:

1. Chapter 1 Scope and Administration of the International Building Code is hereby deleted in its entirety.

**4.201.3 International Building Code Amendments.** The following sections of the International Building Code are amended to read as follows:

1. 101.1 Title. These regulations shall be known as the Building Code of Osawatomie, Kansas Building Code, hereinafter referred to as “this code.”
2. 101.2 Scope. The provisions of this code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception: Detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress, and their accessory structures not more than three stories above grade plane in height, shall comply with this code or the International Residential Code.

**4.202 International Residential Code.** The International Residential Code, 2018 Edition as published by the International Code Council, Inc., 4051 West Flossmoor, Country Club Hills, IL 60478-5975 is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in this article. At least one (1) copy of said International Residential Code will be kept on file in the office of the city clerk, marked or stamped “Official Copy as incorporated by **Ordinance No. 3811,**” with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes

**4.202.1 INTERNATIONAL RESIDENTIAL CODE APPENDICES ADOPTED.** The following appendices of the International Residential Code are hereby adopted in their entirety and are considered to be a part of this code as if they were written herein:

1. APPENDIX E - MANUFACTURED HOUSING USED AS DWELLINGS
2. APPENDIX H - PATIO COVERS
3. APPENDIX K - SOUND TRANSMISSION
4. APPENDIX Q - TINY HOUSES

**4.202.2 INTERNATIONAL RESIDENTIAL CODE DELETIONS.** The following sections of the International Building Code are hereby deleted:

1. Chapter 1 of the International Residential Code is deleted in its entirety.
2. Sections R312.2, R312.2.1 and R312.2.2 Window Fall Protection is deleted in 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 4002.14 Tamper resistant receptacles are deleted in their entirety.

**4.202.3 INTERNATIONAL RESIDENTIAL CODE AMENDED.** The following sections of the International Residential are amended to read as follows:

1. **R101.1 Title.** These provisions shall be known as the Residential Code for One- and Two-family Dwellings of Osawatomie, Kansas, and shall be cited as such and will be referred to herein as “this code.”
2. **R101.2 Scope.** The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height.

**Table R301.2.1**

**Climatic and Geographic Design Criteria**

Ground Snow Load -----	20
Wind Design Speed (mph) -----	115
Wind Design Topographic Effect -----	No
Wind Design Special Wind Region -----	No
Wind Design Windborne Debris Zone -----	No
Seismic Design Category -----	A
Subject to Damage from Weathering -----	Severe
Subject to Damage from Frost Line Depth -----	36 inches
Subject to Damage from Termite -----	Yes
Winter Design Temperature -----	6° F
Ice Barrier Underlayment Required -----	Yes
Flood Hazards	
Air Freezing Index -----	927
Mean Annual Temperature -----	55°F

**Manual J Design Criteria**

Elevation -----	865 Feet
Latitude -----	38.5 N
Winter Heating -----	4°F
Summer Cooling -----	96°F
Altitude Coorection Factor -----	None
Indoor Design Temperature -----	72°F
Design Temperature Cooling -----	75°F
Heating Temperature Difference -----	68°F
Cooling Temperature Difference -----	21°F
Wind Velocity Heating -----	15
Wind Velocity Cooling -----	7.5
Coincident Wet Bulb -----	75°F
Daily Range -----	High
Winter Humidity -----	50%
Summer Humidity -----	30%

3. **Section R302.5.1 Opening protection.** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1 3/8 inches (35 mm) in thickness, solid or honeycomb-core steel doors not less than 1 3/8 inches (35 mm) thick, or 20-minute fire-rated doors. Access openings in garage ceiling where the attic space above the garage is not separated from the attic space above the dwelling shall be provided with a 20-minute fire-rated assembly.
4. **Section R306.3 Sewage disposal.** Plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system designed and installed in accordance with the Miami County, Kansas Environmental Health Sanitary Code.
5. **Section R303.3 Bathrooms.** Bathrooms, water closet compartments and other similar rooms shall be provided with a mechanical ventilation system with a ventilation rate of 50 cfiui (23.6 L/s) for intermittent ventilation or 20 cit (9.4 L/s) for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside. Exhaust fans serving a space containing only a water closet and/or a lavatory may be of an approved charcoal filter recirculating type.
6. **Sections R313.1, R313.1.1 R313.2 and R313.2.1 are amended as follows: Section R313.1 Automatic fire sprinkler systems.** When automatic fire sprinklers are installed the installation shall comply with Section P2904 or NFPA 13D. 7.. **Section R403.1.5 Slope.** The top surface of footings shall be level. The bottom surface of footings shall not have a slope exceeding one unit vertical in 10 units horizontal (10-percent slope). Footings shall be stepped where it is necessary to change the elevation of the top surface of the footings or where the slope of the bottom surface of the footings will exceed one unit vertical in ten units horizontal (10-percent slope). Vertical steps in footings shall be formed between levels with reinforcing required for footings run continuous and unspliced a minimum distance of 24 inches in the upper and lower levels of the step.
7. **Section R403.1.6 Foundation anchorage.** The sole plate at exterior walls shall be anchored to the foundation with anchor bolts spaced a maximum of three feet (3) on center. There shall be a minimum of two (2) bolts per plate section with one bolt located not more than 12 inches or less than seven bolt diameters from each end of the plate section. Bolts shall be at least 1/2 inch in diameter and shall extend a minimum of 7 inches into masonry or concrete and be capable of having washer and nut fully installed on bolt. Interior wall sole plates shall be positively anchored with approved fasteners. A nut and washer shall be tightened on each bolt of the plate. Sills and sole plates in contact with concrete shall be protected against decay and termites in accordance with Section R 319 and R320.

**Table R404.1.1 (5)**

**Concrete Foundation Walls  
Minimum Vertical Reinforcement**

Maximum Wall Height (feet)	Wall Thickness (inches)		
	7.5	9.5	11.5
4	24	30	36

5	24	30	36
6	24	30	36
7	24	30	36
8	24	30	36
9	16	24	30
10	12	18	24
> 10	Design Required		

Notes to Table R404.1.1 (5):

1. Reinforcing is based upon minimum yield strength of 60,000 psi. Reinforcement with a minimum yield strength of 40,000 psi or 50,000 psi is permitted, provided the same size bar is used and the spacing shown in the table is reduced by multiplying the spacing by 0.67 or 0.83, respectively.
2. Horizontal reinforcing shall be spaced at a maximum of 24 inches on center with one bar located within 12 inches of the top and bottom of the wall.
3. Spacing is based upon minimum #4 reinforcing bar. In lieu of #4 reinforcing bar, a larger bar size may be used provided, the bar spacing results in an equivalent cross-sectional area of reinforcement per linear foot of wall.
4. Reinforcement shall be placed nearest the inside face of the wall a distance from the outside face (soil side) of the wall. The distance  $d$  is equal to the wall thickness,  $t$ , minus 1.25 inches plus one-half the bar diameter,  $d_b$  ( $d = t (1.25 + d_b/2)$ ). The reinforcement shall be placed within a tolerance of  $\pm 3/8$  inch where  $d$  is less than or equal to 8 inches, or  $\pm 1/2$  inch where  $d$  is greater than 8 inches.
5. Concrete cover for reinforcement measured from the inside face of the wall shall not be less than 3/4 inch. Concrete cover for reinforcement measured from the outside face of the wall shall not be less than 1 1/2 inches for #5 bars and smaller, and not less than 2 inches for larger bars.
6. Concrete shall have a minimum compressive strength of not less than 3,000 psi at 28 days.
7. Walls with an unbroken wall line greater than 25 feet shall be provided with pilasters or shall be designed.
8. Walls exceeding 7 feet in height shall be restrained at bottom by floor slab.
9. Walls exceeding 10 feet in height require engineered design.
10. Foundations bearing on soils with different bearing capacities as established by Table R401.4.1 require an engineered design.

**R405.1 Concrete or Masonry Foundations.** Drains shall be provided around the exterior of all concrete or masonry foundations that retain earth and enclose habitable or usable spaces below grade and inside of the building perimeter under basement floor slabs. Drainage tiles, perforated pipe or other approved systems or materials shall be installed below the area to be protected and shall discharge by gravity or mechanical means.

Drainage tiles or perforated pipe installed around the exterior perimeter shall have a minimum diameter of 4 inches. Drainage tiles or perforated pipe installed on the inside of the foundation shall have a minimum diameter of 3 inches.

Drainage tiles or perforated pipe installed on the exterior perimeter of the building shall be placed on a minimum of 2 inches of washed gravel or crushed rock at least one sieve size larger than the tile joint or perforation and be covered with not less than 6 inches of the same material. Gravel or crushed stone drains shall extend at least 1 foot beyond the outside edge of the footing. The top and sides of the gravel or crushed stone encapsulating the drainage tile or perforated pipe shall be covered with an approved filter membrane material to prevent clogging of the foundation drainage system.

1. **R506.1 General.** Concrete slab-on-ground floors shall be a minimum 3.5 inches (89 mm) thick. Slabs on natural undisturbed soils or rock shall be provided with reinforcing consisting of #4 rebar placed at not more than 24 inches (24") on center each way. The specified compressive strength of concrete shall be as set forth in Section R402.2.
2. **R801.3 Roof drainage.** All dwellings shall have a controlled method of water disposal from roofs that will collect and discharge all roof drainage to the ground surface at least 3 feet (914 mm) from foundation walls or to an approved drainage system.
3. **Section G2420.2.1 Building Shutoff Valve.** When fuel gas is obtained from a source other than a utility provider and a meter with an integral building shutoff is not provided a ball valve listed for use with the installed piping system above grade and outside of the building being supplied. A weather resistant placard or other approved identification method shall be permanently installed adjacent to the valve. The placard or identification shall be marked "Building Gas Supply Shutoff". Lettering shall be a minimum of 2" in height with a ¼ inch stroke and be contrasting to the placard background.
4. **Section P3114.8 Prohibited installations.** Air admittance valves shall not be used to vent sumps or tanks except where the vent system for the sump or tank has been designed by an engineer.
5. **P2603.6 Freezing.** A water, soil or waste pipe shall not be installed outside of a building, in exterior walls, in attics or crawl spaces, or in any other place subjected to freezing temperature unless adequate provision is made to protect it from freezing by insulation or heat or both. Water service pipe shall be installed not less than 36 Inches (914 mm) deep.

**E3601.2 Emergency disconnects.** All service conductors shall terminate in disconnecting means having a short-circuit rating equal to or greater than the available fault current, installed in a readily accessible outdoor location. If more than one disconnects is provided, they shall be grouped. Each disconnect shall be one of the following:

1. Service disconnects marked as follows:

EMERGENCY DISCONNECT

SERVICE DISCONNECT

1. Meter disconnects shall be installed in accordance with their listing and shall be marked as follows:

EMERGENCY DISCONNECT

METER DISCONNECT

NOT SERVICE EQUIPMENT

1. Other listed disconnect switches or circuit breakers on the supply side of each service disconnect that are suitable for use as service equipment and marked as follows:

EMERGENCY DISCONNECT

NOT SERVICE EQUIPMENT

Markings shall comply with section 110.21 (B) of the National Electrical Code.

1. **E3801.4.3 Peninsular counter space.** At least one receptacle outlet shall be installed at each peninsular counter space with a long dimension of 24 inches (610mm) or greater and a short dimension of 12 inches (305 mm) or greater. A peninsular counter top is measured from the connecting edge. A receptacle serving the main counter space to which a peninsular counter is attached may be considered as serving the peninsular counter.
2. **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.

**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.

#### **4.203 INTERNATIONAL PLUMBING CODE ADOPTED**

The International Plumbing Code (IPC), 2018 Edition published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795 is hereby adopted by reference and made part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added or changed in this Article.

At least one (1) copy of said International Plumbing Code will be kept on file in the office of the City Clerk, marked or stamped "Official Copy" as incorporated by **Ordinance No. 3811**, with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions or changes.

**4.203.1 INTERNATIONAL PLUMBING CODE APPENDICES ADOPTED.** The following appendices of the International Plumbing Code are hereby adopted in their entirety and are considered to be a part of this code as if they were written herein:

**4.203.2 INTERNATIONAL PLUMBING CODE DELETIONS.** The following sections of the International Plumbing Code are hereby deleted:

1. Chapter 1 shall be deleted in its entirety.
2. Section 305.4.1 Sewer depth is deleted in its entirety.

**4.203.3 INTERNATIONAL PLUMBING CODE AMENDED.** The following sections of the International Plumbing Code are amended to read as follows:

1. **Section 101.1 Title.** These regulations shall be known as the Plumbing Code of Osawatomie, Kansas hereinafter referred to as “this code.”
2. **Section 101.2 Scope.** The provisions of this code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. This code shall regulate nonflammable medical gas, inhalation anesthetic, vacuum piping, nonmedical oxygen systems and sanitary and condensate vacuum collection systems. The installation of fuel gas distribution piping and equipment, fuel-gas-fired water heaters and water heater venting systems shall be regulated by the International Fuel Gas Code. Provisions in the appendices shall not apply unless specifically adopted. 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.
3. **Section 101.3 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 plumbing equipment and systems.
4. **305.4 Freezing.** Water, soil and waste pipes shall not be installed outside of a building, in attics or crawl spaces, concealed in outside walls, or in any other place subjected to freezing temperatures unless adequate provision is made to protect such pipes from freezing by insulation or heat or both. Exterior water supply system piping shall be installed not less than 36 inches below grade.
5. **701.2 Connection to sewer required.** Sanitary drainage piping from plumbing fixtures in buildings and sanitary drainage piping systems from premises shall be connected to a public sewer. Where a public sewer is not available, the sanitary drainage piping and systems shall be connected to a private sewage disposal system in compliance with the Miami County, Kansas Environmental Health Sanitary Code.
6. **1003.4 Oil separators required.** At repair garages; gasoline stations with grease racks, grease pits or work racks; car washing facilities with engine or undercarriage cleaning capability; and at factories where oily and flammable liquid wastes are produced, separators shall be installed into which all oil-bearing, grease-bearing or flammable wastes shall be discharged before emptying in the building drainage system or other point of disposal.
7. Oil separators shall not be connected to any private sewage or City sewer disposal system unless first approved by the City of Osawatomie Code Official.

**4.204 INTERNATIONAL MECHANICAL CODE ADOPTED**



**4.204.1** The International Mechanical Code, 2018 Edition published by the International Code Council, Inc., 4051 Flossmoor Road, Country Club Hills, IL 60478-5795 is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in this Article.

At least (1) copy of said International Mechanical Code will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as incorporated by **Ordinance No. 3811**, with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions or changes.

**4.204.1.1 INTERNATIONAL MECHANICAL CODE APPENDICES ADOPTED.** The following appendices of the International Mechanical Code are hereby adopted in their entirety and are considered to be a part of this code as if they were written herein:

**4.204.1.2 INTERNATIONAL MECHANICAL CODE DELETIONS.** The following sections of the International Mechanical Code are hereby deleted:

1. Chapter 1 is hereby deleted in its entirety.

**4.204.1.2 INTERNATIONAL MECHANICAL CODE AMENDED.** The following sections of the International Mechanical Code are amended to read as follows:

1. **101.1 Title.** These regulations shall be known as the Mechanical Code of Osawatomie, Kansas, hereinafter referred to as "this code."
2. **101.2 Scope.** This code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the International Fuel Gas Code. **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.
3. **101.3 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 mechanical systems.
4. **101.4 Maintenance.** Mechanical systems, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe and sanitary condition. Devices or safeguards that are 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 mechanical systems. To determine compliance with this provision, the code official shall have the authority to require a mechanical system to be reinspected.
5. The inspection for maintenance of HVAC systems shall be performed in accordance with ASHRAE/ACCA/ANSI Standard 180.
  - a. **101.4 Additions, alterations or repairs.** Additions, alterations, renovations or repairs to a mechanical system shall conform to that required for a new mechanical system without requiring the existing mechanical system to comply with all of the

requirements of this code. Additions, alterations or repairs shall not cause an existing mechanical system to become unsafe, hazardous or overloaded. Minor additions, alterations, renovations and repairs to existing mechanical 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.

#### **4.205 INTERNATIONAL FUEL GAS CODE ADOPTED**

**4.205.1** The International Fuel Gas Code, 2018 Edition published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, hereafter referred to as the Fuel Gas Code, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added or changed in this Article.

At least (1) copy of said International Fuel Gas Code will be kept on file in the office of the City Clerk, marked or stamped “Official Copy” as incorporated by **Ordinance No. 3811**, with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions or changes.

**4.205.1.1 INTERNATIONAL FUEL GAS CODE APPENDICES ADOPTED.** The following appendices of the International Fuel Gas Code are hereby adopted in their entirety and are considered to be a part of this code as if they were written herein:

**4.205.1.2 INTERNATIONAL FUEL GAS CODE DELETIONS.** The following sections of the International Fuel Gas Code are hereby deleted:

1. Chapter 1 is deleted in its entirety.

**4.205.1.3 INTERNATIONAL FUEL GAS CODE AMENDED.** The following sections of the International Fuel Gas Code are amended to read as follows:

1. 101.1 Title. These regulations shall be known as the Fuel Gas Code of Osawatomie, Kansas, hereinafter referred to as “this code.”
2. 101.2 Scope.

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.

3. **409.2.1 Building Shutoff Valve.** When fuel gas is obtained from a source other than a utility provider and a meter with an integral building shutoff is not provided a ball valve listed for use with the installed piping system above grade and outside of the building being supplied. A weather resistant placard or other approved identification method shall be permanently installed adjacent to the valve. The placard or identification shall be marked “Building Gas Supply Shutoff”. Lettering shall be a minimum of 2” in height with a ¼ inch stroke and be contrasting to the placard background.

#### **4.206 INTERNATIONAL EXISTING BUILDING CODE ADOPTED**

**4.207.1** The International Existing Building Code, 2018 Edition published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, hereafter referred to as the Existing Building Code, is hereby adopted by reference and made a part of this

Chapter and Article save and except such parts or portions thereof as are specifically deleted, added or changed in this Article.

At least (1) copy of said International Existing Building Code will be kept on file in the office of the City Clerk, marked or stamped “Official Copy” as incorporated by **Ordinance No. 3811**, with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions or changes.

#### **4.206.1.1 INTERNATIONAL EXISTING BUILDING CODE APPENDICES ADOPTED.**

The following appendices of the International Existing Building Code are hereby adopted in their entirety and are considered to be a part of this code as if they were written herein:

- a. Appendix B – Supplementary Accessibility Requirements for Existing Buildings and Facilities.

**4.206.1.2 INTERNATIONAL EXISTING BUILDING CODE DELETIONS.** The following sections of the International Existing Building Code are hereby deleted:

1. Section 103 Department of Building Safety in its entirety.
2. Section 104 Powers and Duties of the Code Official in its entirety.
3. Section 105 Permits in its entirety.
4. Section 107 Temporary Structures and Uses in its entirety.
5. Section 108 Fees in its entirety.
6. Section 109 Inspections in its entirety.
7. Section 111 Service Utilities in its entirety.
8. Section 112 Board of Appeals in its entirety.
9. Section 113 Violations in its entirety.
10. Section 114 Stop Work Order in its entirety.
11. Section 115 Unsafe Buildings and Equipment in its entirety.
12. Section 116 Emergency Measures in its entirety.
13. Section 117 Demolition in its entirety.

**4.206.1.3 INTERNATIONAL EXISTING BUILDING CODE AMENDED.** The following sections of the International Existing Building Code are amended to read as follows:

- a. 101.1 Title. These regulations shall be known as the Existing Building Code of Osawatomie, Kansas, hereinafter referred to as “this code.”

#### **4.207 INTERNATIONAL SWIMMING POOL AND SPA CODE ADOPTED**

**4-207.1** The International Swimming Pool and Spa Code, 2018 Edition published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, hereafter referred to as the Swimming Pool and Spa Code, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added or changed in this Article.

At least (1) copy of said International Swimming Pool and Spa Code will be kept on file in the office of the City Clerk, marked or stamped “Official Copy” as incorporated by **Ordinance No. 3811**, with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions or changes.

**4.207.1.1 INTERNATIONAL SWIMMING POOL AND SPA CODE APPENDICES ADOPTED:**

**4.207.1.2 INTERNATIONAL SWIMMING POOL AND SPA CODE DELETIONS:**

1. Section 103 Department of Building Safety in its entirety.
2. Section 104 Powers and Duties of the Code Official in its entirety.
3. Section 105 Permits in its entirety.
4. Section 106 Inspections in its entirety
5. Section 107 Violations
6. Section 108 Means of Appeal

**4.207.1.3 INTERNATIONAL SWIMMING POOL AND SPA CODE AMENDED:**

- a. **101.1 Title.** These regulations shall be known as the Swimming Pool and Spa Code of Osawatomie, Kansas, hereinafter referred to as “this code.”

**4.208 NATIONAL ELECTRICAL CODE ADOPTED**

**4.208.1 National Electrical Code.** The National Electric Code (NEC), 2017 Edition published by the National Fire Protection Association of Battery March Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in this Article.

At least (1) copy of said National Electrical Code will be kept on file in the office of the City Clerk, marked or stamped “Official Copy” as incorporated by **Ordinance No. 3811**, with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions or changes.

**4.208.1.1 NATIONAL ELECTRICAL CODE APPENDICES ADOPTED.** The following appendices of the National Electrical Code are hereby adopted in their entirety and are considered to be a part of this code as if they were written herein:

**4.208.1.2 NATIONAL ELECTRICAL CODE DELETIONS.** The following sections of the National Electrical Code are hereby deleted:

**4.208.1.3 NATIONAL ELECTRICAL CODE AMENDED.** The following sections of the National Electrical Code are amended to read as follows:

230.85 Emergency disconnects. For one- and two-family dwellings units, all service conductors shall terminate in disconnecting means having a short-circuit rating equal to or greater than the available fault current, installed in a readily accessible outdoor location. If more than one disconnects is provided, they shall be grouped. Each disconnect shall be one of the following:

1. Service disconnects marked as follows:

**EMERGENCY DISCONNECT**

**SERVICE DISCONNECT**

1. Meter disconnects shall be installed in accordance with their listing and shall be marked as follows:

**EMERGENCY DISCONNECT**

**METER DISCONNECT**

**NOT SERVICE EQUIPMENT**

1. Other listed disconnect switches or circuit breakers on the supply side of each service disconnect that are suitable for use as service equipment and marked as follows:

**EMERGENCY DISCONNECT**

## **NOT SERVICE EQUIPMENT**

Markings shall comply with section 110.21 (B) of the National Electrical Code.

## **ARTICLE 3 – FEES**

**4.301 Fees Schedule.** The charges to be assessed and paid, and permits to be obtained by residents of the City of Osawatomie, in accordance with the adopted building code, shall be set by an annual fee resolution.

**4.302 Permit Fees.** Where a code has been adopted by the City of Osawatomie for which no fee schedule is shown in the annual fee resolution, the fee required shall be in accordance with the schedule established by the International Building Code incorporated by reference in Section 4-202. The determination of value or valuation under any of the provisions of these codes shall be made by the Code Official. "Value" or "valuation," as applied to a building and/or its building service equipment for the purpose of establishing permit fees, shall be the estimated cost to replace the building and its building service equipment in kind, based on current replacement costs as established by the Building Valuation Data Unit Cost Table or any other method deemed acceptable by the Code Official. All fees shall be rounded off to the next whole dollar amount. Fees may be waived at the discretion of the City Manager during times of declared emergency.

### **4.303 Plan Review Fees.**

(1) When submittal documents are required by the building code, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be the amount charged by the City for its plan review subcontractor to do such review, or in cases where the Code Official, or other employee, is certified to do such review the amount charged will be determined by an hourly estimate at 175% of the reviewer's hourly wage. The Code Official may waive the plan review fee if it is determined that the work being performed is minor in nature and can be approved during field inspection of the work being performed.

(2) When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in the Building Code, additional plan review and permit fees may be charged.

**4.304 Work Commencing Before Permit Issuance.** Whenever work for which a permit is required by the City has been commenced without first obtaining a permit, the permit may be continued, if all other circumstances and requirements are complete, by paying a fee established in the City's annual fee resolution.

### **4.305 Reinspection Fees.**

(1) A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete, when corrections called for are not made, when approved plans are not provided for inspections or when access is not provided when inspections have been requested.

(2) This Section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of the City Building Code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

- (3) Reinspection fees may be assessed for the following conditions:
  - (A) When work for which an inspection was requested by the permittee or an agent of the permittee is not ready for inspection;
  - (B) When corrections called for are not made;
  - (C) Failure to provide access on the date for which inspection is requested;
  - (D) Failure to provide the approved plans for the job when required for inspection purposes;
  - (E) For deviating from approved plans requiring the approval of the Code Official;
  - (F) For failure to post the address or identify the premises resulting in an inspector being unable to find the location of the requested inspection.
- (4) To obtain a reinspection when a reinspection fee has been assessed, the applicant shall pay the reinspection fee in accordance with the fee schedule adopted by the City. In instances where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid. Work requiring approval shall not be concealed until approval has been obtained.

#### **4.306 Refunds.**

- (1) The Code Official may authorize refunding of a fee that was erroneously paid or collected.
- (2) The Code Official may authorize refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
- (3) The Code Official may authorize refunding of not more than eighty percent (80%) of the plan review fee paid when an application for permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.
- (4) The Code Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

**4.307 Related Fees.** The payment of the fee for the construction, alteration, removal or demolition of work done in connection with or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

**4.309 Unpaid Fees.** Unpaid fees that have been assessed and remain unpaid at the completion of a project shall be reported to the City Clerk, and the City Clerk shall, at the time of certifying other taxes, certify the unpaid fees and extend the same on the tax roll.

## **ARTICLE 4 CONTRACTOR LICENSING**

### **4-401. Builder or building contractor defined.**

A builder or building contractor for purposes of this article shall be any person, firm, co-partnership, corporation, association, or any combination thereof, whether a resident or not of the city:

- (1) Who or which undertakes with or for another, for a fixed sum, price, fee or any compensation other than wages, to build, construct, alter, repair, add to, wreck or move any building or structure (or any portion thereof), or any sidewalk, driveway entrance or structure in any street, or any advertising sign, panel poster or billboard, or any other structure, in the city, for which a building or construction permit may now or hereafter be required by the laws of the city; or
- (2) Who or which advertises or represents himself, herself, or itself to the public to have the capacity or ability to undertake, or submit a bid or offer to build, construct, alter, repair, add to or

wreck, remove, restore or replace any building, structure or construction work or any portion thereof; or

(3) Who or which builds, constructs, alters, adds to or wrecks any buildings or structures either on his or her own or other property for purposes of sale or speculation.

(Code 2008)

#### **4-402. Builder's or building contractor's license required; building permits; unlawful acts.**

(a) Each builder or building contractor shall before entering upon any building or construction work subject to regulation by city laws, apply to the city clerk for a builder's or building contractor's license and receive the same as hereinafter provided and have in his or her possession a valid license authorizing him, her or it to engage in the trade or occupation of a builder or building contractor in the city.

(b) No permit for any building or construction work shall be issued for any such work to be performed by a builder or building contractor, as defined, who has not first obtained a license upon making a proper application and payment of the license fee as required.

(c) It shall be unlawful for any person, firm, company, association or corporation to enter into a contract or agreement with another so as to bring himself, herself, or itself under the definition of builder or building contractor herein, or to perform any work as a builder or building contractor or any work under a contract for any work involving the construction, alteration, remodel, wrecking or moving of any building or structure requiring a building permit under this article, without first having obtained a builder's or building contractor's license issued by the city. It is further unlawful for any person issued a license to contract for any work other than specified by such license without first obtaining the required license to perform each separate trade.

(d) No building permit shall be issued to any contractor who has not first obtained a license or who is delinquent in payment of his/her annual license fee or whose certificate of insurance has expired or whose license has been suspended or revoked by action of the City Board of Appeals (CBOA).

(Code 2008; Ord. 3771)

#### **4-403. Same; application; renewal; granting.**

(a) Application for a builder's or building contractor's license shall be made upon a form to be supplied by the city which shall disclose the name of the applicant, his or her place of business in the city (and home office if a nonresident), the kind of contracting work engaged in the length of time engaged in such work and places where work has been performed within the past two years. The application shall be signed by the builder or building contractor or his or her authorized agent. Such license shall be issued by the chief building official or his or her designee, upon payment of the fees hereinafter provided.

(b) Application Form. The City of Osawatomie shall receive and process contractor license applications. All applicable fees as set forth in the annual fee resolution shall accompany each original application.

(c) Application and License Fees.

(1) Application for contractor's license, name change, organizational change or change of the qualified person shall include information as the City may prescribe and shall be accompanied by the applicable fee.

(2) Where required by Section 4-232, each application must list a qualified person. The qualified person is considered the applicant for a license and must have the ability to sign contracts that legally bind the individual, partnership or corporation. The qualified person shall be the individual, for an individual license; one (1) of the partners, for a partnership license; an officer or active member in the corporation for a corporate license.

(3) Upon approval of the application and verification of qualifications in accordance with this article, the Code Official shall issue the requested license upon payment of the annual fee required the annual fee resolution.

(4) Fees shall not be prorated because part of the year has elapsed.

(d) Renewal or Reinstatement of License.

(1) Every contractor license shall be issued on a calendar year basis to expire on December 31 of each year. License renewal fees shall be due on the 15th day of December. A license renewal application may be submitted to the city beginning on November 1 through and including December 15. Applications and payment received prior to end of business on December 15 shall receive a credit as established by the annual fee ordinance. Renewals received after January 31 shall be considered new contractors, and all applicable license requirements shall be presented at the time of application; the contractor shall pay a reinstatement fee as established in the annual fee ordinance.

(2) No permits will be issued to any contractor without a current contractor's license.

(3) When insurance coverage expires, the license shall be considered to expire by limitation, and notice will be sent to the license holder. The license will not be reinstated until an original certificate of insurance as required by this code has been submitted and the reinstatement fee is paid.

(4) Any construction permits that the license holder possesses shall be considered to be null and void when the holder of the license or one (1) of the designated contractors on the construction project authorized by a construction permit has expired or when insurance coverage has lapsed.

(Code 2008; Ord. 3771)

**4-404. Same; license fees; registration requirements; conditions; renewal; unlawful acts; exceptions.**

Documentation. Any contractor who applies for a license to perform work in the City of Osawatomie shall provide the following documentation as well as pay any relevant fees as may be required by the City Council under a separate action.

(1) Liability Insurance Requirements:

(A) General Aggregate: \$1,000,000

(B) Each Occurrence: \$500,000

(2) Bonding Requirements: The City has the discretion to require certain projects to be bonded.

(3) Licensing Requirements: Each contractor shall:

(A) apply for and obtain a license issued directly by the City of Osawatomie according to the provisions in this article, or

(B) apply for a reciprocal license by presenting a valid license issued by Miami County, Kansas, or the City of Osawatomie, Kansas, where the contractor City Building official is aware that any license issued from these jurisdictions requires International Code Council testing and eight continuing education units per year. The applicant shall only be permitted to perform such



work within the City of Osawatomie as is permitted by the class of license issued under the licensing jurisdiction.

Exceptions. Any individual who makes application for a permit to perform work on any residential or commercial structure that is owned by that individual shall not be required to register as a contractor with the City of Osawatomie to perform the permitted work (Ord. 3577, Sec. 2; Ord. 3634, Secs. 1:2; Code 2008; Ord. 3757; Code 2018; Ord. 3771)

#### **4-405. License suspension; revocation; appeal; unlawful acts.**

The license of any builder or building contractor may be suspended temporarily, for a period of not to exceed 30 days at any one time, by the chief building official upon his or her own motion or upon a complaint of the city building inspector. Notice shall be given in writing to such builder or building contractor giving reasonable notice of a time of hearing of the complaint or the matter alleged against such builder or building contractor involving any one or more of the following:

- (1) Misrepresentation of a material fact by applicant in obtaining a license;
- (2) Use of license to obtain a building permit for another;
- (3) Failure or neglect to observe conditions of permit authorizing encumbering of streets or sidewalks for safety of public;
- (4) Performance of any building or construction work without a permit where one is required by law; or
- (5) Willful disregard of any violation of the building and construction laws, or failure to comply with any lawful order of the city building inspector.

(a) Any licensee may within 15 days appeal in writing to the Building Code Board of Appeals (BCOA) from any order of the chief building official suspending his or her license for its final decision thereon. The Building Code Board of Appeals may upon such hearing terminate such suspension within not more than 30 days thereafter, or may revoke such license. If any license shall be revoked, the builder or building contractor shall not be eligible for a new license during a period of six months thereafter. No fee shall be refunded in event of the suspension or revocation of any contractor's license.

(b) It shall be unlawful to engage in the occupation or trade of builder or building contractor during the time any license of such builder or building contractor has been suspended or revoked within the City of Osawatomie.  
(Code 2008; Ord. 3771)

#### **4-406. Work by property owners.**

Nothing herein contained shall prohibit any property owner from personally performing any building or construction work within and upon his or her own residence and intended for his or her personal use and permanent occupancy; provided, the owner shall satisfy the building inspector as to his or her ability to perform such work, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive a certificate of approval. Personal building or construction performed by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a builder or building contractor licensed by the city.  
(Code 2008)

#### **4-407. Direct contractor licensing; application.**

Multiple classes. There shall be separate classes of licenses authorized for contractors as provided in Section 4-228.

(1) A contractor may become licensed in any classification by submitting to the examination as set forth in Section 4-229 for the particular class involved and paying the fee required for the classification as set forth by the City's annual fee resolution.

(2) A Class A, B or C general contractor may perform foundation, roofing or site utility installation work on projects for which they are the permit holder or are listed as the primary general contractor without being required to obtain the appropriate Class S, special trades license. No contractor shall undertake any electrical, plumbing or mechanical work for which a license is required without first obtaining the required license for each separate trade.

(3) Business entities. A corporation, limited liability company, partnership, joint venture or other legal entity or enterprise may obtain, in the entity's name, a building permit provided that such entity has in its regular employ a person who is licensed as a contractor under this Article and such individual is the signatory on the building permit on the entity's behalf. Only a contractor licensed under provisions of this Section may obtain a building permit on behalf of a corporation, partnership, limited liability company, joint venture or other business entity or enterprise. Every contractor by obtaining a building permit in the name of such corporation, partnership, limited liability company, joint venture or other business entity or enterprise shall certify that such contractor is the employee or principal of such business entity or enterprise.

(Ord. 3771)

#### **4-408. Categories of contractor licenses; types of work authorized.**

General Contractor—Classes.

(1) Class "A", General Contractor. A Class A license shall entitle the holder thereof to build, remodel, repair, move or demolish any structure without limitation of use, type of construction, height or area.

(2) Class "B", General Contractor. A Class B license shall entitle the holder thereof to build, remodel, repair, move or demolish all structures not exceeding three (3) stories in height. A Class B license holder shall also entitle the license holder to perform non-structural remodeling, tenant finish, repairs and demolition of any structure.

(3) Class "C", Residential General Contractor. A Class C license shall entitle the holder thereof to build, remodel, repair, move or demolish single-family or duplex residences and buildings accessory thereto.

(4) Class "D", General Contractor. A Class D license shall entitle the holder thereof to build, remodel, repair, move or demolish detached agricultural buildings, detached residential accessory buildings, residential swimming pools and minor ancillary structures associated with single-family dwellings.

(b) Electrical Contractor. An electrical contractor's license shall entitle the holder thereof to perform electrical contractor services in City of Osawatomie and the Community Growth Area Contractor Licensing Program administered under this code.

(c) Plumbing Contractor. A plumbing contractor's license shall entitle the holder thereof to perform plumbing contractor services in City of Osawatomie and the Community Growth Area Contractor Licensing Program administered under this code.

(d) Mechanical Contractor. A mechanical contractor's license shall entitle the holder thereof to perform mechanical contractor services in City of Osawatomie and the Community

Growth Area Contractor Licensing Program administered under this code. E. Class S, Special Trades License.

A Class S license shall entitle the holder thereof to act as either the primary contractor or a subcontractor in the following trades:

(1) Foundation and flatwork contractor. A foundation and flatwork contractor's license shall entitle the holder thereof to contract for and to install, repair and replace building foundations and/or concrete flatwork.

(2) Fire protection contractor. A fire protection contractor license shall entitle the holder thereof to install, maintain, repair, service, test and inspect fire alarms, automatic sprinkler, special suppression systems and standpipe systems for all structures, including all spray and deluge, carbon dioxide, foam, dry chemical and inert gas systems and all related lines, tanks, fire control systems and appurtenances to any of the foregoing. Such contractor shall be responsible for the training and oversight of all tradesmen in its employment as well as the means, method and manner of the fire protection installation including construction, improvement, renovation, repair and maintenance on a construction project.

(3) Roofing contractor. A roofing contractor's license shall entitle the holder thereof to contract for and to install, repair and replace roof coverings. Work may include roof deck and roof deck insulation, roof coating, painting, covering and may include use of sheet metal and installation of other sheet metal products incidental to roofing work or other material in connection therewith or any combination thereof.

(4) Site utility installer. A site utility installers contractor's license shall entitle the holder thereof to contract for and to install, repair and replace water service piping, conduit and conductors for electrical service laterals and underground gas piping on residential or agricultural property.

(5) Tower contractor. A tower contractor's license shall entitle the holder thereof to contract for and perform erection of towers for utilities and communications.

(6) Siding and windows contractor. A siding and windows contractor's license shall entitle the holder thereof to install, repair and replace siding and/or windows.

(7) Sign contractor. A sign contractor's license shall entitle the holder thereof to contract for and to install, repair or maintain outdoor advertising signage. If electrical wiring is associated with signage work, a licensed electrical contractor is required to perform such work.

(8) Excavation and landscape contractor. An excavation and landscape contractor's license shall entitle the holder thereof to contract for and to perform excavation and/or landscape design and installation.

(Ord. 3771)

#### **4-409. Examination; contractor qualifications.**

Contractors making application for a license shall satisfy one (1) or more of the following provisions prior to a license being granted:

(a) Contractors making application for a new Class A, B or C general contractor license shall submit a certificate of competency from a qualified national testing service with their application, with the following exceptions:

(1) In lieu of a nationally administered certification for Class D general contractors and all Class S, special trades license classes, the Code Official may accept proof of factory training or other specialty training specific to their area of licensure.

(2) In lieu of the required certificate of competency, applicants for a Class A, B or C general contractor license may submit evidence of holding a bachelor's degree in engineering, architecture or construction science from an accredited college or university.

(b) Contractors making application or renewing an electrical contractor's license shall submit a master electrician certificate of competency from a qualified national testing service with their application, with the following exception.

(c) Contractors making application or renewing a plumbing contractor's license shall submit a master plumbing with gas certificate of competency with their application.

(d) Contractors making application or renewing a mechanical contractor's license shall submit a master mechanical contractor with gas certificate of competency with their application.

(Ord. 3771)

#### **4-410. Continuing education.**

(a) The City of Osawatomie may establish continuing education requirements, rules and regulations for contractors licensed under this Article. Every contractor shall demonstrate compliance with such continuing education requirements prior to license renewal.

(b) Evidence of having completed a minimum of eight (8) hours of code-related continuing education that is approved by the City of Osawatomie shall be submitted with applications for contractor license. A minimum of four (4) hours of the required eight (8) hours of continuing education shall be directly related to the trade for which a contractor is licensed for electrical, plumbing and mechanical contractors. For contractors holding multiple trade licenses, four (4) hours of continuing education shall be obtained for each trade. It shall be the responsibility of a licensed contractor to attend a qualifying continuing education class may be counted towards continuing education unit requirements. Any fees associated with attendance in continuing education is the responsibility of the contractor.

(c) The Codes Official shall keep a listing of approved educational classes and make it available to licensed contractors.

(Ord. 3771)

## **ARTICLE 5 – PROPERTY MAINTENANCE CODE**

### **INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED**

The International Property Maintenance Code, 2018 Edition, including Appendixes A, B and C published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, hereafter referred to as the Property Maintenance Code, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added or changed in this Article.

At least (1) copy of said International Property Maintenance Code will be kept on file in the office of the City Clerk, marked or stamped “Official Copy” as incorporated by **Ordinance No. 3811**, with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions or changes.

### **INTERNATIONAL PROPERTY MAINTENANCE CODE APPENDICES ADOPTED:**

Appendix A Boarding Standard shall be adopted

### **INTERNATIONAL PROPERTY MAINTENANCE CODE DELETIONS**

Subsections 111.2 Membership of board; 111.2.1 Alternate members; 111.2.2 Chairman; 111.2.4 Secretary; 111.2.6 Compensation of members; 111.3 Notice of meeting; 111.4 Open hearing; 111.4.1 Procedure; 111.5 Postponed hearing; 111.6 Board decision; 111.6.1 Records and copies; 111.6.2 Administration; 111.7 Court review; 111.8 Stays of enforcement are hereby deleted.  
Section 304.14 Insect screens shall be deleted

**INTERNATIONAL PROPERTY MAINTENANCE CODE AMENDMENTS.** The following sections of the International Property Maintenance Code are amended to read as follows:

- a) [A] 101.1 Title. These regulations shall be known as the International Property Maintenance Code of Osawatomie, Kansas, hereinafter referred to as “this code.”
- b) [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 following schedule. See section 1.115 of the Osawatomie Code.
- c) [A] 106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be subject to penalties as prescribed by Section 1-115 of the Code of Osawatomie, Kansas. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- d) [A] 111.2 Appeals application and process. Application of an appeal and the administrative process for the appeal shall be in accordance with the requirements of Section 4.113 of this code.
- e) [A] 112 Stop Work Order. The code official is authorized to order any work being done contrary to any Article of this code or of the adopted model codes in accordance with Section 4.115 of this code.
- f) 302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. 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.
- g) Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the 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.
- h) 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 May 1 to maintain a minimum temperature of 68°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.

- a. 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 1 to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.
- b. Exceptions:
- c. Processing, storage and operation areas that require cooling or special temperature conditions.
- d. Areas in which persons are primarily engaged in vigorous physical activities.

SECTION FOUR: EXISTING SECTION REPEALED. Chapter 4 Article 2 of the Code of the City of Osawatomie as adopted prior to the passage of this Ordinance is hereby repealed.

SECTION FIVE: EFFECTIVE DATE. This Ordinance shall take effect on the 15th day of July, 2022.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas, this 23rd day of June, 2022.

APPROVED AND SIGNED by the Mayor.

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Nick Hampson,  
Mayor

(SEAL)

ATTEST:

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Tammy Seamands,  
City Clerk