

**ORDINANCE NO. 2018-01-4450**

**AN ORDINANCE MODIFYING MUNICIPAL CODE PART II, CHAPTER 14, CONCERNING BUILDINGS AND BUILDING REGULATIONS.**

**WHEREAS**, the 2017 Public Works Department reorganization, including the realignment of the Neighborhood Services Division under the City Manager Department, has spurred a need to amend Municipal Code, to authorize and reference this reorganization; and

**WHEREAS**, the City of Arkansas City, Kansas, desires to require certified installation and annual inspection and maintenance of all backflow prevention devices connected to service lines as part of lawn sprinkler systems; and

**WHEREAS**, as part of its ongoing effort to eliminate duplicative provisions or other minor discrepancies in Municipal Code, City staff has proposed several other changes throughout the City's building regulations to improve clarity and better reflect current administrative practice; and

**WHEREAS**, the Governing Body of the City of Arkansas City, Kansas, desires to amend Arkansas City Municipal Code to accomplish these aforesated goals.

**NOW, THEREFORE, IN CONSIDERATION OF THE AFORESTATED PREMISES, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS CITY, KANSAS:**

**SECTION ONE: AMENDMENT TO MUNICIPAL CODE SECTION 14-40.**

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-40 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through; new provisions in italics):

**Sec. 14-40. - Adoption.**

- (a) The city adopts by reference the following codes, as amended by this Chapter:
  - (1) International Building Code, 2015 Edition (hereafter "International Building Code"), for regulating and governing conditions and maintenance of all property, buildings and structures, including Appendices F, H, and J; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure the structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures, *including amendments as hereafter set out in Section 14-43* (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);
  - (2) International Residential Code for One- and Two-Family Dwellings, 2015 Edition, including Appendices A—J, and M—P (hereafter "International Residential Code"), for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal, and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress, *including amendments as hereafter set out in Section 14-44* (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);
  - ~~(3) International Mechanical Code, 2015 Edition, including Appendix A (hereafter "International Mechanical Code"), regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement and addition to, use or maintenance of mechanical systems in Arkansas City, as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);~~

- (34) International Plumbing Code, 2015 Edition, including Appendices C and E (hereafter “International Plumbing Code”), regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems, *including amendments as hereafter set out in Section 14-45* (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);
- ~~(5) International Fuel Gas Code, 2015 Edition, including all Appendices (hereafter “International Fuel Gas Code”), regulating and governing fuel gas systems and gas fired appliances, as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);~~
- (46) International Property Maintenance Code, 2015 Edition (hereafter “International Property Maintenance Code”), regulating and governing the maintenance of existing buildings, *including amendments as hereafter set out in Section 14-46* (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);
- (5) *International Fuel Gas Code, 2015 Edition, including all Appendices (hereafter “International Fuel Gas Code”), regulating and governing fuel gas systems and gas-fired appliances, including amendments as set out in Section 14-47 (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);*
- ~~(7) International Existing Building Code, 2015 Edition, including its Appendix (hereafter “International Existing Building Code”), regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);~~
- (68) NFPA 70: The National Electrical Code, 2014 Edition, including Appendix H (Article 80), (*hereafter “National Electrical Code”*), *including amendments as set out in Section 14-48* (published by the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts MA 02169-7471); and the corresponding National Electrical Code Handbook, Library of Congress;
- (7) *International Mechanical Code, 2015 Edition, including Appendix A (hereafter “International Mechanical Code”), regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, and addition to, use or maintenance of mechanical systems, including amendments as set out in Section 14-49 (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);*
- (8) *International Existing Building Code, 2015 Edition, including its Appendix (hereafter “International Existing Building Code”), regulating and governing the repair, alteration, change of occupancy, addition, and relocation of existing buildings, including historic buildings, including amendments as set out in Section 14-50 (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795); and*
- (9) International Private Sewage Disposal Code, 2015 Edition (hereafter “International Private Sewage Disposal Code”), regulating design, installation and inspection of private sewage disposal systems, *including amendments as set out in Section 14-51* (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795).

- (b) At least one copy of the above-referenced codes shall be maintained on file at ~~the public works department~~ *City Hall, 118 W. Central Ave., Arkansas City, KS 67005*, and may be inspected during regular business hours, the same being adopted as if set out at length herein.

## **SECTION TWO: AMENDMENT TO MUNICIPAL CODE SECTION 14-41.**

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-41 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through; new provisions in italics):

### **Sec. 14-41. - Application.**

- (a) The provisions of the adopted codes shall apply to the construction, alteration, moving of buildings, demolition, repair and use of any building or structure within the city, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated by code, and hydraulic flood control structures.
- (b) Master production plans, those submitted to the city for reuse on a minimum of four structures, must comply with the provisions in this code ~~by September 1, 2012~~. One copy of an engineer-stamped truss design, *and* one engineer-stamped plan set, along with one electronic CD of each, is required for all master production plans.

## **SECTION THREE: AMENDMENT TO MUNICIPAL CODE SECTION 14-42.**

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-42 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through; new provisions in italics):

### **Sec. 14-42. - Administration.**

The following shall supplement the Administration section in each of the following codes: International Building Code, International Residential Code for One- and Two-Family Dwellings (hereafter referred to as the International Residential Code), International Mechanical Code, International Plumbing Code, International Existing Building Code, and ~~the~~ International Fuel Gas Code. Any reference to jurisdiction shall mean the City of Arkansas City, Kansas; any reference to the appointed authority shall mean ~~director of public works~~ *the city manager* ~~(and or his or her designee)~~.

#### ~~(1a)~~ *Generally.*

- ~~a.~~(1) *Title.* The regulations contained herein and contained in the codes adopted under ~~Municipal Code section~~ *Section 14-40*, and the other provisions of this chapter, shall be known collectively as the “city building code,” may be cited as such, and are referred to in this chapter as “the code.”
- ~~b.~~(2) *Referenced codes and standards.* Where differences occur between stated provisions of this chapter, and codes and standards adopted by reference, the stated provisions of this chapter shall apply. The provisions of the International Plumbing Code and the International Mechanical Code shall apply to the installation of the plumbing and mechanical systems, and shall be considered as the specific code. Plumbing Articles 25 through 32 and Mechanical Articles 12 through 24 of the International Residential Code shall be considered as general requirements. To the extent a conflict exists between the articles in the International Residential Code and the International Plumbing Code, the International Mechanical Code, and the International Fuel Gas Code, the International Residential Code as amended by the city shall apply.

Exception: ~~Where~~ *When* enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer’s instructions shall apply.

- e-(3) *Electrical.* The provisions of the National Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. Provisions of Article 34 through Article 42 of the International Residential Code shall be considered as general requirements. To the extent a conflict exists between Article 34 through Article 42 of the International Residential Code and the National Electrical Code, the National Electrical Code as adopted and amended by the city shall apply.
- ~~d-(4)~~ *International Private Sewage Disposal Code-Private sewage disposal.* Where provisions of the International Private Sewage Disposal Code are applicable, the same shall reference the Private Sewage Disposal section of the International Plumbing Code.
- (2b) *Applicability; general.* Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. ~~Where~~ When there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. The code enforcement officer (and his or her designee), is authorized and directed to enforce the provisions of this code, render interpretations, and adopt policies and procedures in order to clarify the application of the codes' provisions. Such interpretations and policies shall not have the effect of waiving requirements specifically provided for in this code.
- (3c) *Permits.*
- ~~a-(1)~~ *Contractor of responsibility; licensing; fees.* On construction projects that have multiple trades, ~~and are permitted by a "contractor of responsibility," one each permit may~~ must be applied for by and issued for to all each trade individually. All building, electrical, plumbing and mechanical contractors shall be licensed by the city, and identified on the permit application by name and license number. Fees shall be charged by full valuation of all work to be performed.
- ~~b-(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 code enforcement officer 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.
- e-(3) *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 provisions of this code or of any other ordinance of the ~~jurisdiction-city~~. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinance of the ~~jurisdiction-city~~ shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the code enforcement officer from requiring the correction of errors in the construction documents and other data. The code enforcement officer ~~is~~ also is authorized to prevent occupancy or use of the structure when it is in violation of this code or of any other ordinances of this ~~jurisdiction-city~~.
- ~~d-(4)~~ *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 consecutive days. Work shall be deemed suspended or abandoned if no inspections for work completed have occurred within such 180-day period. The code enforcement officer is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. Upon expiration of such extended period, the applicant shall not proceed with any work on the site until such time as the applicant receives a new building permit, which will require the applicant to submit a new, complete building permit application,

along with payment of all fees necessary. Any fee refund for the fees paid under the expired building permit shall be made pursuant to ~~section~~ *Section* 108.6 of the International Building Code.

(4d) *Fees.*

- ~~a.~~(1) *Payment of fees.* A permit shall not be valid until the fees as set by resolution of the board of city commissioners have been paid; ~~nor~~ ~~Not~~ shall an amendment to a permit be released until the additional fee, if any, has been paid.
- ~~b.~~(2) *Plan review fee.* When submittal documents are required by this code, a nonrefundable plan review fee deposit shall be paid at the time of submitting ~~the those submittal~~ documents for plan review. Said plan review fee shall be 65 percent of the building permit fee, or actual costs for outsourced review may be charged.
- 1a. After plan review is completed, a credit or debit shall be applied to the building permit as required.
- 2b. The plan review fee is separate from ~~the permit fee~~, and is in addition to the permit fee.
- 3c. When submittal documents are incomplete or changed so as to require additional plan reviews, or when the project involves deferred submittal items, an additional plan review fee shall be paid.
- ~~e.~~(3) *Building permit valuations.* The building permit valuation shall be determined by the code enforcement officer based upon national valuation tables and/or other relevant documentation. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing, equipment and permanent systems. The applicant for the permit shall provide an estimated permit valuation at the time of application. If, in the opinion of the code enforcement officer, the valuation is underestimated, the permit shall be denied unless the applicant can provide detailed documentation to support such valuation.
- ~~d.~~(4) *Investigation fees; work without a permit.*
- 1a. *Investigation.* Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.
- 2b. *Fee.* An investigation fee shall be paid by the person commencing the work, whether or not a permit is *issued* then or subsequently ~~issued~~.
- 3c. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code, such as obtaining a permit, or from any penalty prescribed by law.
- ~~e.~~(5) *Fee refunds.* The code enforcement officer may authorize refunding of any fee which was ~~erroneously~~ paid or collected *erroneously*.
- 1a. The code enforcement officer may authorize refunding of not more than 80 percent of the building permit fee paid when no work has been done under a permit issued in accordance with this code; or when the building permit has expired.
- 2b. The code enforcement officer may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a

plan review fee has been paid is withdrawn or ~~cancelled~~-*cancelled* before any plan reviewing is done.

- 3c. The code enforcement officer shall not authorize a refund of any fee paid except upon written application filed by the original applicant not later than 180 days after the date of fee payment.

(5e) *Inspections.*

a-(1) *Generally.* All construction or work for which a permit is required shall be subject to inspection by the code enforcement officer, and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the code enforcement officer. In addition, certain types of construction shall have continuous inspection as specified in ~~the~~ International Building Code Article 17, *entitled* "Structural Tests and Special Inspections."

b-(2) *Required inspections; rough inspections.*

1a. *Temporary electric construction meter.* This inspection is to ~~be~~ made after all wiring installations have been made as required in ~~the~~ National Electrical Code, Article 527, *entitled* "Temporary Installations," including specific installation requirements of Westar Energy or *other* local ~~Electric~~-*electric* ~~Provider~~-*provider*.

2b. *Zoning/building code setbacks.* A location/elevation certification survey may be required prior to concrete placement. This wet stamp certification from a registered design professional must be available at rough inspections.

3c. *Trenches, footings, pads and caissons.* This inspection is to ~~be~~ made after trenches are excavated, forms *are* erected, *and* steel is in place, and prior to placement of concrete. Except as otherwise stated herein, the code enforcement officer shall perform all inspections required by this code. In some cases, this code requires on-site observation and a stamped written report by a registered design professional when plans call for drilled piers (caisson) construction, or other specialty inspections. Observation of the preparation, reinforcement and placement shall be described in detail in the written report as prepared by a registered design professional retained by the ~~permittee~~ *permittee*.

4d. *Third-party inspections.*

(i)1. *Foundation walls and/or grade beams steel reinforcement.* This inspection is to ~~be~~ made after all forms are erected, *and* steel is in place, and prior to placement of concrete. The registered design professional of record *may perform this inspection* with prior approval of the code enforcement officer ~~may perform this inspection~~.

(ii)2. *Damp-proofing of footing and foundation and/or grade beams of basement walls.* The registered design professional of record *may*, with prior approval of the code enforcement officer, ~~may~~ perform this inspection, which must be completed prior to backfilling.

(iii)3. *Electrical; underground.* Within a building, *this* inspection is to be made prior to backfilling and/or pouring concrete floor.

(iv)4. *Water service line. Inspection*—This inspection is to be made prior to backfilling. Test and inspections shall be in accordance with ~~the~~ International Plumbing Code Section 312.5. Water lines must be

inspected by the code enforcement officer or, with *his or her* prior approval, third-party inspections on forms provided by the city.

5e. *Inspections in geologic hazard areas.* At the completion of rough grading and/or foundation excavation, and prior to the construction of retaining walls, footings or bearing caissons, a soil engineer and/or an engineering geologist, within their respective fields of competency, shall inspect the site at the applicant's expense and render opinions, in writing, to the code enforcement officer concerning the soil and geologic conditions actually encountered, and that all known geologic hazards or constraints have been taken into account in the design of the facility.

6f. *Re-inspection.* The permittee must pay a re-inspection fee for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

(i)1. Re-inspection fees are not required the first time a job is rejected for failure to comply with the requirements of this code, but instead shall apply to control the practice of calling for inspections before the job is ready for such inspection or re-inspection.

(ii)2. Re-inspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, *when* the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested; or for deviating from plans requiring the approval of the code enforcement officer.

(iii)3. In instances ~~where~~*when* re-inspection fees are assessed, no additional inspection of the work will be performed until the required fees have been paid. A receipt of payment must be posted or available before receiving additional inspections.

(6f) *Certificate of occupancy.* No building or structure shall be used or occupied; and no change in the existing occupancy classification of a building or structure, or portion thereof, shall be made until the code enforcement officer has issued a certificate of occupancy.

(7g) *Temporary certificate of occupancy.*

a-(1) *Temporary occupancy.* The code enforcement officer is hereby authorized to issue a temporary certificate of occupancy (TCO) before completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely and there will be no danger to the public. The code enforcement officer shall set a time period during which the TCO is valid. The full certificate of occupancy ("CO") must be obtained prior to the expiration of the TCO. If the conditions of the TCO are not met and a CO is not obtained, the right to occupy immediately ceases and the premises must be vacated.

b-(2) *Certificate of compliance.* When permitted work is not designed for occupancy, upon proper project completion, the code enforcement officer ~~will~~*shall* issue a certificate stating that materials and products meet specified standards or that work was done in compliance with approved construction documents.

#### **SECTION FOUR: AMENDMENT TO MUNICIPAL CODE SECTION 14-43.**

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-43 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through; new provisions in italics):

**Sec. 14-43. - Amendments to the International Building Code.**

The following amendments, additions and deletions are made to the International Building Code:

- (1) Section 101.1, Title, *is amended by inserting-Insert:* City of Arkansas City, Kansas.
- (2) *Section 101.4.6 Energy is deleted in its entirety. Delete Section 101.4.6, Energy*
- (3) Section 109.2 *is amended by inserting:* See Arkansas City Comprehensive Fee Schedule for applicable fee schedule.
- (4) ~~Section 105.2~~ *is amended by deleting* item 2, Fences not over 6 feet high.
- (5) Section 113.1 *is amended by inserting:* The Building Trades Board of the City of Arkansas City, Kansas ~~{The Board}~~ is hereby appointed as the appeals board to hear any appeals made ~~on~~ of decisions of the city code official.
- (6) Section 907.2.1 is amended to read: A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies having an occupant load of 100 or more. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.  
  
*Exception:* Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with ~~section~~ Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler waterflow.
- (7) Section 1612.3 *is amended by inserting:* City of Arkansas City, Kansas.
- (8) Section 1809.5.1 is amended to read: Extending 6 inches below the frost line of the locality.
- ~~(9) Section 101.4.6, Energy, is deleted in its entirety.~~

**SECTION FIVE: AMENDMENT TO MUNICIPAL CODE SECTION 14-44.**

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-44 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through; new provisions in italics):

**Sec. 14-44. - Amendments to the International Residential Code.**

- (a) The following amendments and additions are made to the International Residential Code:
  - (1) Section R101.1 *is amended by inserting:* City of Arkansas City, Kansas.
  - (2) Section R108.2 *is amended by inserting:* See Arkansas City Comprehensive Fee Schedule for applicable fee schedule.
  - (3) Section R112.1 *is amended by inserting:* The Building Trades Board of the City of Arkansas City, Kansas ~~{The Board}~~ is hereby appointed as the appeals board to hear any appeals made ~~on~~ of decisions of the city code official.
  - (4) Section R301.2- Climatic and Geographic Design Criteria. Table R301.2 (1) is amended to read as the following Table:



Design Criteria, R301.2 (1) Climatic and Geographic

Roof snow load	15 lbs./sq. ft.
Wind speed	Less than 115 MPH
Seismic design category	A
Weathering	Severe
Frost line depth	24 inches
Termite hazard	Moderate to heavy
Decay hazard	Slight to moderate
Winter design temperature	0 Degrees
Ice shield underlayment required	No
Flood hazard criteria	FIRM; October 19, 2010
Air freezing index	600
Mean annual temperature	58 degrees Fahrenheit

- (5) Section R313 Automatic Fire Sprinkler Systems is amended by replacing the word “shall” with the word “may” in ~~sections~~ Sections R313.1 and R313.2.
- (6) Section R908.3.1.1 Condition 3 is amended to read as follows: Shall have no more than 1 layer for asphalt shingles.
- (7) Section M1602.2 Return Air Openings is amended by deleting: #2. The amount of return air taken from any room or space shall be not greater than the flow rate of the supply air delivered to such room or space.
- (8) Section M2003.2 Minimum Capacity is amended by adding the phrase to the end of the sentence; or as determined by the design professional.
- (9) Section G2414.5 (403.5) Metallic Tubing, is amended to read: Steel tubing shall be permitted to be used with gases not corrosive to such material.
- (10) Section G2417.1.4 (406.1.4) Section Testing, is amended by deleting the sentence: Under no circumstances shall a valve be used as a bulkhead between gas in one section of the piping system and test medium in an adjacent section.
- (11) Section P2502.1 Existing building sewers and drains, is amended to read: Existing building sewers and drains shall be used in connection with new systems when found by examination and/or test to conform to the requirements prescribed by this document.
- (12) Section P2503.4 Building sewer testing, is amended to read: The building sewer may be tested by insertion of a test plug at the point of connection with the public sewer, filling the building sewer with water and pressurizing the sewer to not less than 10-foot (3048 mm) head of water. The pressure shall not decrease during a period of not less than 15 minutes. The building sewer shall be watertight at all points.
- (13) ~~The last sentence in Section P2603.4, the last sentence in this section~~ is amended to read: The sleeve shall have an inside diameter of at least one-half inch (1/2”) larger than the outside diameter of the pipe passing through it.

- (14) *The last sentence in Section P2603.5.1, ~~the last sentence in this section~~ is amended by inserting the number “12 inches” and again “12 inches”.*
- (15) Section P2801.6.1 Pan size and drain, is amended by striking the reference to Table P2906.5 and inserting Table P2906.4.
- (16) *Section P2902.5.3 Lawn irrigation systems is amended by adding the following sentence: Maintenance of any atmospheric vacuum breaker, pressure vacuum breaker assembly or reduced pressure principle backflow prevention assembly shall be performed annually by a certified backflow prevention contractor. Proof of such annual maintenance shall be provided to the city within 60 days of notice being issued to the property owner. If such proof is not provided within the specified time frame, the city shall hire a certified backflow prevention contractor to perform such maintenance to the city’s satisfaction, at the owner’s expense.*
- (167) *The last sentence in Section P2906- Separation of water service and building sewer, is amended by ~~amending the last sentence of the section~~ to read: The required separation distance shall not apply where the bottom of the water service pipe that is located within 5 feet (1524 mm) of the sewer is not less than 24 inches (610 mm) above the highest point of the top of the building sewer.*
- (178) Section P2906.4 is amended by adding a new section: Section 2906.4.2 Tracer wire: For the purpose of locating the building service lines, all new or replacement installations using non-metallic pipe or tubing shall have a #12 THHW copper conductor, or equivalent, tracer wire installed with the service line. The tracer wire shall be installed as follows: For water lines, the tracer wire shall extend six (6) inches above the meter box cover through the meter box to the point of entry into the building, where it shall be connected to a one half (1/2) pound anode or larger. For yard hydrants, the tracer wire shall extend six (6) inches above the surface of the ground at the backflow device to the point of connection to the water service, where it shall be connected to an existing tracer wire or grounded to a one half (1/2) pound anode or larger. For lawn sprinklers, the tracer wire shall extend six (6) inches above the surface of the ground at the backflow *prevention* device to the point of connection to the water service, where it shall be connected to an existing tracer wire or grounded to a one half (1/2) pound anode or larger. Exception: The tracer wire may be omitted on lawn sprinkler piping installed after the backflow *prevention* device located on private property.
- (189) Section P2906.5. Hot and cold water branch lines is amended by adding the following sentence: Hot and cold water branch lines connected to within 18 inches of the water heater connection shall be of brass, K, L, or M copper or galvanized steel, or an approved metallic water heater connector.
- (1920) Section P3002.2 Building Sewer is amended by adding a new section: Section P3002.2.2 Tracer wire: For the purpose of locating building sewers, all new installation and replacements shall have a #12 THHW copper conductor or equivalent tracer wire installed with the sewer line. The tracer wire shall extend six (6) inches above the surface of the ground at the cleanout to the tap, where it shall be connected to an existing tracer wire or grounded to a one half (1/2) pound anode or larger at the sewer tap or at the downstream end of the replaced sewer line.
- (201) Section 3005.2.6 Cleanout plugs is amended to read: Cleanout plugs shall be copper alloy, plastic or other approved materials. Cleanout plugs for borosilicate glass piping systems shall be of borosilicate glass. Brass cleanout plugs shall conform to ASTM A74. Plastic cleanout plugs shall conform to the reference standards for plastic pipe fittings as indicated in Table P3002.3. Cleanout plugs shall have a raised square head, a countersunk square head, or a countersunk slot head. Where a cleanout plug will have a trim cover

screw installed into the plug, the plug shall be manufactured with a blind end threaded hole for such purpose.

- (2+2) Section P3114.3 Where permitted is amended by adding the following statement: Permission shall be required from the building official and noted on the ~~Plumbing Permit~~ *plumbing permit*.
- (223) *Section* E3406.3 Minimum size of conductors is amended to read as follows: The minimum size of conductors for feeders and branch circuits shall be #12 AWG copper and #6 AWG aluminum. The minimum size of service conductors shall be as specified in Chapter 36. The minimum size of Class 2 remote control signaling and power-limited circuit conductors shall be as specified in Chapter 43. [310.106(A)].
- (234) Section E3601.6.2 Service disconnect location is amended to read: The service disconnecting means with overcurrent protection shall be installed at a readily accessible location outside of the building. Each occupant shall have access to the disconnect serving the dwelling unit in which they reside.
- (245) Section 3604.2.2 Vertical Clearance from grade is amended to read: Overhead service or feeder conductors shall have the following minimum clearances from final grade:
- a. For conductors supported on and cabled together with a grounded bare messenger wire, the minimum vertical clearance shall be 10 feet (3048 mm) at the electric service or feeder entrance to the buildings or structures at the lowest point of the drip loop of the structure electric entrance and above areas or sidewalks accessed by pedestrians only. Such clearance shall be measured from the final grade or other accessible surfaces.
  - b. Twelve (12) feet (3653 mm) — over residential property or sidewalks accessed by pedestrians only.
  - c. Fifteen (15) feet (4500 mm) — over residential property or residential driveways subject to vehicular traffic.
  - d. Eighteen (18) feet (5486 mm) — over public streets, alleys, roads or parking areas subject to truck traffic. [230.24 (B) (1), (2), (3) and (4)].
- (256) Section E3604.5.1 Strength is amended to read: The service mast shall be of adequate strength or shall be supported by braces or guys to safely withstand the strain imposed by the service-drop or overhead service conductors and in no case are smaller than a ~~2~~ 2-inch ridge conduit. Hubs intended for use with a conduit that serves as a service mast shall be identified for use with service-entrance equipment.
- (267) Section E3608.1 Grounding electrode system is amended by adding the following statement: On all new construction, one or more of the electrodes specified in *Sections* E3608.1.1 through E3608.1.3 shall be made available.
- (278) Table E3702.14 Branch Circuit Requirements - Summary, Circuit Rating 15 amp: Conductor is amended by deleting “#14 AWG Wire” and inserting “#12 AWG wire”.
- (289) Section E3706 Panelboards is amended by adding a new section: Section E3706.6 Panelboard Size: The panelboard shall be of a size large enough to allow the installation of all circuit overcurrent devices required for the present installation and a minimum of four (4) extra spaces for future use.
- (2930) Section E4002.14 Tamper-resistant receptacles is amended by adding a new exception: Exception 4. A single or duplex receptacle used for countertop appliances or other

electric devices where such receptacles are located over as standard height and size countertop.

- (a) The following sections of the International Residential Code are deleted:
  - (1) Section R303.4 Mechanical Ventilation.
  - (2) Chapter 11 Energy Efficiency.
  - (3) Section M1411.8 Locking access port caps.
  - (4) Section G2414.5.2 (403.5.2) Copper, copper alloy tubing.

## **SECTION SIX: AMENDMENT TO MUNICIPAL CODE SECTION 14-45.**

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-45 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through; new provisions in italics):

### **Sec. 14-45. - Amendments to the International Plumbing Code.**

- (a) The following amendments and additions are made to the International Plumbing Code:
  - (1) Section 101.1 *is amended by inserting: City of Arkansas City, Kansas.*
  - (2) Section 106.6.2 *is amended by inserting: See Arkansas City Comprehensive Fee Schedule for applicable fee schedule.*
  - (3) Section 109.2 is amended to read: The Building Trades Board of the City of Arkansas City, Kansas ~~{(The Board)}~~ is hereby appointed as the appeals board to hear any appeals made ~~on~~*of* decisions of the city code official.
  - (4) Section 109.6 is amended to read: The Board may modify or reverse the decision of the *city* code official by a majority vote of a quorum.
  - (5) Section 305.5 is amended to read in its entirety as follows: Pipes through or under footings or foundation walls. Any pipe that passes under a footing or through a foundation wall shall be provided with a relieving arch, or a pipe sleeve pipe shall be built into the foundation wall. The sleeve shall be ½ inch greater in size than the pipe passing through the wall.
  - (6) Section 305.4.1 ~~this section~~ is amended by inserting the number “12 inches” and again “12 inches”.
  - (7) Section 503 is amended by adding a new section:

*Section 503.3 Hot and cold water branch lines connected to and within 18 inches of the water heater connection shall be of brass, K, L, or M copper or galvanized steel, or an approved metallic water heater connector.*
  - (8) ~~The last sentence in~~ Section 603.2 is amended ~~by amending the last sentence of the section~~ to read: The required separation distance shall not apply where the bottom of the water service pipe that is located within 5 feet (1524 mm) of the sewer is not less than 24 inches (610 mm) above the highest point of the top of the building sewer.
  - (9) Section 603 is amended by adding: Section 603.3 Tracer wire: For the purpose of locating building sewer lines, all new and replacement installations using non-metallic

pipe or tubing shall have a #12 THHW copper conductor or equivalent tracer wire installed with the service line. The tracer wire shall be installed as follows:

*Water line:* The tracer wire shall extend from six (6) inches above the meter box cover through the meter box to the point where it enters the building, where it shall be connected to a one half (1/2) pound anode or larger.

*Yard hydrant:* ~~the~~The tracer wire shall extend six (6) inches above the surface of the ground at the yard hydrant to a point of connection to the water service, where it shall be connected to an existing tracer wire or grounded to a one half (1/2) pound anode or larger.

*Lawn sprinkler:* The tracer wire shall extend from six (6) inches above the surface of the ground at the backflow *prevention* device to a point of connection to the water service, where it shall be connected to an existing tracer wire or grounded to a one half (1/2) pound anode or larger.

*Exception:* The tracer wire may be omitted on the lawn sprinkler piping installed after the backflow *prevention* device located on private property.

- (10) Section 608.1 is amended by adding: In addition to the requirements covered by this section, all water supply systems connected to a public water system shall comply with Article IV Water Supply Cross Connections Sections 78-141 through ~~Section~~ 78-174.
- (11) Section 608.15.4 is amended by adding: Section 608.15.4.3 Yard Hydrants. When installed, water piping shall be ridge type “K” copper, brass or galvanized pipe for a distance of 6 inches on both sides of the hydrant (freeze proof), or a minimum ~~6~~-6-inch extension of type “K” copper, brass or galvanized pipe attached before the yard hydrant (freeze ~~Proof~~*proof*). Adequate rock or gravel shall be installed at the base of the hydrant to allow for a drainage field for the hydrant drain. Hydrants shall be fitted with a non-removable hose bib vacuum breaker, and the weep hole shall be fitted with a ~~1/8~~-1/8-inch ~~Elbow~~*elbow* and a short nipple. Hydrants shall be supported by steel tee post and attached to the tee post by a minimum of *two* (2) stainless steel bands. Bands shall be installed 6 inches above finished grade and within 6 inches of the hydrant head.
- (12) *Section 608.16.5 Connection to lawn irrigation systems is amended by adding the following sentence: Maintenance of any atmospheric vacuum breaker, pressure vacuum breaker assembly or reduced pressure principle backflow prevention assembly shall be performed annually by a certified backflow prevention contractor. Proof of such annual maintenance shall be provided to the city within 60 days of notice being issued to the property owner. If such proof is not provided within the specified time frame, the city shall hire a certified backflow prevention contractor to perform such maintenance to the city’s satisfaction, at the owner’s expense.*
- (123) Section 703.1 is amended to read: Where the building sewer is installed within 5 feet (1524 mm) of water service, as provided for in ~~section~~Section 603.2, the building sewer pipe shall conform to one of the standards for ABS plastic pipe, copper or copper-alloy tubing, or PVC plastic pipe listed in Table 702.3.
- (134) Section 703 is amended by adding a new section:  
  
*Section 703.7 Tracer wire—:* For the purpose of locating building sewers, all new installations and replacements shall have a #12 THHW or equivalent tracer wire installed with the sewer. The tracer wire shall extend from the surface of the ground at the cleanout to the tap, where it shall be connected to an existing tracer wire or grounded to a one half (1/2) pound anode or larger.

- (145) Section 715.1 Sewage backflow is amended to read: All new or replacement building sewer shall include a backflow prevention device. The backflow prevention device shall be installed as close to the building as is practical and upstream of the cleanout, and shall be made accessible for periodic cleaning *and maintenance* by the building owner.

*Section 715.1.1 Existing building sewers*; ~~when~~ When repairs to an existing building include the removal ~~of a house trap of~~ or replacement of 5 feet of drain line and/or installation of a cleanout, the backflow prevention device shall be installed as close to the building as practical and upstream of the cleanout.

*Exception: A backflow* ~~Backflow~~ prevention device may only be omitted if approved by the authority having jurisdiction.

- (156) Section 903.1 amended by ~~inserting~~ *insertion* of “six inches (6)”.

- (167) Section 918.3 is amended by adding: ~~when~~ When permitted, permission shall be required from the building official and noted on the *plumbing permit* ~~Plumbing Permit~~.

(b) The following sections of the International Plumbing Code, ~~2015 Edition~~, are deleted:

- (1) Section 109.2.1 Qualifications
- (2) Section 109.2.2 Alternate members
- (3) Section 109.6.1 Resolution

## **SECTION SEVEN: AMENDMENT TO MUNICIPAL CODE SECTION 14-46.**

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-46 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through; new provisions in italics):

### **Sec. 14-46. - Amendments to the International Property Maintenance Code.**

The following amendments and deletions are made to the International Property Maintenance Code:

~~§1~~; *Section 101.1* is amended by ~~inserting~~ *to insert*: City of Arkansas City, Kansas.

*Section 102.6* is amended to read in its entirety as follows:

*Historic buildings.* Except as provided by Section 304.13.3, the provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety, and welfare.

*Section 107.2* is amended to read in its entirety as follows: which — in addition to Section 302.4 — shall constitute the City of Arkansas City’s weed removal and notification procedure pursuant to ~~Kan.-Stat.-Ann.~~ 12-1617(f):

Such notice prescribed in Section 107.1 shall:

- (1-) Be in writing;
- (2-) Include a description of the real estate sufficient for identification;
- (3-) Include a statement of the violation or violations and why the notice is being issued;

- (4-) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code;
- (5-) Inform the owner or occupier that ~~they~~*he or she* may be issued a notice to appear in Municipal Court if the violation is not corrected-;
- (6-) Comply with other provisions of ~~Kan. Stat. Ann.~~ 12-1617(f), if the ~~City~~*city* intends to assess the costs of weed abatement to the parcel; and
- (7-) Include a statement of the right to file a lien in accordance with Section 106.3.

*Section 111* is amended to read in its entirety as follows:

The city code official may issue a notice to appear in Municipal Court for all violations of this code.

*Section 112.4* is amended to read in its entirety as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be fined in an amount set by resolution of the board of city commissioners.

*Section 302.4* is amended by ~~inserting to insert~~: 12 inches.

*Section 304.14* is amended by ~~inserting to insert~~: January 1, December 31.

*Section 304.13.3* is added to read as follows:

Windows:

- (1) All window frames or other openings in the wall of a structure for a window (hereafter collectively *referred to as* “window frame”) shall be filled, in compliance with applicable building and housing codes, with material capable of closing and sealing the entire window frame to ~~bar~~*prevent* access to the structure ~~from~~*by* pests, rodents, insects, birds, or other animals.
- (2) When removing or replacing material, including but not limited to, glass, wood products, metal, or corrugated filler, within any window frame, the material shall be replaced with a material capable of closing and sealing the entire window opening, and consisting of:
  - (a). A rigid and transparent material, excluding Plexiglas;
  - (b). A decorative or tinted pane or panes of glass; or
  - (c). The same material as contained in the original construction of the structure, or a modern, improved material that has the same appearance as that *used* in the original construction.
- (3) If otherwise in compliance with applicable building and zoning codes, in lieu of the requirements set forth above, windows may be ~~permanently~~*permanently* removed by closing the opening with the same material and color as the surrounding exterior of the building, so that the wall does not appear to contain the window and window frame. If the same material and color are not available,

~~upon written request,~~ the code enforcement officer may, *upon written request*, approve an alternative material and/or color that meets the intent and objective of this section.

*Section 602.3* is amended by ~~inserting to insert~~: January 1, December 31.

*Section 602.4* is amended by ~~inserting to insert~~: January 1, December 31.

## **SECTION EIGHT: AMENDMENT TO MUNICIPAL CODE SECTION 14-47.**

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-47 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through; new provisions in italics):

### **Sec. 14-47. - Amendments to the International Fuel Gas Code.**

- (a) The following amendments and additions are made to the International Fuel Gas Code:
- (1) Section 101.1 *is amended by inserting* ~~Insert~~: City of Arkansas City, Kansas.
  - (2) Section 106.6.2 *is amended by inserting*: See Arkansas City Comprehensive Fee Schedule for applicable fee schedule.
  - (3) Section 109.2 is amended to read: The Building Trades Board of the City of Arkansas City, *Kansas* ~~{(The Board)}~~ is hereby appointed as the ~~“Appeals Board”~~ *appeals board* to hear any appeals made ~~on~~ *of* decisions of the city code official.
  - (4) Section 109.6 Board decision is amended to read: The Board may modify or reverse the decision of the city code official by a majority vote of a quorum.
  - (5) Section 403.5 is amended to read: Seamless aluminum alloy and steel tubing shall not be used with gases corrosive to such material.
  - (6) Section 406.1.4 Section Testing is amended by deleting the sentence: Under no circumstances shall a valve be used as a bulkhead between gas in one section of the piping system and test medium in an adjacent section, except where a double block and bleed valve system is installed.
- (b) The following sections of the International Fuel Gas Code are deleted:
- (1) Section 109.2.1 Qualifications
  - (2) Section 109.2.2 Alternate members
  - (3) Section 109.6.1 Resolution
  - (4) Section 403.4.3 Copper and brass
  - (5) Section 403.5.2 Copper and brass tubing

## **SECTION NINE: AMENDMENT TO MUNICIPAL CODE SECTION 14-48.**

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-48 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through; new provisions in italics):

### **Sec. 14-48. - Amendments to the National Electrical Code.**

- (a) The following amendments *and additions* are made to the National Electrical Code:



(1-) Article 80 Administration and Enforcement (Appendix H)

- ~~(1)~~a. Article 80.15 (A) through (F) is deleted and amended to read: The Building Trades Board of the City of Arkansas City, Kansas ~~is hereby appointed as the~~ ~~{(The Board)}~~ *is hereby appointed as the appeals board to hear any appeals made of decisions of the city code official.*
- ~~(2)~~b. Article 80.19 (F) (3) *is amended by inserting: 2 business.*
- ~~(3)~~c. Article 80.23 (3) *is amended by inserting: one hundred, 100.00, five hundred, 500.00, one, 1, thirty, 30.*
- ~~(4)~~d. Article 80.25 (C) *is amended by inserting: 2.*
- ~~(5)~~e. Article 80.29 ~~insert~~ *is amended by inserting: jurisdiction.*
- ~~(6)~~f. Article 80.35 ~~insert~~ *is amended by inserting: thirty, 30.*

(2-) Article 210, Branch Circuits

- a. *Article 210.8 Ground-Fault Circuit-Interrupter Protection for Personnel. (A) Dwelling Units is amended to read as follows:*

- (2) *Garages, and also accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use.*

*Exception to (2): Garage door openers shall not be required to have ground-fault circuit-interrupter protection.*

- (6) *Kitchens — where the receptacles are installed to serve the countertop surfaces.*

*Exception to (6): Refrigerators shall not be required to have ground-fault circuit-interrupter protection.*

- b. *Article 210.12 Arc-Fault Circuit-Interrupter Protections. (A) Dwelling Units is amended to read as follows:*

*All 120-volt, single-phase, 15- and 20-ampere branch circuits supplying outlets or devices installed in dwelling unit bedrooms, closets, laundry areas and similar rooms or areas shall be protected by any of the means described in 210.12(A)(1) through (6):*

- ~~(1)~~c. Article 210.19 Conductors—Minimum Ampacity and Size. (1) General, ~~is~~ amended to read *as follows:*

Branch circuit and small feeder conductors shall be of No. 12 A.W.G. or larger and shall be copper. Exception: No. 6 or larger stranded aluminum or copper clad aluminum may be used when properly treated against corrosion with an approved compound and used with approved connectors. Branch-circuit conductors shall have an ampacity not less than the maximum load to be served. Conductors shall be sized to carry not less than the larger of 210.19 (A)(1)(a) or (b).

- ~~(a)~~1. Where a branch circuit supplies continuous loads or any combination of continuous and non-continuous loads, the minimum branch-circuit

conductor size shall have an allowable ampacity not less than the non-continuous load plus 125 percent of the continuous load.

- (b)2. The minimum branch-circuit conductor size shall have an allowable ampacity not less than the maximum load to be served after the application of any adjustment of correction factors.

*Exception:* If the assembly, including the overcurrent devices protecting the branch-circuit(s), is listed for operation at 100 percent of its rating, the allowable ampacity of the branch-circuit conductors shall be permitted to be not less than the sum of the continuous load plus the non-continuous load.

- (2)d. Table 210.24 Summary of Branch-Circuit Requirement, Circuit Rating 15 A - Circuit wires is amended by deleting "14" and inserting "12".

(3-) Article 225, Outside Branch Circuits and Feeders

- (1)a. Article 225.17 Masts as Support is amended to read *as follows*:

Only feeder or branch-circuit conductors specified within this section shall be permitted to be attached to the feeder and/or branch-circuit mast. ~~Mast~~ Any mast used for the support of final spans of feeders or branch circuits shall be a minimum of two (2) inch galvanized rigid steel or greater, and shall be installed in accordance with 225.17 (A) and (B).

- (2)b. Article 225.18 *item (2)* is amended ~~by amending item (2)~~ to read as follows:

(2) 4.5 m (15 ft.) — over residential property and driveways, and those commercial areas not subject to truck traffic where the voltage does not exceed 300 volts to ground.

(4-) Article 230, Services

- (1)a. Article 230.24, Clearances, (B) Vertical Clearance from Ground, item (2) is amended to read as follows:

(2) 4.5 m (15 ft.) — over residential property and driveways, and those commercial areas not subject to truck traffic where the voltage does not exceed 300 volts to ground.

- (2)b. Article 230.28, Service Masts as Supports, is amended to read as follows:

Only power service-drop or overhead service conductors specified within this section shall be permitted to be attached to the service mast. ~~Service~~ Any service mast used for the support of final spans of service drop or overhead service conductors shall be a minimum of two (2) inch galvanized rigid steel or greater, and shall be installed in accordance with 230.28 (A) and (B).

- (3)c. Article 230.31 (A) General, is amended by adding the following sentence:

Underground service-lateral conductors for ~~200~~ 200-ampere services or larger may be installed, provided that written approval from *the* local utility provider is received, and shall be installed according to the local utility provider's "Typical" "Typical Permanent Underground ~~Service~~ Service" details.

(4)d. Article 230.43, Wiring Methods for 600 Volts, Nominal, Or Less, is amended by deleting the following categories:

- (1) Open wiring on insulators;
- (2) Type IGS cable;
- (6) Electrical Nonmetallic tubing (ENT);
- (7) Service-entrance cables;
- (13) Type MC Cable;
- (14) Mineral-insulated, metal-sheathed cable;
- (16) liquid-tight flexible nonmetallic conduit.

(6)e. Article 230.70, (A) (1) Readily Accessible Location, is amended to read as follows:

The service disconnect shall be installed at a readily accessible location outside of the building, either directly below or adjacent to the meter socket.

*Exception:* A shunt trip main breaker may be used when written approval is given by the ~~Fire Marshal~~ fire marshal and ~~Building Official~~ building official. Location of the shunt trip push button shall be located in a readily accessible location approved by the ~~Fire Marshal~~ fire marshal.

(5-) Article 334 Nonmetallic-Sheathed Cable: Types NM, NMC, and NMS

(4) — Article 334.10 Uses Permitted, is amended by deleting the following item: (3).

(6-) Article 362 Electric Nonmetallic Tubing: Type ENT

(4) — Article 362.10 Uses Permitted, is amended to read as follows:

The use of ENT and fittings may be used for the installation of communication and data cables where enclosed in chases or wall cavity.

(7-) Article 406 Receptacles, Cord Connectors, and Attachment Plugs (Caps)

(4) — Article 406.12 Tamper-Resistant Receptacles, is amended by ~~added~~ adding a new exception.:

*Exception:* 5. A single or duplex receptacle used for countertop appliances or other electric devices where such receptacles are located over a standard height and size countertop.

(8-) Article 408 Switchboards and Panelboards

Article 408.54 Number of Overcurrent Devices is amended by adding the following sentence:

The panelboard shall be of a size large enough to allow the installation of all circuit overcurrent devices required for the present installation and at least two (2) additional spaces for two hundred twenty (220) volt two-pole circuit overcurrent devices (4 spaces)

for future use or two (2) additional spaces for two 3-pole overcurrent devices (6 spaces) for 3 phase panels for future use.

(b) The following ~~sections are~~ *section is* deleted in full:

(1-) Article 80.27 Inspector's Qualifications

#### **SECTION TEN: AMENDMENT TO MUNICIPAL CODE SECTION 14-49.**

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-49 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through; new provisions in italics):

##### **Sec. 14-49. - Amendments to the International Mechanical Code.**

(a) The following amendments and additions are made to the International Mechanical Code:

- (1) Section 101.1 *is amended by inserting:* City of Arkansas City, Kansas
- (2) Section 106.5.2 *is amended by inserting:* See Arkansas City Comprehensive Fee Schedule for applicable fee schedule.
- (3) Section 109.2 is amended to read: The Building Trades Board of the City of Arkansas City, *Kansas* ~~{(The Board)}~~ is hereby appointed as the ~~"Appeals Board"~~ *appeals board* to hear any appeals made ~~on~~ *of* decisions of the city code official.
- (4) Section 109.6 is amended to read: The Board may modify or reverse the decision of the city code official by *a* majority vote of a quorum.
- (5) Section 601.5 Return Air Openings is amended by deleting item 3. The amount of return air taken from any room or space shall be not greater than the flow rate of supply air delivered to such room or space.
- (6) Section 1009.2 Closed-type expansion tanks is amended by adding to the end of the sentence, "or as determined by the design professional".
- (7) Section 1102.3 Access port protection is amended to read: Refrigerant access ports shall be protected by standard port caps whenever refrigerant is added to or recovered from refrigeration or air-conditioning systems.

(b) The following sections of the International Mechanical Code are deleted:

- (1) Section 109.2.1 Qualifications
- (2) Section 109.2.2 Alternate members
- (3) Section 109.6.1 Resolution
- (4) Section 1101.10 Locking-access port cap

#### **SECTION ELEVEN: AMENDMENT TO MUNICIPAL CODE SECTION 14-50.**

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-50 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through; new provisions in italics):

##### **Sec. 14-50. - Amendments to the International Existing Building Code.**

(a) The following amendments and additions are made to the International Existing Building Code:

- (1) Section 101.1 *is amended by inserting*: City of Arkansas City, Kansas.
- (2) Section 108.2 *is amended by inserting*: See Arkansas City Comprehensive Fee Schedule for applicable fee schedule.
- (3) Section 112.3 *is amended by inserting*: The Building Trades Board of the City of Arkansas City, Kansas ~~{(The Board)}~~ is hereby appointed as the appeals board to hear any appeals made ~~on~~*of* decisions of the city code official.
- (4) Section 1401.2 ~~insert~~*is amended by inserting*: Effective Date January 1, 2017.

## **SECTION TWELVE: AMENDMENT TO MUNICIPAL CODE SECTION 14-51.**

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-51 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through; new provisions in italics):

### **Sec. 14-51. - Amendments to the International Private Sewage Disposal Code.**

- (a) The following amendments and additions are made to the International Private Sewage Disposal Code:
  - (1) Section 101.1 *is amended by inserting*: City of Arkansas City, Kansas.
  - (2) Section 101.3- ~~Amend~~*is amended* to read: When a private *sewage* disposal system fails and the public sewer is available within 300 feet, as provided in ~~section~~*Section 62-229(d)*, the private disposal system shall be abandoned and an approved connection to the public sewer shall be completed, unless otherwise approved by the city engineer or his *or her* designee.
  - (3) Section 106.4.2 *is amended by inserting*: See Arkansas City Comprehensive Fee Schedule for applicable fee schedule.
  - (4) Section 109.2 is amended to read: The Building Trades Board of the City of Arkansas City, *Kansas* ~~{(The Board)}~~ is hereby appointed as the ~~“Appeals Board”~~*appeals board* to hear any appeals made ~~on~~*of* decisions of the city code official.
  - (5) Section 109.6 is amended to read: 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~~*incorrectly*-interpreted *incorrectly*, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The ~~board~~*Board* shall have no authority to waive requirements of this code.
- (b) The following sections of the International Private Sewage Disposal Code are deleted:
  - (1) Section 109.2.1 Qualifications
  - (2) Section 109.2.2 Alternate members
  - (3) *Section 109.2.3*

## **SECTION THIRTEEN: AMENDMENT TO MUNICIPAL CODE SECTION 14-99.**

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-99 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through; new provisions in italics):

**Sec. 14-99. - Permit required.**

- (a) It is unlawful for any person, firm, or corporation to move, haul, or transport any house, building, derrick, or other structure of the height of 16 feet or over, or width of 14 feet or over, or length of 75 feet or over, upon, across, or over any public highway, local street, or alley, within the limits of the city, upon which public highway, road, street, or alley, any telephone, telegraph, electric light, or electric power wires or other facilities are in place (collectively utilities), without first obtaining a permit therefore.
- (b) All applicants for a permit shall complete the application form on file with the ~~public works department~~ *city* and submit it, ~~to that office~~ along with the fee set by resolution of the board of city commissioners, and a good and sufficient surety bond in favor of the city in the sum of \$10,000.00, indemnifying the city against any damage to streets and any loss or damage suit resulting from the failure of such person, firm, or corporation to comply with the provisions of this article or from their neglect.
- (c) Upon receipt of a completed application and permit fee, the code enforcement officer shall investigate the application, and, if the application is true and correct, *shall* give at least 30 days' notice of the proposed move to all utilities within the proposed route.
- (d) Upon the expiration of 30 days after notice *is given*, payment by the applicant of the costs described in ~~section~~ *Section* 14-100 below, and the moving of all affected utilities, the code enforcement officer shall issue a permit for same and, within the permit, designate the route for such moving.
- (e) The permit holder shall give the code enforcement officer and utilities not less than 24 hours' advance notice of the actual date for the move, provided that should the moving operation be delayed, the permit holder shall ~~again~~ give such notice *again*.
- (f) All permits shall be valid for six months after the date of *their* issuance.

**SECTION FOURTEEN: AMENDMENT TO MUNICIPAL CODE SECTION 14-100.**

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-100 of the Arkansas City Municipal Code to read as follows (new provisions in italics):

**Sec. 14-100. - Duty of owners.**

- (a) All utilities owning or operating such wires, cables, or other aerial equipment after service of notice of the move must remove, raise, or cut such wires, cables or other aerial equipment as will be necessary to facilitate applicant's moving operations within 30 days of notice, and advanced payment or acceptable surety arrangements in lieu of advanced payment of the costs incurred to accommodate the applicant's proposed move.
- (b) Violation of this section shall render such utility liable to the applicant in an amount not to exceed \$100.00 per day for each day such utility fails and refuses to so accommodate applicant's moving operations.

**SECTION FIFTEEN: AMENDMENT TO MUNICIPAL CODE SECTION 14-101.**

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-101 of the

Arkansas City Municipal Code to read as follows (deleted provisions struck through; new provisions in italics):

**Sec. 14-101. - Molesting wires.**

No person, firm, or corporation engaged as principal or employee in moving any house, building, derrick, or any other structure, shall move, touch, cut, molest, or in any way interfere with telephone, telegraph, electric light, or electric power wires, or any poles bearing such wires or any other equipment.

**SECTION SIXTEEN: AMENDMENT TO MUNICIPAL CODE SECTION 14-102.**

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-102 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through; new provisions in italics):

**Sec. 14-102. - Code enforcement officer to inspect moving operations.**

The code enforcement officer shall inspect the progress of the moving of any house, building, derrick or other structure to ensure the structure is moved in accordance with this article. To protect pavement, crossings, culverts, drains, or bridges on the route, the code enforcement officer may require the applicant to ~~properly~~ plank such places *properly* to prevent damage.

**SECTION SEVENTEEN: AMENDMENT TO MUNICIPAL CODE SECTION 14-103.**

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-103 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through; new provisions in italics):

**Sec. 14-103. - Display of lights in barricade.**

Any person, firm or corporation engaged in the moving of any building, derrick, or other high or heavy structure, machine, or thing along, across, or over any street, avenue, alley, or other public property of the city, shall keep and maintain red lights at night, visible to anyone approaching the building or other structure from either direction, and shall notify the fire chief and the police chief where the building or structure is stopped for the night.

**SECTION EIGHTEEN: AMENDMENT TO MUNICIPAL CODE SECTION 14-135.**

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-135 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through; new provisions in italics):

**Sec. 14-135. - Lien created on insurance proceeds.**

- (a) Pursuant to K.S.A. 40-3901 *et seq.*, which is incorporated by reference as if fully set forth herein, the board of city commissioners hereby creates a lien in favor of the city on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a structure located within the city, caused by or arising out of fire, explosion, or windstorm, ~~where~~ *when* the proceeds recoverable for all the loss or damage to the structure under all policies is in excess of 75 percent of the face value of the policy covering such insured structure.
- (b) The lien arises upon any unpaid tax, special ad valorem levy, or any other charge imposed upon real property by or on behalf of the city which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss.

**SECTION NINETEEN: AMENDMENT TO MUNICIPAL CODE SECTION 14-136.**

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-136 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through):

**Sec. 14-136. - Encumbrances.**

- (a) Prior to final settlement on any claim covered by this article, the insurer or insurers shall contact the county treasurer, to determine the amount of any encumbrances against the insured property. If any, the insurer or insurers shall execute and transmit in an amount equal to that owing under the encumbrances a draft payable to the county treasurer, to apply to the encumbrance.
- (b) Such transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the property.

**SECTION TWENTY: AMENDMENT TO MUNICIPAL CODE SECTION 14-137.**

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-137 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through; new provisions in italics):

**Sec. 14-137. - Procedure.**

- (a) When final settlement on a covered claim has been reached between the insured and the insurer, the settlement exceeds 75 percent of the face value of the policy, and the holder of any first real estate mortgage on the insured property has been paid the amount due under the mortgage, the insurer shall pay to the city ~~treasurer~~ 15 percent of the covered claim, unless the code enforcement officer certifies that the damaged structure and debris has been removed or otherwise made safe and secure. Such payment shall be made on a pro rata basis by insurers, if more than one. In addition to payment, the insurer shall provide *separately* to the city the name and address of the named insured, the total insurance coverage applicable to said structure, and the amount of the final settlement.
- (b) Upon receipt, the city shall send by registered mail a notice to the insured of the requirements of this article, ~~and certifying~~ that insurance proceeds have been received.

**SECTION TWENTY-ONE: AMENDMENT TO MUNICIPAL CODE SECTION 14-160.**

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-160 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through; new provisions in italics):

**Sec. 14-160. - Streets and avenues.**

All houses or buildings fronting public streets in the city shall be numbered in conformity with the following provisions:

- (1a) On streets running north and south, the numbering shall commence at the intersection of Central Avenue with number 100 on the east, ~~side~~ and number 101 on the west side of the street, and shall increase going north and south, giving each 25 feet a number along the building line to the intersection to the next street; ~~thence commencing with number 200~~ on the east side and 201 on the west side of the ~~streets~~ *street*, and so on through each street;
- (2b) On avenues running east and west, the numbering shall commence at the intersection of Summit Street with number 100 on the north side and number 101 on the south side of the ~~avenues~~ *avenue*, and shall increase going east ~~or~~ *and* west, giving ~~a number to~~ each 25 feet *a number* along the building line to the intersection to the next avenue; ~~thence~~ *thence* commencing with number 200 on the north *side* and 201 on the south side of the avenue, and so on through each avenue.



## **SECTION TWENTY-TWO: AMENDMENT TO MUNICIPAL CODE SECTION 14-161.**

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-161 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through; new provisions in italics):

### **Sec. 14-161. - Placement.**

Buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of ~~four~~ 4 inches (102 mm) high with a minimum stroke width of ½ inch (12.7 mm). Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure.

## **SECTION TWENTY-THREE: AMENDMENT TO MUNICIPAL CODE SECTION 14-162.**

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-162 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through; new provisions in italics):

### **Sec. 14-162. - Assignment.**

The ~~public works department~~ *neighborhood services division* shall assign numbers to all buildings in conformance with the requirements set forth in this article.

## **SECTION TWENTY-FOUR: AMENDMENT TO MUNICIPAL CODE SECTION 14-163.**

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-163 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through; new provisions in italics):

### **Sec. 14-163. - Exception to system.**

The code enforcement officer is authorized to establish exceptions to the numbering system described in this article as may be necessary by the irregular routing of any street or avenue of the city. All changes of this nature shall meet the criteria laid out in the adopted subdivision regulations in ~~part~~ *Part III* of this *Municipal Code*.

## **SECTION TWENTY-FIVE: AMENDMENT TO MUNICIPAL CODE SECTION 14-195.**

The Governing Body of the City of Arkansas City, Kansas, hereby amends Section 14-195 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through; new provisions in italics):

### **Sec. 14-195. - Licensing.**

- (a) *Generally.* All contractors described in ~~section~~ *Sections* 14-196 and 14-197 shall obtain a license and may require certification or examination prior to working in the city.
  - (1) An application shall be made in writing to the code enforcement officer, on the form on file with that office, with the required fee as set by the board of city commissioners. ~~The code enforcement officer shall forward all initial applications to the building trades board for review and approval.~~

- (2) A separate contractor's license is required for contractors engaged in more than one building trade; ~~however~~ *However*, the bonding and insurance requirements are met for all building trades under one contractor's license.
  - (3) All licenses shall be issued for a period of two years; and shall expire on December 31 of even-numbered years.
  - (4) *Renewal*. Renewal fees are due and payable by the date of expiration of the license. Failure to renew the license by the date of expiration shall require the applicant to apply for a new license. ~~For any current license that expires May 31, 2013, a renewal license will be issued for 19 months upon payment of a pro rata renewal fee.~~ Persons not renewing by January 31 of each odd-numbered year shall have their certificate canceled and shall be regarded as new applicants for *certification and/or examination* ~~and certification by the board~~.
- (b) *Bond requirements*. Every electrical, plumbing, *mechanical*, private sewage disposal, ~~mechanical~~, general, building, residential, and limited contractor shall furnish to the city a good and sufficient surety bond in the sum of \$4,000.00, conditioned that the principal and his or ~~its~~ *her* employees, agents, and servants will comply with all of the ordinances of the city, and will hold the city harmless and free from all loss or damage to persons or property resulting out of negligence or failure of such persons to use due care in performing any work for which such license is required. Such bond shall be kept in full force and effect at all times the contractor ~~does~~ *performs* work in the city.
- (c) *Insurance requirements*. Contractors must purchase and maintain such insurance as will protect ~~him~~ *them* from claims under workers compensation laws, disability benefit laws or other similar employee benefit laws; from claims for damages because of bodily injury, occupational sickness or disease, or death of ~~his~~ *employees*, and claims insured by usual personal injury liability coverage; from claims for damages because of bodily injury, sickness or death of any person other than ~~his~~ *employees*, including claims insured by usual personal injury liability coverage; and from claims for injury to or destruction of property, including loss of use resulting therefrom, any or all of which may arise out of or result from contractor's operations, whether such operations be by ~~himself~~ *the contractor* or by any subcontractor, or anyone directly or indirectly employed by any of them, or for whose acts any of them be legally liable. The insurance shall be written for not less than:
- (1) All electrical, plumbing, *mechanical and* private sewage disposal ~~or mechanical~~ contractors shall be required to carry insurance policies with minimum limitations of coverage as ~~follows~~ *follow*:
    - a. \$300,000.00 — Personal injury\*
    - b. \$600,000.00 — Aggregate coverage\*
  - (2) All general and building contractors shall be required to carry insurance policies with minimum limitations of coverage as ~~follows~~ *follow*:
    - a. \$1,000,000.00 — Personal injury\*
    - b. \$2,000,000.00 — Aggregate coverage\*
  - (3) All residential contractors shall be required to carry insurance policies with minimum limitations of coverage as ~~follows~~ *follow*:
    - a. \$500,000.00 — Personal injury\*
    - b. \$1,000,000.00 — Aggregate coverage\*

- (4) All limited contractors shall be required to carry insurance policies with minimum limitations of coverage as ~~follows~~ follow:
- a. \$300,000.00 — Personal injury\*
  - b. \$600,000.00 — Aggregate coverage\*

\*or any equivalent thereto.

- (5) All contractors must provide workers compensation (as required by law) and shall include contractual liability insurance. The contractor will file with the city certificates of such insurance, on a form acceptable to the city; ~~these~~ These certificates shall contain a provision that the coverage afforded under the policies shall not be canceled or materially changed until at least 15 days' prior written notice has been ~~given~~ provided to the city.
- (d) *Revocation.* The building trades board, upon information received or upon request of the code enforcement officer, shall have the power and is directed to suspend for a definite time or to revoke at ~~their~~ its discretion any certificate granted pursuant to this article, if after notice and opportunity to be heard, the person holding such certificate is found guilty by the board of violating the terms and conditions of this article or this ~~Code~~ code, provided such aggrieved person may have ten (10) days before having ~~the~~ such certificate revoked; to appeal to the board of city commissioners for a review of the facts, conditions and circumstances prompting the *building trades* board to revoke such license.

**SECTION TWENTY-SIX:** The Governing Body of the City of Arkansas City, Kansas, hereby authorizes the Mayor and/or City Manager of the City of Arkansas City, Kansas, to take such further and other necessary actions that are required to effectuate the intent and purposes of this Legislative Enactment.

**SECTION TWENTY-SEVEN: PUBLICATION; EFFECTIVE DATE.** This ordinance, or a summary thereof, shall be published one time in the official City newspaper, and shall take effect and be in force from and after the date of said publication.

**PASSED AND ORDAINED** by the Governing Body of the City of Arkansas City, Kansas, on this 16th day of January, 2018.

Dan Jurkovich, Mayor

ATTEST:  
Lesley Shook, City Clerk

APPROVED AS TO FORM:  
Tamara L. Niles, City Attorney