

ORDINANCE NO. 2423

AN ORDINANCE DECLARING, ESTABLISHING, AMENDING AND CREATING CODES, PROCEDURES AND POLICIES FOR CONSTRUCTION, INCLUDING THE BUILDING, PLUMBING, ELECTRIC, MECHANICAL, FUEL GAS, FIRE, AND RESIDENTIAL CODES, AMENDING CHAPTERS 15.05, 15.15, 15.25, 15.30, 15.40, 15.45 AND 15.50. BUILDINGS AND CONSTRUCTION OF THE CODE OF THE CITY OF GARDNER, KANSAS 1990, AND AMENDING OR REPEALING ALL ORDINANCES OR REGULATIONS NOT IN CONFORMITY HEREWITH.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

SECTION ONE: Title 15, Buildings and Construction, Chapter 15.05, Building Code is hereby amended to read as follows:

Chapter 15.05. Building Code

15.05.010 ADOPTION OF BUILDING CODE. The International Building Code, 2012 Edition, including appendix chapters E, F, G, H, I, and J, published by the International Code Council is hereby adopted by reference as the Building Code of the City of Gardner, Kansas, and not less than one copy of last edition of said code, marked or stamped in the manner provided by K.S.A. 12-3010, with all sections or portions thereof intended to be omitted clearly marked and showing portions that are amended and to which shall be attached a copy of amendments shall be filed with the City Clerk and shall be open to inspection and available to the public at reasonable business hours. Official copies of such code shall be supplied at the cost of the City to the officials and agencies in the manner listed and set forth in K.S.A. 12-3010. Subsequent references to the "Building Code" shall mean the International Building Code, 2012 Edition published by the International Code Council.

15.05.020 AMENDMENTS TO THE CODE. The "Building Code", as adopted by Section 15.05.010 is hereby amended and changed to read as follows:

- A. Section 101.1 of the International Building Code, 2012 Edition, is hereby amended to read as follows:

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

- B. Section 103 of the International Building Code, 2012 Edition, is hereby amended to read as follows: Code Official.

The City Administrator shall appoint the "Building Official" or "Code Official" and shall have the duty of enforcing the provisions of this Chapter.

- C. Section 105.1.3 of the International Building Code, 2012 Edition, is hereby amended to read as follows:

County License Required: All persons undertaking work which requires a permit as provided in Title 15, chapters 15.05, 15.15, 15.25, 15.30, 15.40, 15.45, and 15.50 or seeking to obtain that permit from the City, except for the construction of decks and fences, the owner-occupant of one and two family structures, and other ancillary structures as determined by the Building Official, are required to have a current valid Johnson County contractor's license as adopted by the Board of County Commissioners by Resolution 058-01 and all additional regulations adopted by the Contractor Licensing Review Board. Single family homeowners performing their own work are required to live and reside in the dwelling as their primary residence for twelve (12) consecutive months after the passing final inspection.

D. Section 105.2 of the International Building Code, 2012 Edition, is hereby amended to omit the exemption of 2. Fences not over 7 feet, 3. Oil Derricks, and 6. Sidewalks and driveways not more than 30 inches above grade, and not over any basement or story below and not part of any accessible route.

E. Section 109.2 of the International Building Code, 2012 Edition, is hereby amended to read as follows:

Permit Fees. The Governing Body shall establish the permit fees by resolution.

F. Section 109.3 of the International Building Code, 2012 Edition, is hereby amended to read as follows:

The governing body shall establish the building permit valuation by resolution.

G. Section 109.6 of the International Building Code, 2012 Edition, is hereby amended to read as follows:

Refunds. The Code Official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than seventy-five (75) percent of the permit fee when no work has been done under a permit issued in accordance with this code.

The Code Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than sixty (60) days after the date of the fee payment.

H. Section 111.1 of the International Building Code, 2012 Edition, is hereby amended to read as follows:

Use and Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification or change in the existing business of a building or structure or portion thereof shall be made, until the building official has issued a certificate of occupancy thereof 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 this jurisdiction. An inspection is required by the building

official prior to issuing a new certificate of occupancy and a fee paid to the jurisdiction. The fee shall be set by the Governing Body by resolution.

- I. Section 111.3 of the International Building Code, 2012 Edition, is hereby amended to read as follows:

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 time period for temporary occupancy shall be thirty (30) days. At such time one extension can be granted by the building official for exterior work only and only for seasonal conditions. The fee for temporary occupancy certificates shall be set by the governing body by resolution.

- J. Section 113 of the International Building Code, 2012 Edition, is hereby amended to read as follows:

Board of Appeals

- (a) Organization and Members: In order to determine the suitability of alternate material and types of construction and to provide for reasonable interpretations of the provisions of this Building Code, Mechanical Code, Plumbing Code, Fire Code and Electrical Codes, there shall be and is hereby created a Board of Appeals, consisting of five (5) members, appointed by the Mayor with the consent of the City Council, who are qualified by experience and training to pass upon matters pertaining to construction. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant and may recommend to the City Council such new legislation as is consistent therewith.
- (b) Rules, Meetings and Records: The Board shall adopt rules to govern its proceedings in accordance with the provisions of this code.
- (c) Appeals: Any person whose application for a building permit for the use of an alternate material or type of construction has been refused by the building official, or who may consider that the provisions of this building code or the mechanical, plumbing, and electric codes do not cover the point raised, or that any particular provisions would cause a manifest injury to be done may appeal to the Board of Appeals by serving written notice on the building official in which it shall be stated that the applicant desiring to use the alternate materials or types of construction shall guarantee payment of all expenses for necessary tests made or ordered by the Board of Appeals. Such notice shall be at once transmitted to the Board, which Board shall arrange a hearing on the particular point raised. The Board shall meet upon notice of the chairman within fourteen (14) days of the filing of an appeal. It shall be the responsibility of the applicant to notify other interested parties they would like present at the meeting.
- (d) Authority of Board: The Board of Appeals shall interpret the provisions of this Code to cover a special case if it appears that the provisions of this Code or the plumbing, mechanical, or electric codes do not definitely cover the point raised or that a manifest injustice might be done. The decision of the Board shall be by

majority vote provided that a quorum is present and if not permitted by this building code shall become effective only when authorized by an amendment to this Code or the mechanical, plumbing or electric codes whichever is applicable.

- K. Section 114 of the International Building Code, 2012 Edition, is hereby amended to read as follows:

Violations:

- (a) Unlawful Acts: It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, use, maintain, 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 provisions of this code.
- (b) Notice of Violation: The building official is authorized to serve a notice of violation or order on the person or owner 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 the code. Such order or notice shall direct the discontinuance of the illegal action or condition and the abatement of the violation.
- (c) Penalties: The violation of any provision of this code shall be deemed to be a misdemeanor; and any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine of not less than \$100.00 or greater than \$500.00 per offense; and the City shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of this code and seek civil penalties in the amount of not less than \$100.00 or greater than \$500.00 per offense; and to abate nuisances maintained in violation thereof, and, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the occupancy of said building, structure or land. Each day a violation of this Code shall continue shall constitute a separate offense.

- L. Section 1809.5 of the International Building Code, 2012 Edition, is hereby amended with the addition of the following sentence:

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

- a) Extending below the frost line of thirty-six (36) inches.
- b) Constructing in accordance with ASCE 32.
- c) Erecting on solid rock with support from a geo-technical report.
Exception: free standing, non-habitable buildings of light frame construction less than 400 square feet in floor area.

15.05.030 APPLICATION OF OTHER LAWS. The provisions of this Code shall not be deemed to nullify any provisions of the Zoning Law or any other Ordinance of the City of Gardner pertaining to the location, or type of construction of buildings, except as may be specifically required by the provisions of this Code.

SECTION TWO: Title 15, Buildings and Construction, Chapter 15.45, Plumbing Code is hereby amended to read as follows:

Chapter 15.45 Plumbing Code

15.45.010 ADOPTION OF PLUMBING CODE. The International Plumbing Code, 2012 Edition, including appendix chapters C, E, and F, is hereby adopted by reference as the Plumbing Code of the City of Gardner, Kansas, and not less than one copy marked or stamped in the manner provided by K.S.A. 12-3010, with all sections or portions thereof intended to be omitted clearly marked and showing portions that are amended and to which shall be attached a copy of amendments shall be filed with the City Clerk and shall be open to inspection and available to the public at reasonable business hours. Official copies of such code shall be supplied at the cost of the City to the officials and agencies in the manner listed and set forth in K.S.A. 12-3010. Subsequent references to the Plumbing Code shall mean the "The International Plumbing Code, 2012 Edition, published by the International Code Council.

15.45.020 AMENDMENTS TO THE CODE. The "Plumbing Code", as adopted by. Section 15.45.010 is hereby amended and changed to read as follows:

- A. Section 101.1 of the International Plumbing Code, 2012 Edition, is hereby amended to read as follows:

Title:

Replace the words "Name of Jurisdiction" with the words "City of Gardner, Kansas".

- B. Section 103.1 of the International Plumbing Code, 2012 Edition, is hereby deleted.
- C. Section 103.2 of the International Plumbing Code, 2012 Edition, is hereby deleted.
- D. Section 106.6.2 of the International Plumbing Code, 2012 Edition, is hereby amended to read as follows:

Fee Schedule – The Governing Body shall establish permit fees by resolution.

- E. Section 106.6.3 of the International Plumbing Code, 2012 Edition, is hereby amended to read as follows:

Fee Refunds. The Code Official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than seventy-five (75%) percent of the permit fee when no work has been done under a permit issued in accordance with this code.

The Code Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 60 days after the date of fee payment.

- F. Section 106.7 shall be added to the end of Section 106 of the International Plumbing Code, 2012 Edition, and shall read as follows:

Contractor Licensing-Licensing shall be required as noted in Chapter 15.05 section 105.1.3.

- G. Section 108.4 of the International Plumbing Code, 2012 Edition, is hereby amended to read as follows:

Violation Penalties:

Penalties: The violation of any provision of this Code shall be deemed to be a misdemeanor; and any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine of not less than \$100.00 or greater than \$500.00 per offense; and the City shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of this Code and to seek civil penalties in the amount of not less than \$100.00 or greater than \$500.00 per offense and to abate nuisances maintained in violation thereof, and in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, insulation, alteration, addition, repair, relocation, replacement, maintenance, or use of any plumbing system or to correct or abate such violation, or to prevent the occupancy of said building, structure or land. Each day a violation of this Code shall continue shall constitute a separate offense.

- H. Section 108.5 of the International Plumbing Code, 2012 Edition, is hereby amended as follows:

Replace the words "Amount" with the number "One Hundred (100)" and "Five Hundred (500)" respectively.

- I. Section 109 of the International Plumbing Code, 2012 Edition, is hereby amended as follows:

Means of Appeal:

The same board as appointed to act as a Board of Appeals for the building code shall act as Board of Appeals for the plumbing code.

- J. Section 305.4.1 of the International Plumbing Code, 2012 Edition, is hereby amended as follows:

Building sewers that connect to private sewage disposal systems shall be a minimum twenty-four (24") inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of twenty-four (24") inches below grade or at a depth approved by the Building Official.

- K. Section 701.3 of the International Plumbing Code, 2012 Edition, is hereby amended by adding the following paragraph:

All residential duplex units and or condominium units shall have installed separate sanitary sewer service lines to each living unit, from the main line to the living unit.

- L. Section 703, Table 702.3 of the International Plumbing Code, 2012 Edition, is hereby amended by removing the following pipes from the approved material list::

Vitrified clay pipe

- M. Section 708.3.5 of the International Plumbing Code, 2012 Edition, is hereby amended by adding the following:

An approved type clean out fitting acceptable to the Administrative Authority shall be installed outside of a building and extended above grade from the waste or soil lines serving a building constructed with concrete floor on grade or with a crawl space foundation.

- N. Section 903.1 of the International Plumbing Code, 2012 Edition, is hereby amended to read as follows:

Insert the number twelve (12) in the space that says [NUMBER].

15.45.030 APPLICATION OF OTHER LAWS. The provisions of this Article shall not be deemed to nullify any provisions of the Zoning Law or any other Ordinance of the City of Gardner pertaining to the location, or type of construction of plumbing systems except as may be specifically required by the provisions of this Code.

SECTION THREE: Title 15, Buildings and Construction, Chapter 15.15, Electric Code is hereby amended to read as follows:

Chapter 15.15. Electric Code

15.15.010 ADOPTION OF ELECTRIC CODE. The National Electrical Code, 2011 Edition, published by the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts, 02169, is hereby adopted by reference as the Electric Code of the City of Gardner, Kansas, and not less than one copy of last said edition, marked or stamped in the manner provided by K.S.A. 12-3010, with all sections or portions thereof intended to be omitted clearly marked and showing portions that are amended and to which shall be attached a copy of amendments shall be filed with the City Clerk and shall be open to inspection and available to the public at reasonable business hours. Official copies of such code shall be supplied at the cost of the City to the officials and agencies in the manner listed and set forth in K.S.A. 12-3010. Subsequent references to the "Electric Code" shall mean the National Electric Code, 2011 Edition, published by the National Fire Protection Association.

15.15.020 AMENDMENTS TO THE CODE. The "Electric Code", as adopted by Section 15.15.010 is hereby amended and changed to read as follows:

- A. Section 90-4 of the National Electrical Code, 2011 Edition, is hereby amended to add the following paragraphs to the existing section 90-4 as follows.

Existing Equipment: Electrical conductors and equipment lawfully installed prior to the effective date of this Code may have their existing use, maintenance or repair continued, if the use, maintenance or repair is in accordance with the original design and location and is not a hazard to life, health or property. The owner or his/her designated agent shall be responsible for adequate maintenance of electrical conductors and equipment.

- B. Section 90-4 of the National Electrical Code, 2011 Edition, is hereby amended to add the following paragraphs to the existing section 90-4 as follows.

Right of Entry: Upon presentation of proper credentials, the building official or his/her duly authorized representatives may enter any building, structure, or premises in the City at reasonable hours, to perform any duty imposed upon him/her by this Code.

- C. Section 90-4 of the National Electrical Code, 2011 Edition, is hereby amended to add the following paragraphs to the existing section 90-4 as follows.

Stop Orders: Whenever any work is being done contrary to the provisions of this Code, the building official shall notify in writing the persons engaged in the doing or causing such work to be done, of violations found, specifying a period of time allowed to bring the work into code conformance.

- D. Section 90-4 of the National Electrical Code, 2011 Edition, is hereby amended to add the following paragraphs to the existing section 90-4 as follows.

Authority to Condemn Equipment:

- (a) Whenever the building official learns or ascertains that any electrical conductor or equipment, as defined in this Code, has become hazardous to life, health, or property, he/she shall order, in writing, that such equipment be restored to a condition of safety or be dismantled or removed from its present location. The written notice shall fix a time limit for compliance with such order.
- (b) The building official is authorized to seal off electrical current and/or fuel supply to equipment as defined in this Code where such installation is done without permit or does not meet the provisions of this Code. Where electric current or fuel supply has been sealed off, it shall be unlawful for any unauthorized person to break such seal. Upon corrections being made to meet requirements set forth in this Code the building official shall remove such seal.

- E. Section 90-4 of the National Electrical Code, 2011 Edition, is hereby amended to add the following paragraphs to the existing section 90-4 as follows.

Authority to Abate:

- (a) Any portion of an electrical system found by the building official to be unsafe as defined herein is hereby declared to be a nuisance.

- (b) Where a nuisance exists or an electrical system is maintained in violation of this Code or any notice issued pursuant to this section the building official shall require the nuisance or violation to be abated and, where necessary, shall seek such abatement in the manner provided by Law.
- F. Section 90-4 of the National Electrical Code, 2011 Edition, is hereby amended to add the following paragraphs to the existing section 90-4 as follows.

Administrative Authority: The building official or authorized representatives shall be the authority duly appointed to enforce this Code.

- (a) Violations: It shall be unlawful for any person, firm or corporation to violate any of the provisions of this Code. The issuance or granting of a permit or approval of plans shall not prevent the building official from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this Code or of any other Ordinance or from revoking any certificate of approval when issued in error. Every permit issued by the building official under the provisions of this Code shall expire by limitation and become null and void, if the work authorized by such permit is not commenced within 180 days from date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made, or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one (1) year.
- (b) Penalties: The violation of any provisions of this Code shall be deemed to be a misdemeanor; and any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine of not less than \$100.00 or greater than \$500.00 per offense; and the City shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of this Code and to seek civil penalties in the amount of not less than \$100.00 or greater than \$500.00 per offense and to abate nuisances maintained in violation thereof, and in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful installation of electrical conductor and equipment or to correct or abate such violation, or to prevent the occupancy of said building, structure or land. Each day a violation of this Code shall continue shall constitute a separate offense.
- (c) Liability: The building official or any employee charged with the enforcement of this Code, acting in good faith without malice for the jurisdiction in the discharge of his/her duties, shall not thereby render himself liable personally and he/she hereby is relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reasons of any act or omission in the discharge of his/her duties. Any suit brought against the building official or his/her employees, because of such act or omission performed by him/her in the enforcement of any provisions of this Code, shall be defended by legal representation of the City until final termination of the proceeding.

- G. Section 90-4 of the National Electrical Code, 2011 Edition, is hereby amended to add the following paragraphs to the existing section 90-4 as follows.

Permit Required:

- (a) No installation, alteration or removal shall be made to the wiring of any building or structure for light, heat or power or to increase the load of energy carried by such wires or equipment, nor shall any building or structure be wired for electric lights, appliances, motors, apparatus or heating devices, nor shall alterations be made thereto, without a permit being first issued by the City. Contractor licensing shall be required as stated in 15.05 Section 105.1.3.
- (b) The building official may, in writing, suspend or revoke a permit issued under provisions of this Code, whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any Ordinance or regulation of any provisions of this Code.
- (c) Permit fees. The governing body shall establish the permit fees by resolution.
- (d) The refunding of permit fees shall be the same as stated in 15.05.020 G.
- (e) Inspections: All work shall be subject to inspection by Community Development personnel. Any portion of equipment which will be concealed prior to completion shall be subject to inspection prior to such work being concealed.
- (f) Board of Appeals: The same board as appointed to act as a Board of Appeals for the building code, Section 15.05.020 I, shall act as Board of Appeals for the electric code in making determinations of any appeal arising from the actions of the building official. Procedures followed shall be the same as outlined for the Building Code Appeals.

- H. Section 210.12 (A) Exception No. 3 of the National Electrical Code, 2011 Edition, is hereby amended to read as follows:

Where an individual branch circuit to a fire alarm system installed in accordance with 760.41(B) or 760.121 (B) is installed in RMC, IMC, EMT, or steel sheathed cable, Type AC or Type MC, meeting the requirements of 250.118, with metal outlet and junction boxes, AFCI protection shall be permitted to be omitted. In apartment units smoke detectors supplied by NM cable are permitted omission of Arc-Fault protection.

- I. Section 300.5 of the National Electrical Code, 2011 Edition, is hereby amended to add the following paragraph to the existing section:

In addition to the requirements of this section, the electric service feeding any structure or pedestal must be installed to meet the Gardner Energy's and the City of Gardner's service specifications.

- J. Section 310.1 of the National Electrical Code, 2011 Edition, is hereby amended to read as follows:

Scope. This Article covers general requirements for conductors and their type designations, insulation's, markings, mechanical strengths, ampacities ratings, and uses. These requirements do not apply to conductors that form an integral part of equipment, such as motors, motor controllers, and similar equipment, or to conductors specifically provided for elsewhere in this Code.

Informational Note: For flexible cords and cables, see Article 400. For fixture wires, see Article 402.

The use of non-metallic sheathed cable with aluminum or copper clad aluminum conductors, size 8 or smaller, will not be permitted for branch circuit wiring in construction, alteration or repair. This shall apply to branch circuits from distribution point.

15.15.030 FIRES. The Building Official, or Fire Code Official, shall have the authority to cause the immediate removal of all wires or the turning off of all electricity where the same may interfere with the work of the Police or Fire Department during the progress of a fire. Restoration of electrical service, including the resetting of any removed electrical meter, shall not be completed until the premises and electrical wiring are inspected and approved by the building official.

15.15.040 INVALIDITY IN PART. Should any section, subsection, paragraph, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part to be declared unconstitutional.

15.15.050 APPLICATION OF OTHER LAWS. The provisions of this Code shall not be deemed to nullify any provisions of the zoning law or any other ordinance of the City of Gardner pertaining to the location or type of construction of buildings, except as may be specifically required by the provisions of this Code.

SECTION FOUR: Title 15, Buildings and Construction, Chapter 15.40, Mechanical Code is hereby amended to read as follows:

Chapter 15.40. Mechanical Code

15.40.010 ADOPTION OF THE MECHANICAL CODE. The International Mechanical Code, 2012 Edition, is hereby adopted by reference as the Mechanical Code of the City of Gardner, Kansas, and not less than one copy of last edition of said code, marked and showing portions that are amended and to which shall be attached a copy of amendments shall be filed with the City Clerk and shall be open to inspection and available to the public at reasonable business hours. Official copies of such code shall be supplied at the cost of the City to the officials and agencies in the manner listed and set forth in K.S.A. 12-3010. Subsequent references to the "Mechanical Code" shall mean the International Mechanical Code, 2012 Edition.

15.40.020 AMENDMENTS TO THE CODE. The Mechanical Code as adopted by section 15.40.010 is hereby amended and changed to read as follows:

- A. Section 101.1 of the International Mechanical Code, 2012 Edition, is hereby amended to read:

Title:

The regulations shall be known as the Mechanical Code of the City of Gardner, Kansas, hereinafter referred to as "this code".

- B. Section 106.5.2 of the International Mechanical Code, 2012 Edition, is hereby amended to read as follows:

The schedule of permit fees shall be established by the Governing Body by resolution.

- C. Section 106.5.3 of the International Mechanical Code, 2012 edition, is hereby amended to read as follows:

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

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than seventy-five (75%) percent of the permit fee paid when no work has been done under a permit issued in accordance with the code.

The Code Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 60 days after the date of fee payment.

- D. Section 108.4 of the International Mechanical Code, 2012 Edition, is hereby amended to read as follows:

Violation Penalties:

Penalties: The violation of any provision of this Code shall be deemed to be a misdemeanor; and any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine of not less than \$100.00 or greater than \$500.00 per offense; and the City shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of this Code and to seek civil penalties in the amount of not less than \$100.00 or greater than \$500.00 per offense and to abate nuisances maintained in violation thereof, and in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, insulation, alteration, addition, repair, relocation, replacement, maintenance, or use of any plumbing system or to correct or abate such violation, or to prevent the occupancy of said building, structure or land. Each day a violation of this Code shall continue shall constitute a separate offense.

- E. Section 108.5 of the International Mechanical Code, 2012 Edition, is hereby amended to read:

Replace the words "Amount" with the number "One Hundred (100)" and "Five Hundred (500)" respectively.

- F. Section 109 of the International Mechanical Code, 2012 Edition, is hereby amended to read as follows:

Board of Appeals. The same board as appointed to act as a Board of Appeals for the Building Code, Section 15.05.020 J, shall act as a Board of Appeals for the Mechanical Code.

15.40.030 APPLICATION OF OTHER LAWS. The provisions of this Code shall not be deemed to nullify any provisions of the Zoning Law or any other Ordinance of the City of Gardner pertaining to the location or type of construction of buildings except as may be specifically required by the provisions of this Code.

SECTION FIVE: Title 15, Buildings and Construction, Chapter 15.25, Fire Code is hereby amended to read as follows:

Chapter 15.25. Fire Code

15.25.010 ADOPTION OF THE INTERNATIONAL FIRE CODE. The International Fire Code, 2012 Edition, published by the International Code Council is hereby adopted by reference as the Fire Code of the City of Gardner, Kansas, and not less than one copy of last edition of said code, marked and showing portions that are amended and to which shall be attached a copy of amendments shall be filed with the City Clerk and shall be open to inspection and available to the public at reasonable business hours. Official copies of such code shall be supplied at the cost of the City to the officials and agencies in the manner listed and set forth in K.S.A. 12-3010. Subsequent references to the "Fire Code" shall mean the International Fire Code, 2012 Edition, including Appendices B, C, D, E, F, G, H, I, J and referenced standards in Chapter 45.

15.25.020 AMENDMENTS TO THE CODE. The "Fire Code" as adopted by section 15.25.010 is hereby amended and changed to read as follows:

- A. Section 101.1 is amended to read as follows:

Replace the words, "Name of Jurisdiction" with the words, "City of Gardner".

- B. Section 103.2 of the International Fire Code, 2012 Edition, Appointments, is hereby amended to read as follows:

The Fire Code Official shall also be known as Fire District #1-Johnson County Ks or Building Official.

- C. Section 105.6.27 of the International Fire Code, 2012 Edition, LP gas, is hereby amended to read as follows:

The storage and use of LP gas for primary and secondary heating, utility connections, and accessory uses in residential, non-residential and agricultural land is not permitted.

Exceptions:

1. LP gas is permitted for outdoor residential cooking appliances and outdoor decorative/heating uses in containers 5 gallons (17 pounds) or less. No use is permitted on multi-family decks.
2. LP gas is permitted for oil well fields on properties of 40 acres or larger. The size of each container shall not exceed 1000 gallons with a minimum of one (1) per tank battery. Oil field LP tanks must be 20 feet from adjoining property lines and must be a minimum of 500 feet from residential zoned properties.
3. LP containers 500 gallons or less are permitted to supply municipal water and wastewater facilities. All LP tanks are to be a minimum of 500 feet from residential zoned properties. LP containers must be a minimum of 500 feet from residential zoned properties.

- D. Section 105.6.30 of the International Fire Code, 2012 Edition, Open Burning, is hereby amended to read as follows:

Open Burn permits shall be secured through Fire District #1- Johnson County Ks. Any fee for recovery cost incurred shall be established by Fire District #1.

- E. Section 106 of the International Fire Code, 2012 Edition, Inspections, is hereby added to read as follows:

The Code Official, Fire Code Official, or his designee may conduct annual inspections of all properties, excluding one and two family dwellings, for fire and safety requirements. Notice to the property owner or responsible agent of the property is not required in advance of the inspection when conducted during normal business hours.

- F. Section 108 of the International Fire Code, 2012 Edition, Board of Appeals, is hereby amended to read as follows:

The Fire Code Board of Appeals shall be the same board as the Building Code Board of Appeals, 15.05.020 J. The process of appeals shall be the same as indicated for the Building Code of Appeals.

- G. Section 109.4 of the International Fire Code, 2012 Edition, Violation Penalties, is hereby amended to read as follows:

The violation of any provision of this code shall be deemed to be a misdemeanor; and any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine of not less than \$100.00 or greater than \$500.00 per offense; and the City shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of this code and seek civil penalties in the amount of not less than \$100.00 or greater than \$500.00 per offense; and to abate nuisances maintained in violation thereof, and in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the occupancy of said building, structure or land. Each day a violation of this code shall constitute a separate offense.

- H. Section 315.3 of the International Fire Code, 2012 Edition, Outside Storage, is hereby added to read as follows:

No outside storage of combustible materials is permitted on porches, decks, or patios for multi-family occupancies two stories or higher. This shall include but not be limited to beds, clothing, boxes, gas cans, lawn mowers, and trash. The use of barbeque grill(s) or portable heating appliance(s) on wood decks in multi-family buildings is prohibited.

- I. Section 501.3 of the International Fire Code, 2012 Edition, is hereby amended to read as follows:

Construction documents. Construction documents for proposed fire apparatus roads, locations of fire lanes, security gates across fire apparatus access; and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the Building Code Official and Fire District #1- Johnson County Ks for review and approval prior to construction.

- J. Section 505.1.1 of the International Fire Code, 2012 Edition, is hereby added to read as follows:

Secondary Address Numbers. Multi-tenant retail shopping centers in which tenant spaces have secondary entry doors from an exterior façade of the building and have paved vehicle access adjacent to such doors shall have approved numbers or addresses placed on or to each door. Secondary address numbers shall be a minimum of four (4) inches in height.

Exceptions:

1. If more than one entry door is installed on a façade, only one door needs to be marked (entry doors defined as overhead or cargo doors and normal passage doors).
2. Further exceptions may be permitted by Fire District #1- Johnson County KS and/or the Building Code Official.

- K. Section 506.1 of the International Fire Code, 2012 Edition, is hereby amended to read as follows:

Where Required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, a key box shall be installed in an approved location as required by Fire District #1-Johnson County Ks. The key box shall be an approved type listed in accordance with UL 1037, and shall contain keys or access cards to gain necessary access as required by Fire District #1-Johnson County Ks.

- L. Section 506.2 of the International Fire Code, 2012 Edition, is hereby amended to read as follows:

Key Box Maintenance. The operator of the building shall immediately notify Fire District #1-Johnson County Ks and provide the new key when a lock is changed or re-keyed. The key to such lock shall be secured in the box. The key shall be maintained in working order by the operator/owner/occupant of the building.

15.25.030 APPLICATION OF OTHER LAWS. The provisions of this Code shall not be deemed to nullify any provisions of the Zoning Law or any other Ordinance of the City of Gardner pertaining to the location or type of construction of buildings except as may be specifically required by the provisions of this Code.

SECTION SIX: Title 15, Buildings and Construction, Chapter 15.50, Residential Code is hereby amended to read as follows:

Chapter 15.50. Residential Code

15.50.010. ADOPTION OF RESIDENTIAL CODE. The International Residential Code for One and Two-Family Dwellings, 2012 Edition, including appendix chapters E, F, G, H, J, K, O, and the referenced standards in Chapter 44, published by the International Code Council, is hereby adopted by reference as the Residential Code of the City of Gardner, Kansas, and not less than one copy of last edition of said code, marked or stamped in the manner provided by K.S.A. 12-3010, with all sections or portions thereof intended to be omitted clearly marked and showing portions that are amended and to which shall be attached a copy of amendments shall be filed with the City Clerk and shall be open to inspection and available to the public at reasonable business hours. Official copies of such code shall be supplied at the cost of the City to the officials and agencies in the manner listed and set forth in K.S.A. 12-3010. Subsequent references to the "Residential Code" shall mean the International Residential Code for One and Two-Family Dwellings, 2012 Edition, published by the International Code Council.

15.50.020 AMENDMENTS TO THE CODE. The "Residential Code" as adopted by 15.50.010 is hereby amended and changed to read as follows:

- A. Section, R101 of the International Residential Code, 2012 Edition, Title: is hereby amended to read as follows:

Replace the words "Name of Jurisdiction" with the words "City of Gardner, Kansas".

- B. Section R105.2 of the International Residential Code, 2012 Edition, Work Exempt from Permit: Building - is hereby amended to read as follows:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is less than 120 square feet.
2. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall unless supporting a surcharge.
3. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
4. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

5. Prefabricated swimming pools that are less than 24 inches deep.
6. Swings and other playground equipment.
7. Decks less than 30" above grade at any point and not exceeding 200 square feet in area.

- C. Section R108.2 of the International Residential Code, 2012 Edition, Fees: is hereby amended to read as follows:

The Schedule of Permit Fees shall be established by the Governing Body by resolution.

- D. Section R108.5 of the International Residential Code, 2012 Edition, is hereby amended to read as follows:

The Code Official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than seventy-five (75) percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The Code Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 60 days after the date of fee payment.

- E. Section R109.1.7 of the International Residential Code, 2012 Edition, is hereby added to read as follows:

If the required erosion control measures are not in place and operational as required by the Public Works Engineering Division, all inspections related to that permitted site from that date forward will not be conducted until the erosion control measures have been reinstalled and inspected.

- F. Section R109.1.8 of the International Residential Code, 2012 Edition, is hereby added to read as follows:

If mud, dirt, rock or any other type of debris from the permitted building site has been found in the public right-of-way, then all inspections for that permitted building will not be conducted until the right-of-way has been cleaned and inspected.

- G. Section R110.4 of the International Residential Code, 2012 Edition, Temporary Occupancy: is hereby amended to read as follows:

The fee for a Temporary Certificate of Occupancy shall be established by the Governing Body by resolution. The length of a temporary occupancy certificate shall be thirty (30) days unless weather conditions prevent the placement of landscaping after thirty (30) days. From June 15 to September 15 sod and trees shall not be planted and the fee for a Temporary Certificate of Occupancy is reduced by fifty (50) percent. The Building Official, upon due cause, may extend the time period of the Temporary Certificate of Occupancy.

Exception: Sod and trees can be planted between June 15 and September 15 if the homeowner provides the Community Development Department a letter stating they will water through those months in order to prevent the landscaping from dying. If they fail to do so they will re-establish all landscaping at the direction of the Code Official. If the letter is provided by the builder they shall be responsible for the landscaping in the event the property changes ownership before September 15.

- H. Section R112 of the International Residential Code, 2012 Edition, Board of Appeals: is hereby amended to read as follows:

The same board as appointed to act as a Board of Appeals for the Building Code, Section 15.05.020 J shall act as a Board of Appeals for the Residential Code.

- I. Section 113.4 of the International Residential Code, 2012 Edition, Violation Penalties, is hereby amended to read as follows:

The violation of any provision of this code shall be deemed to be a misdemeanor; and any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine of not less than \$100.00 or greater than \$500.00 per offense; and the City shall further have authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of this code and seek civil penalties in the amount of not less than \$100.00 or greater than \$500.00 per offense; and to abate nuisances maintained in violation thereof, and, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the occupancy of said building, structure or land. Each day a violation of this Code shall continue shall constitute a separate offense.

- J. Table R301.2(1) of the International Residential Code, 2012 Edition, is hereby amended to read as follows: Climatic and Geographic Design Criteria.

- (a) Roof Snow Load: 20 pounds per square foot
- (b) Wind Speed: 90 miles per hour
- (c) Topographic effects: No
- (d) Seismic Design Category: A
- (e) Weathering: Severe
- (f) Frost Line Depth: 36 inches
- (g) Termite: Moderate to Heavy
- (h) Decay: Slight to Moderate
- (i) Winter Design Temperature: Six degrees Fahrenheit
- (j) Ice Barrier Underlayment Required: Yes

(k) Flood Hazards: Latest adopted FIRM and FBFM documents

(l) Air Freezing Index:1000

(m) Mean Annual Temperature: 54.7 degrees Fahrenheit

- K. Section 302.2 of the International Residential Code, 2012 Edition, Townhouses, is hereby amended to read as follows:

Each townhouse shall be considered a separate building and shall be separated by fire-resistance rated wall assemblies of 2 hour and meeting the corresponding UL detail.

- L. Section R302.3 of the International Residential Code, 2012 Edition, Two-family dwellings, is hereby amended to read as follows:

Each dwelling unit shall be considered a separate building. Dwelling unit separation for two-family dwellings shall be constructed in the same manner as that of townhouses with all fire-resistance rated walls a minimum of 2- hour. 2-hour walls must meet a UL standard for design. All utility connections serving two-family dwellings and townhouses shall be separate.

- M. Section R303.4 of the International Residential Code, 2012 Edition, Mechanical ventilation, is hereby amended to read as follows:

Where the air infiltration rate of a dwelling unit is less than three (3) air changes per hour when tested with a blower door at a pressure of 0.2 inch wick. (50 Pa) in accordance with Section R402.4.1.2 of the International Energy Conservation Code, the dwelling unit shall be provided with whole-house mechanical ventilation in accordance with Section M1507.3.

- N. Section R306.5 of the International Residential Code, 2012 Edition, New single family toilet facilities, is hereby added to read as follows:

Toilet facilities shall be provided within 500 feet, measured from the property line adjacent to the street, for all new one and two family dwellings starting from the time of the footing inspection until the issuance of a temporary certificate of occupancy or when toilet facilities in the dwelling unit become available. Temporary toilet facilities shall be removed once the temporary certificate of occupancy is issued. A minimum of one (1) unit is required for every 5 dwelling units under construction.

Exception:

1. On lots of multiple permit issuance by the same builder the temporary toilet facility may remain past the temporary occupancy certificate issuance as long as the toilet facility is not adjacent to an occupied dwelling and there are active building permit(s) for the builder within 500 feet of the jobsite.
2. A temporary toilet facility is to be removed after 12 months from the date it was placed.

3. The Building official shall have the final approval on the location of all temporary toilet facilities.
- O. Section R313 of the International Residential Code, 2012 Edition, Automatic fire sprinkler systems, is hereby deleted in its entirety.
- P. Section R315.3 of the International Residential Code, 2012 Edition, Carbon monoxide alarms, Where required in existing dwellings, is hereby amended to read as follows:
- Where work requiring a permit occurs in existing dwellings that have attached garages or in existing dwellings within which fuel-fired appliances exist, carbon monoxide alarms shall be provided in accordance with Section R315.1.
- Exception: Work involving only exterior items such as roofs, siding, decks and such are exempt from the requirements of this section.
- Q. Section R501.3 of the International Residential Code, 2012 Edition, Fire protection of floors, is hereby amended to read as follows:
- Floor assemblies, not required elsewhere in this code to be fire-resistance rated, shall be provided with a ½ inch gypsum wallboard membrane, 5/8 inch wood structural membrane, or equivalent on the underside of the floor framing member for open web-type floor truss systems and I joist systems.
- Exception:
1. Floor systems located directly over a space protected by an automatic sprinkler system in accordance with Section P2904, NFPA 13D, or other approved systems.
 2. Floor systems located directly over a crawl space not intended for storage or fuel-fired appliances.
 3. The aggregate area of the unprotected portions shall not exceed 80 square feet.
- R. Section R401.1 of the International Residential Code, 2012 Edition, is hereby amended to add the following paragraph:
- The construction of foundations shall be in accordance with the latest edition of the Johnson County Building Officials Residential Foundation Guidelines.
- S. Section R403.1.1 of the International Residential Code, 2012 Edition, Minimum size, is hereby added to read as follows:
- The minimum size for all residential concrete footings shall be 8 inches in depth and 16 inches in width. Steel shall be minimum ½" in size with two (2) bars running parallel in the footing. Single story trench footings are to be a minimum of 12 inches in width. Footing projections shall be at least 2 inches and shall not exceed the thickness of the footing. The minimum load-bearing value of soil shall be 2000 psf. Soils investigation reports are required when it appears the soil bearing value is below 2000 psf, or when

conditions exist as described in R401.4. Footings for all three story structures shall be designed by a licensed Kansas engineer.

- T. Section R502.2.2 of the International Residential Code, 2012 Edition, Decks, is hereby added to read as follows:

The construction of decks and balconies shall be done by using the latest edition of the Johnson County Building Officials Deck Design publication.

- U. Section R506.3 of the International Residential Code, 2012 Edition, Garage Floors, is hereby added to read as follows:

All garage floors are to be constructed of concrete and shall be installed according to the City of Gardner "Typical Garage Slab Detail". The Building Official will review for acceptance other engineered systems prepared by a licensed engineer in Kansas in lieu of the required slab detail.

- V. Section R602.10.6.3.1 of the International Residential Code, 2012 Edition, Braced wall panel construction methods: is hereby added to read as follows:

The Johnson County Braced Wall Report will be required as the braced wall standard for all garages, including the H frame detail. Other methods of portal frames at garage door openings shall be engineered.

- W. Section R907.3 of the International Residential Code, 2012 Edition, Recovering versus replacement, is hereby amended to read as follows:

New roof covering shall not be installed without first removing all existing layers of roof covering down to the roof decking.

Exception: Where the existing roof assembly includes an ice barrier membrane that is adhered to the roof deck, the existing ice barrier membrane shall be permitted to remain in place and covered with an additional layer of ice barrier membrane in accordance with Section R905.

- X. Section N1101.1 of the International Residential Code, 2012 Edition, Scope, is hereby amended to add the following paragraphs following the first paragraph:

As an alternative to the provisions of Chapter 11 of this code, structures validated by an accepted certified energy auditor to meet a HERS rating score of 85 or less shall be deemed to meet this Code. The energy auditor shall present their national certification credentials for review and approval by the Building Official prior to issuance of the permit, and no Certificate of Occupancy shall be issued for the structure until all documentation has been received and accepted that compliance has been met.

Failure to meet with the compliant rating of 85 or less shall result in a "notice" to the owner that the structure has failed to comply with this code. Such "notice" shall be signed by the contractor and the owner.

Table N1102.1.1
Insulation and Fenestration Requirements by Component

Climate Zone	Fenestration U-factor ^b	Skylight U-factor ^b	Glazed Fenestration SHGC ^b	Ceiling R-Value ^f	Wood Frame Wall R-Value	Mass Wall R-Value	Floor R-Value	Basement Wall R-Value ^c	Slab R-Value & Depth ^d	Crawl Space Wall R-Value ^c
4	0.35	0.55	0.4	49	13	8/13	19	10/13	NR	10/13

- a. R-values are minimums. U-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed R-value of the insulation shall not be less than the R-value specified in the table.
 - b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
 - c. "10/13" means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement walls.
 - d. R-5 shall be added to the required slab edge R-values for heated slabs.
 - e. The second R-value applies when more than half the insulation is on the interior of the mass wall.
 - f. Loose-fill insulation shall be installed at the rate recommended by the manufacturer's statement "so many bags per 1000 sq ft." Where the pitch of the roof restricts the "minimum thickness" at the exterior wall line, the insulation shall be blown into the cavity so as to achieve a greater compacted density to a point where the "minimum thickness" can be achieved. An alternative is to install high-density batts around the perimeter edge per R1102.2.
- X. Section N1102.4.1.2 of the International Residential Code, 2012 Edition, Testing, is hereby amended to read as follows:

The building or dwelling unit shall be tested and verified as having an air leakage rate not exceeding 5 air changes per hour. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Where required by the Code Official, testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the Code Official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope.

During testing:

- 1. Exterior windows and doors, fireplaces and stove doors shall be closed but not sealed beyond the intended weather-stripping or other infiltration control measures.

2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed but not sealed beyond intended infiltration control measures.
 3. Interior doors if installed at the time of the test shall be open.
 4. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed.
 5. Heating and cooling systems, if installed at the time of the test, shall be turned off
 6. Supply and return registers, if installed at the time of the test, shall be fully open.
- Y. Section N1103.2.2 of the International Residential Code, Sealing (Mandatory), is hereby amended to read as follows:

Ducts, air handlers, and filter boxes shall be sealed. Joints and seams shall comply with section M1601.4.1 of this code.

Exceptions:

1. Air-impermeable spray foam products shall be permitted to be applied without additional joint seals.
2. Where a duct connection is made that is partially inaccessible three screws or rivets shall be equally spaced on the exposed portion of the joint so as to prevent a hinge effect.
3. Continuously welded and locking-type longitudinal joints and seams in ducts operating at static pressure classification shall not require additional closure systems.

Duct tightness shall be verified by either of the following:

1. Post-construction test: Total leakage shall be less than or equal to 4 cfm per 100 square feet of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the entire system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test.
2. Rough-in test: Total leakage shall be less than or equal to 4 cfm per 100 square feet of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the system including the manufacturer's air handler enclosure. All registers shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test total leakage shall be less than or equal to 3 cfm per 100 square feet of conditioned floor area.

Exceptions:

1. The total leakage test is not required for ducts and air handlers located entirely within the building thermal envelope.

2. On the post-construction test, it is permissible to test for "leakage to the outdoors" versus a "total leakage". Leakage to the outdoors shall be less than or equal to 8 cfm per 100 square feet of conditioned floor space.
- Z. Section N1103.2.3 of the International Residential Code, 2012 Edition, Building cavities (Mandatory), is hereby deleted.
- AA. Section N1103.4.2 of the International Residential Code, 2012 Edition, Hot water pipe insulation (prescriptive), is hereby amended to read as follows:
- Insulation for hot water pipe with a minimum thermal resistance (R-value) of R-3 shall be applied to the following:
1. Piping located under a floor slab.
 2. Buried piping.
 3. Supply and return piping in recirculation systems other than demand recirculation systems.
- BB. Section N1104.1 of the International Residential Code, 2012 Edition, Lighting equipment (Mandatory), is hereby amended to read as follows:
- Fuel gas lighting systems shall not have continuously burning pilot lights.
- CC. Section P2503.4 of the International Residential Code, 2012 Edition, Building Sewer Testing, is hereby amended to read as follows:
- The building sewer shall be tested by insertion of a test plug at the point of connection with the public sewer and filling the building sewer with water, testing with not less than a ten (10') foot head of water and be able to maintain such pressure for fifteen (15) minutes or by air maintain five (5) PSI for fifteen (15) minutes. This testing will be required when ordered by the Building Official.
- DD. Section P2503.5 of the International Residential Code, 2012 Edition, DWV Systems Testing, is hereby amended to read as follows:
- Rough and finished plumbing installations shall be tested in accordance with Sections P2503.5.1 and P2503.5.2. This testing will be required when ordered by the Building Official.
- EE. Section P2903.4 of the International Residential Code, 2012 Edition, Thermal expansion control is hereby amended to read:
- A means for controlling increased pressure caused by thermal expansion shall be installed in each dwelling unit. A thermal expansion tank shall be the means in which to control thermal expansion. At the time a water heater is new or replaced a thermal expansion tank shall be installed.

Exception: in cases where a thermal expansion tank is not feasible the Code Official shall determine an approved method of thermal expansion control.

- FF. Section P3114.1 of the International Residential Code, 2012 Edition, Air admittance valves General, is hereby amended to read as follows:

Vent systems using air admittance valves shall comply with this section. Individual and branch-type air admittance valves shall conform to ASSE 1051. Stack-type air admittance valves shall conform to ASSE 1050. The use of air admittance valves shall only be done so by the approval of the Building Official.

- GG. Section E3601.2 of the International Residential Code, 2012 Edition, Number of Services, is hereby amended to read as follows:

One and two-family dwellings shall be supplied by only one service. The location of all services on the structure of one-and two-family dwellings shall be on the side of the dwelling and within ten (10) feet of the front corner.

- HH. Section E3608.1 of the International Residential Code, 2012 Edition, Grounding electrode system, is hereby amended to read as follows:

All electrodes specified in Sections E3608.1.1, E3608.1.2, E3608.1.3, E3608.1.4, and E3608.1.5 that are present at each building or structure served shall be bonded together to form the grounding electrode system. Where none of these electrodes are present, one or more of the electrodes specified in Sections E3608.1.3, E3608.1.4, and E3608.1.5 shall be installed and used.

Exception: Concrete encased electrodes shall not be required to be part of the grounding system when at least two (2) rod or pipe electrodes are provided in compliance with E3608.1.4 and E3608.1.4.1.

- II. Section E3902.2 of the International Residential Code, 2012 Edition, Garage and accessory building receptacles, is hereby amended to read as follows:

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

Exception:

Dedicated receptacles supplying garage door openers.

- KK. Section E3902.5 of the International Residential Code, 2012 Edition, Unfinished basement receptacles, is hereby amended to read as follows:

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

Exception:

1. A dedicated receptacle supplying only a permanently installed fire alarm or burglar alarm system.
2. Dedicated receptacles supplying sump pumps.

LL. Section E3902.12 of the International Residential Code, 2012 Edition, Arc-fault circuit-interrupter protection, is hereby amended to read as follows:

All branch circuits that supply 120-volt, single phase, 15 and 20 ampere outlets installed in family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways and similar rooms or areas shall be protected by a combination type arc-fault circuit interrupter installed to provide protection of the branch circuit. For these purposes, a smoke alarm shall not be considered an outlet and is not required to be on an arc-fault circuit.

Exception:

1. Where an outlet branch-circuit type AFCI is installed at the first outlet to provide protection for the remaining portion of the branch circuit, the portion of the branch circuit between the branch circuit overcurrent device and the first outlet shall be installed with metal outlet and junction boxes and RMC, IMC, EMT, type MC, or steel armored type AC cables meeting the requirements of Section E3908.8.
2. Where an outlet branch-circuit type AFCI is installed at the first outlet to provide protection for the remaining portion of the branch circuit, the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet shall be installed with metal or nonmetallic conduit or tubing that is encased in not less than 2 inches of concrete.
3. AFCI protection is not required for an individual branch circuit supplying only a fire alarm system where the branch circuit is wired with metal outlet and junction boxes and RMC, IMC, EMT or steel-sheathed armored cable Type AC, or Type MC meeting the requirements of Section E3908.8.

MM. Section E3902.13 of the International Residential Code, 2012 Edition, Arc-fault circuit interrupter protection for branch circuit extensions or modifications, is hereby added #3 to read as follows:

This section shall not apply where existing dwelling unit premises wiring circuits make application of this section impracticable as determined by the building official.

15.50.030 APPLICATION OF OTHER LAWS. The provisions of this Code shall not be deemed to nullify any provisions of the Zoning Law or any other Ordinance of the City of Gardner pertaining to the location or type of construction of buildings except as may be specifically required by the provisions of this Code.

SECTION SEVEN: Title 15, Buildings and Construction, Chapter 15.30, Fuel Gas Code is hereby added to read as follows:

Chapter 15.30. Fuel Gas Code

15.30.010 ADOPTION OF THE FUEL GAS CODE. The International Fuel Gas Code, 2012 Edition, is hereby adopted by reference as the Fuel Gas Code of the City of Gardner, Kansas, and not less than one copy of last edition of said code, marked and showing portions that are amended and to which shall be attached a copy of amendments shall be filed with the City Clerk and shall be open to inspection and available to the public at reasonable business hours. Official copies of such code shall be supplied at the cost of the City to the officials and agencies in the manner listed and set forth in K.S.A. 12-3010. Subsequent references to the "Fuel Gas Code" shall mean the International Fuel Gas Code, 2012 Edition.

15.30.020 AMENDMENTS TO THE CODE. The "Fuel Gas Code" as adopted by section 15.30.010 is hereby amended and changed to read as follows:

- A. Section 101.1 of the International Fuel Gas Code, 2012 Edition, Title, is hereby amended to read as follows:

The words, "Name of Jurisdiction" shall be replaced by the words, "City of Gardner".

- B. Section 106.6.2 of the International Fuel Gas Code, 2012 Edition, Fee Schedule, is hereby amended to read as follows:

The Schedule of Permit fees shall be established by the Governing Body by resolution.

- C. Section 106.6.3 of the International Fuel Gas Code, 2012 Edition, is hereby amended to read as follows:

The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than seventy-five (75) percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 60 days after the date of the fee payment.

- D. Section 108.4 of the International Fuel Gas Code, 2012 Edition, Violation Penalties, is hereby amended to read as follows:

The violation of any provision of this code shall be deemed to be a misdemeanor; and any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine of not less than \$100.00 or greater than \$500.00 per offense; and the City shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of this code and seek civil penalties in the amount of not less than \$100.00 or greater than \$500.00 per offense; and to abate nuisances maintained in violation thereof, and in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent the occupancy

of said building, structure or land. Each day a violation of this code shall constitute a separate offense.

- E. Section 109 of the International Fuel Gas Code, 2012 Edition, Means of Appeal, is hereby amended to read as follows:

The same board and appeal process as used under the building code, section 15.05.020 J shall be used for appeals to the Fuel Gas Code.

15.30.030 APPLICATION OF OTHER LAWS. The provisions of this Code shall not be deemed to nullify any provisions of the Zoning Law or any other Ordinance of the City of Gardner pertaining to the location or type of construction of buildings except as may be specifically required by the provisions of this Code.

SECTION EIGHT: This Ordinance shall take effect on the 1st day of April, 2013, and be in force from and after its passage, approval, and publication as provided by law.

PASSED by the City Council this 18th day of March, 2013.

SIGNED by the Mayor this 18th day of March, 2013.

(SEAL)



Attest:

Doreen K. Pesek, City Clerk

CITY OF GARDNER, KANSAS

David C. Drovetta, Mayor