

TITLE 15
BUILDINGS AND CONSTRUCTION

CHAPTERS:

- 15.02 Building Code
- 15.04 Residential Code for One- and Two-Family Dwellings
- 15.06 Existing Building Code
- 15.08 Plumbing Code
- 15.10 Mechanical Code
- 15.12 Fuel Gas Code
- 15.14 Electrical Code
- 15.16 Energy Conservation Code.
- 15.18 Environmental Sanitary Code
- 15.20 Swimming Pool and Spa Code
- 15.22 Property Maintenance Code
- 15.24 Accessible and Usable Buildings and Facilities
- 15.32 Water Conditioning Control (Repealed 8/20/13)
- 15.36 Dangerous Structures (Repealed 8/20/13)
- 15.38 Building and Property Maintenance
- 15.40 Moving Buildings (Repealed 8/20/13)
- 15.52 Mobile Homes
- 15.53 Inspection of Mobile Homes
- 15.54 Severe Storm Safety Measures for Mobile and Modular Homes and Subdivisions (Repealed 8/20/13)
- 15.60 Contractor Licensing and Permits
- 15.61 Olathe Street Naming and Numbering Ordinance

CHAPTER 15.02
BUILDING CODE

Sections:

15.02.010	Minimum Standards
15.02.020	Code Adopted
15.02.030	Marked Copies of Code on File
15.02.040	Code Official
15.02.050	Section [A] 101.1 Amended – Title
15.02.060	Subsection [A] 101.2.1 Amended – Appendices
15.02.070	Subsection [A] 101.4.3 Amended – Plumbing
15.02.080	Subsections [A] 101.4.7, [A] 101.4.8, and [A] 101.4.9 Added – Electrical, Swimming Pools and Spas, and Existing Buildings
15.02.090	Section [A] 102.4 Amended – Referenced Codes and Standards
15.02.100	Section [A] 103.1 Amended – Creation of enforcement agency
15.02.110	Section [A] 103.2 Deleted – Appointment
15.02.120	Section [A] 105.1 Amended – Required
15.02.130	Subsection [A] 105.1.3 Added – County license required
15.02.140	Section [A] 105.2 Amended – Work exempt from permit
15.02.150	Subsection [A] 105.3.1.1 Added – Denial of permits
15.02.160	Subsections [A] 105.3.3, [A] 105.3.4, and [A] 105.3.5 Added – Potable water certification, Fire protection certification, and Connection to public sewer
15.02.170	Subsection [A] 105.3.6 Added – Application for permit to move a building or other structure
15.02.180	Section [A] 109.2 Amended – Schedule of permit fees
15.02.190	Section [A] 109.4 Amended – Work commencing before permit issuance
15.02.200	Section 111 Amended – Certificate of Occupancy
15.02.210	Section 113 Amended – Board of Appeals
15.02.220	Section [A] 114.4 Amended – Violation penalties
15.02.230	Section [A] 114.5 Added – Correcting damage to public facilities
15.02.240	Subsection [A] 116.1.1 Added – Immediate Hazard Procedures Authorized
15.02.250	Section [A] 116.6 Added – Failure to abate an unsafe condition
15.02.260	Subsection 305.2.3 Amended – Care being provided in a dwelling unit in compliance with K.S.A. § 65-508
15.02.270	Subsection 308.6.5 Added – Care being provided in a dwelling unit in compliance with K.S.A. § 65-508
15.02.280	Subsection 310.5.1 Exception Added – Care facilities within a dwelling unit
15.02.290	Subsection [F] 901.6.4 Added – Qualifications of inspection, testing and maintenance personnel
15.02.300	Subsection [F] 903.4.1 Amended – Monitoring
15.02.310	Subsection [F] 903.4.2 Amended – Alarms
15.02.320	Subsection [F] 907.6.5 Amended – Monitoring
15.02.330	Subsection [F] 907.7.4 Added – Contractor’s statement
15.02.340	Section [F] 912.2 Amended – Location
15.02.350	Subsection [F] 912.3.4 Added – Fire department connections
15.02.360	Section 1015.6 Exception Added – Day care means of egress
15.02.370	Section 1030 Added – Physical Security
15.02.380	Subsection 1103.2.12 Exception Added – Day care facilities
15.02.390	Section 1203.1 Amended – General
15.02.395	Section 3009 Added – Certificate of Inspection.
15.02.400	Section 3109.3 Amended – Public swimming pools
15.02.410	Conflicts
15.02.420	Liability
15.02.430	Severability

15.02.010 Minimum Standards. This chapter, including the standard code incorporated by reference, shall constitute the minimum standards for the construction, reconstruction, alteration, remodeling, use, occupancy, location or maintenance of buildings and structures. It is unlawful for any person, firm or corporation to construct, reconstruct, alter, remodel, use, occupy, locate or maintain any building or structure which violates any provision of this chapter or fails to comply with any standard set by this chapter for such installation. (Ord. 12-41 § 2, 2012)

15.02.020 Code Adopted. The 2012 International Building Code, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795 is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Sections 15.02.030 through and including 15.02.430. (Ord. 12-41 § 2, 2012)

15.02.030 Marked Copies of Code on File. There shall be not less than one (1) copy of the code adopted by reference in Section 15.02.020 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, and which shall be marked or stamped, “Official Copy as Incorporated by Ordinance No. 12-41” with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk and open to inspection and available to the public at all reasonable hours. The Fire Department, Municipal Judges and all administrative departments of the City charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the City, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient. (Ord. 12-41 § 2, 2012)

15.02.040 Code Official. The Chief Building Official or his or her designee will be known as the “Chief Building Official”, “Building Official”, “Code Official” or “Administrative Authority” for the purposes of this chapter and will have the duty of enforcing provisions of this chapter. (Ord. 12-41 § 2, 2012)

15.02.050 Section [A] 101.1 Amended – Title. Subsection [A] 101.1 of the International Building Code is hereby amended to read as follows:

[A] 101.1 Title. The 2012 International Building Code and the deletions, changes, and additions contained in the Olathe Municipal Code, Chapter 15.02, shall be known as the Building Code of the City of Olathe, Kansas, hereinafter referred to as “this code” or “the Building Code.” (Ord. 12-41 § 2, 2012)

15.02.060 Subsection [A] 101.2.1 Amended – Appendices. Subsection [A] 101.2.1 of the International Building Code is hereby amended to read as follows:

[A] 101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

[A] 101.2.1.1 Appendices adopted. The following appendices are hereby adopted as part of this code:

Appendix C: Group U – Agricultural Buildings

Appendix E: Supplementary Accessibility Requirements (Ord. 12-41 § 2, 2012)

15.02.070 Subsection [A] 101.4.3 Amended – Plumbing. Subsection [A] 101.4.3 of the International Building Code is hereby amended to read as follows:

[A] 101.4.3 Plumbing. The provisions of the International Plumbing Code (as adopted by the City and set forth in Chapter 15.08 of the Olathe Municipal Code) shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the Johnson County, Kansas Environmental Sanitary Code, 2004 edition, as adopted by the City shall apply to private sewage disposal systems. (Ord. 12-41 § 2, 2012)

15.02.080 Subsections [A] 101.4.7, [A] 101.4.8, and [A] 101.4.9 Added – Electrical, Swimming Pools and Spas, and Existing Buildings. Subsections [A] 101.4.7, [A] 101.4.8, and [A] 101.4.9 are hereby added to the International Building Code and shall read as follows:

[A] 101.4.7 Electrical. The provisions of the National Electrical Code (as adopted by the City in accordance with Chapter 15.14 of the Olathe Municipal Code) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

[A] 101.4.8 Swimming Pools and Spas. The provisions of the International Swimming Pool & Spa Code (as adopted by the City in accordance with Chapter 15.20 of the Olathe Municipal Code) shall apply to the installation of swimming pools, hot tubs, spas, and fixed in-place wading pools, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

[A] 101.4.9 Existing Buildings. The provisions of the International Existing Building Code (as adopted by the City in accordance with Chapter 15.06 of the Olathe Municipal Code) shall apply to the repair, alteration, change of occupancy, addition and relocation of existing buildings. (Ord. 12-41 § 2, 2012)

15.02.090 Section [A] 102.4 Amended – Referenced Codes and Standards. Section [A] 102.4 of the International Building Code is hereby amended to read as follows:

[A] 102.4 Referenced Codes and Standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections [A] 102.4.1 and [A] R102.4.2.

[A] 102.4.1 Differences. Where differences occur between provisions of this code and referenced codes and standards, the most restrictive provisions shall apply.

[A] 102.4.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the most restrictive provisions, as applicable, shall take precedence over all other provisions. (Ord. 12-41 § 2, 2012)

15.02.100 Section [A] 103.1 Amended – Creation of enforcement agency. Section [A] 103.1 of the International Building Code is hereby amended to read as follows:

[A] 103.1 Creation of enforcement agency. The Chief Building Official in charge of the Building Code Division for the City shall be the designated enforcement officer of this code, and is herein referred to as the “building official.” The term “Code Official,” “authority having jurisdiction,” and/or “Code Administrator” shall be used synonymously with the term “building official” and the term “Building Code Division” shall be used synonymously with the term “Department of Building Safety.” (Ord. 12-41 § 2, 2012)

15.02.110 Section [A] 103.2 Deleted – Appointment. Section [A] 103.2 of the International Building Code is hereby deleted. (Ord. 12-41 § 2, 2012)

15.02.120 Section [A] 105.1 Amended – Required. Section [A] 105.1 of the International Building Code is hereby amended to read as follows:

[A] 105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, plumbing, fire alarm, fire detection, automatic fire-extinguishing, or LP-Gas system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. (Ord. 12-41 § 2, 2012)

15.02.130 Subsection [A] 105.1.3 Added – County license required. Section [A] 105.1.3 is hereby added to the International Building Code and shall read as follows:

[A] 105.1.3 County license required. All persons undertaking work which requires a permit as provided in Section 105, or seeking to obtain that permit from the City, are required to have a currently valid Johnson County contractor's license. That County license shall have been issued by the County in accordance with the provisions of the Johnson County Contractors Licensing Program and the Contractor Licensing Regulations adopted by the Board of County Commissioners by Resolution 058-01 on August 9, 2001, and any regulations subsequently adopted by the Contractor Licensing Review Board as authorized by said County Licensing Regulations, as said Resolution and regulations may be amended from time to time by said Boards.

Exceptions:

1. The owner of a single-family dwelling shall be allowed to secure a permit to construct, alter, or repair said home provided the following conditions are met:
 - A. The homeowner currently occupies the dwelling or will occupy the residence once the construction has been completed.
 - B. The homeowner undertakes the work themselves.
2. The Building Official may waive the provisions of this section where it can be established that no license exists for the installation, alteration, or repair of a certain type of work requiring a permit, or due to other unique circumstances. (Ord. 12-41 § 2, 2012)

15.02.140 Section [A] 105.2 Amended – Work exempt from permit. Section [A] 105.2 of the International Building Code is hereby amended to read as follows:

[A] 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 200 square feet (18.58 m²).
2. Re-siding the dwelling or structure with materials other than stucco or EIFS.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18,925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18,925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

11. Swings and other playground equipment accessory to detached one- and two-family dwellings.

12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.

13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1,753 mm) in height.

Electrical:

1. Repairs and maintenance: Minor repair work, including: the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles; listed cord and plug connected temporary decorative lighting; reinstallation of attachment plug receptacles but not the outlet; repair or replacement of branch circuit over current devices of the required capacity in the same location; electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy, and are not part of a fire alarm system.

2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

3. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

4. The installation of portable generators, complying with National Electric Code Section 250.34 (A), used to provide temporary power.

Gas:

1. Portable heating appliance.

2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

3. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical:

1. Portable heating appliance.

2. Portable ventilation equipment.

3. Portable cooling unit.

4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.

5. Replacement of any part that does not alter its approval or make it unsafe.

6. Portable evaporative cooler.

7. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, sinks and lavatories in the same location. (Ord. 12-41 § 2, 2012)

15.02.150 Subsection [A] 105.3.1.1 Added – Denial of permits. Subsection [A] 105.3.1.1 is hereby added to the International Building Code and shall read as follows:

[A] 105.3.1.1 Denial of permits. The Building Official is authorized to deny a permit to any applicant not meeting the provisions as set forth in this code and to any person who has outstanding a failure to appear in court with respect to any violation of the Olathe Municipal Code. The Building Official is further authorized, with respect to the insurance requirements, to take any necessary administrative enforcement action including, without limitation, stopping construction operations on any incomplete permits and denying issuance of any additional permits. (Ord. 12-41 § 2, 2012)

15.02.160 Subsections [A] 105.3.3, [A] 105.3.4, and [A] 105.3.5 Added – Potable water certification, Fire protection certification, and Connection to public sewer. Subsections [A] 105.3.3, [A] 105.3.4, and [A] 105.3.5 are hereby added to the International Building Code and shall read as follows:

[A] 105.3.3 Potable water certification. A permit shall not be issued until written evidence is presented to the Building Official certifying the availability of satisfactory potable water supply. Applicants that are within areas under the jurisdiction of a duly constituted water utility shall submit a connection permit or notice of intent to supply water service from the water utility having jurisdiction. Applicants from areas that are not within an area under the jurisdiction of a duly constituted water utility shall submit a certificate from the Johnson County Health Director that the proposed water supply meets the required standards for health and safety.

Exception: On structures other than one- and two-family dwellings, the Building Official may issue a building permit prior to receiving the connection permit or notice of intent to supply water service specified in Section [A] 105.3.3 if all the following conditions are met:

1. A written document acceptable to the City is provided to the Building Official describing the unusual circumstances preventing the issuance of such connection permit.
2. Documentation acceptable to the City is provided showing the status of the application to the water utility having jurisdiction.
3. The applicant verifies in writing, in a form acceptable to the City, an acknowledgement and understanding that the permit required in Section [A] 105.3.3 must be provided to the Building Codes Division prior to any form of final inspection being conducted by the City and prior to any temporary or final certificate of occupancy being issued by the City.
4. The Building Official is satisfied that all pertinent information has been provided and that issuance of a building permit under these circumstances would be in full compliance with the intent and purpose of this code.

[A] 105.3.4 Fire protection certification. A permit for construction shall not be issued until written evidence is presented to the Building Official certifying the availability of satisfactory hydrant locations. Applicants that are within areas under the jurisdiction of a duly constituted water utility, shall submit a statement from the utility certifying that the proposed fire protection system conforms to the regulations of the district. The water supply and hydrants shall also comply with the requirements of Section [A] 507 and Appendices B and C of the International Fire Code (as adopted by the City in accordance with Chapter 16.05 of the Olathe Municipal Code).

[A] 105.3.5 Connection to public sewer. No building permit for any structure or building to be located within a legally created sewer district in the City in which sanitary sewage will, or may, originate shall be issued a permit until and unless the applicant, or their agent, has previously applied for and received from the sewage utility having jurisdiction, an outside sanitary sewer construction and connection permit as required by the rules and regulations of the sewage utility having jurisdiction.

Exception: On structures other than one- and two-family dwellings, the Building Official may issue a building permit prior to receiving the sanitary sewer permit if all the following conditions are met:

1. A written document acceptable to the City is provided to the Building Official describing the unusual circumstances preventing the issuance of such connection permit.
2. Documentation acceptable to the City is provided showing the status of the application to the sewage utility having jurisdiction.
3. The applicant verifies in writing, in a form acceptable to the City, an acknowledgement and understanding that the permit required in Section [A] 105.3.5 must be provided to the Building Code Division prior to any form of final inspection being conducted by the City and prior to any temporary or final occupancy permit being issued by the City.
4. The Building Official is satisfied that all pertinent information has been provided and that issuance of a building permit under these circumstances would be in full compliance with the intent and purpose of this code.

[A] 105.3.5.1 Private sewage disposal facilities. Where a public sewer is not available, a private sewage disposal system designed and constructed in accordance with the Johnson County, Kansas Environmental Sanitary Code and approved by the Johnson County Environmental Department shall be acceptable. (Ord. 12-41 § 2, 2012)

15.02.170 Subsection [A] 105.3.6 Added – Application for permit to move a building or other structure. Section [A] 105.3.6 is hereby added to the International Building Code and shall read as follows:

[A] 105.3.6 Application for permit to move a building or other structure. Application for a permit shall be made to move a building or other structure over, along or across any highway, street, road or alley in the City. A move permit application shall include the information required in Sections [A] 105.3.6.1 or [A] 105.3.6.2. The application shall be made not less than fourteen (14) calendar days prior to the commencement of the move. Buildings or structures shall not be lifted off their existing foundation until a permit to move the building or structure has been secured.

Exception: Camping trailers are specifically excluded from this requirement, and no permit shall be required for moving any house, building, mobile home, modular home or structure exclusively upon Interstate 35 Highway.

[A] 105.3.6.1 Moving buildings or structures within or into the City limits. A permit for a foundation, or a new single family or a remodel permit shall be secured prior to the issuance of a permit to move a building or structure onto property within the City limits. The foundation shall be constructed prior to the building or structure being moved. All applications for permits to move buildings or structures within the City limits of Olathe or into the City shall include the following information:

1. A complete building permit application.
2. Building permit fee per Section [A] 109.
3. A letter indicating the day and hour when the move is to start; the length of time required for the move; and the number and type of escort vehicles.
4. The dimensions of the building or structure as to length, width, and height at its highest point when loaded for moving, including a diagram of how the structure will be loaded and supported during the move.
5. A map showing the route of the move.
6. A deposit of a sum of money equal to twice the amount of the estimated City expense enumerated in the cost estimates included in the submitted route approval letters from the Police and Public Works Departments.
7. Letter from the Police Department approving the date, time and route of the move and including an estimate of costs for police services, to include escort service for the move.
8. Letter from the Public Works Department approving the date, time and route of the move and including an estimate of the expense that will be incurred in removing and replacing any facilities belonging to the City or any other property of the City, the removal and replacement of which will be required by reason of the moving of the building through the City, together with the cost of materials necessary to be used in making such removals and replacements.

9. Bond or cash deposit per Section [A] 105.3.6.3.
10. Certificate of Insurance per Section [A] 105.3.6.4.
11. Certificate of Ownership or Entitlement. The applicant, if other than the owner, shall file with the application a written statement or bill of sale signed by the owner, or other sufficient evidence, that he/she is entitled to move the building.
12. A copy of the state highway move permit, if applicable.
13. A letter or electronic communication from any utility agency having overhead lines along the proposed route indicating that they have approved the route.
14. Written permission from the Olathe agency having jurisdiction to trim trees in the public right-of-way necessary to provide clearance for the move along the proposed route.
15. If being moved off a site within the City limits, letters from all utility agencies verifying that all utilities have been disconnected, i.e. gas, electric, water, sewer. A verbal or electronic communication from the utility agency is acceptable in lieu of a letter.
16. If being moved off a site within the City limits, a Tax Certificate. The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any entanglements and that all taxes, liens, and any City charges against the same are paid in full.
17. If being moved off a site within the City limits, a letter signed by the property owner that the site will have the original foundation demolished, all excavations filled to existing grade, and all debris cleared to return the site to a safe and sanitary condition within 30 days. The letter will include a timeline for these actions and an agreement that a four foot fence will be provided around any open foundation or excavation and that erosion and sediment control measures shall be put in place as needed and shall remain in place until vegetation has been established.
18. If being moved off a site within the City limits, a plot plan, sealed by a Kansas design professional, showing the property or lot where the building or structure is to be removed from and including a legal description of the property.
19. A plot plan, sealed by a Kansas design professional, showing the property or lot where the building or structure is to be moved to and including a legal description of the property.
20. Letter from the water utility having jurisdiction certifying the availability of the water supply per Section [A] 105.3.3.
21. Verification from the Fire Department of a satisfactory fire hydrant location per Section [A] 105.3.4.
22. Sewer permit from the utility having jurisdiction, or a septic tank or holding tank permit from the Johnson County Environmental Department as specified per Section [A] 105.3.5.
23. Verification from the Planning Services Division that the building or structure to be moved is architecturally compatible with adjacent buildings or structures in the area where the building or structure is to be moved.
24. Verification by the Building Codes Division that the building or structure meets current adopted codes and standards.
25. Any additional information which the City shall find necessary to make a fair determination of whether a permit should be issued.

[A] 105.3.6.2 Buildings or structures being moved out of the City or passing through the City.

All permit applications for moving buildings or structures out of or through the City shall include the following information:

1. A complete building permit application.
2. Building permit fee per Section [A] 109.
3. A letter indicating the day and hour when the move is to start; the length of time required for the move; and the number and type of escort vehicles.
4. The dimensions of the building or structure as to length, width, and height at its highest point when loaded for moving, including a diagram of how the structure will be loaded and supported during the move.

5. A map showing the route of the move.
6. A deposit of a sum of money equal to twice the amount of the estimated City expense enumerated in the cost estimates included in the submitted route approval letters from the Police and Public Works Departments.
7. Letter from the Police Department approving the date, time and route of the move and including an estimate of costs for police services, to include escort service for the move.
8. Letter from the Public Works Department approving the date, time and route of the move and including an estimate of the expense that will be incurred in removing and replacing any facilities belonging to the City or any other property of the City, the removal and replacement of which will be required by reason of the moving of the building through the City, together with the cost of materials necessary to be used in making such removals and replacements.
9. Bond or cash deposit per Section [A] 105.3.6.3.
10. Certificate of Insurance per Section [A] 105.3.6.4.
11. Certificate of Ownership or Entitlement. The applicant, if other than the owner, shall file with the application a written statement or bill of sale signed by the owner, or other sufficient evidence, that he is entitled to move the building.
12. A copy of the state highway move permit, if applicable.
13. A copy of the move permit from the next jurisdiction that the structure will enter when leaving the Olathe City limits.
14. A letter or electronic communication from any utility agency having overhead lines along the proposed route indicating that they have approved the route.
15. Written permission from the Olathe agency having jurisdiction to trim trees in the public right-of-way necessary to provide clearance for the move along the proposed route.
16. If being moved off a site within the City limits, letters from all utility agencies verifying that all utilities have been disconnected, i.e. gas, electric, water, sewer. A verbal or electronic communication from the utility agency is acceptable in lieu of a letter.
17. If being moved off a site within the City limits, a Tax Certificate. The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any entanglements and that all taxes, liens, and any City charges against the same are paid in full.
18. If being moved off a site within the City limits, a letter signed by the property owner that the site will have the original foundation demolished, all excavations filled to existing grade, and all debris cleared to return the site to a safe and sanitary condition within 30 days. The letter will include a timeline for these actions and an agreement that a four foot fence will be provided around any open foundation or excavation and that erosion and sediment control measures shall be put in place as needed and shall remain in place until vegetation has been established.
19. If being moved off a site within the City limits, a plot plan, sealed by a Kansas design professional, showing the property or lot where the building or structure is to be removed from and including a legal description of the property.
20. Any additional information which the City shall find necessary to make a fair determination of whether a permit should be issued.

[A] 105.3.6.3 General Deposit.

1. Bond. An application hereunder shall be accompanied by a bond, essentially in the form shown below, executed by a bonding or surety company authorized to do business in the state of Kansas in the amount of Five Thousand Dollars (\$5,000.00), conditioned upon the assurance that this and other applicable ordinances and laws will be complied with. Such bond shall run to the City for the use and benefit of any person or persons intended to be protected thereby and shall be conditioned on the payment of any damage to public or private property and the payment for any damages or losses resulting from any malfeasance, misfeasance, or non-feasance or negligence in connection with any of the activities or conditions upon which the permit applied for is granted. Bond forms should be substantially in the following form:

**CITY OF OLATHE, KANSAS
HOUSE, BUILDING AND STRUCTURE PERFORMANCE BOND**

KNOW ALL MEN BY THESE PRESENTS:

That we, _____, as Principal, _____ and as Surety, are held and firmly bound unto the City of Olathe, Kansas, in the penal sum of Five Thousand and No/100 Dollars (\$5,000.00), to the payment of which will be made we hereby bind ourselves, our heirs, executors, administrators, and successors, severally and firmly by these presents.

DATED this _____ day of, _____ 20 _____, for the period of one year ending the _____ day of _____, 20 _____.

THE CONDITION of the foregoing obligation is such that **WHEREAS**, said principal desires to move houses, buildings and/or structures over and along the public streets or ways, roads, alleys or sidewalks in the City of Olathe, Kansas, this bond is conditioned that said person, firm or corporation shall perform all covenants, conditions and obligations pertaining to the moving of the house, building or structure and the compliance with all City codes pertaining to said house, building and/or structure, and shall hold the City harmless against all claims, loss or damage which it may sustain or suffer by reason of any breach of said permit by said principal, or by reason of any injury to persons or property occasioned by the action of said principal or his employees.

IN TESTIMONY WHEREOF, said principal has duly executed these presents and said surety has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its duly authorized agent or agents, all as of the date and year first above written.

(Seal)

Principal

Surety

2. Any person filing an application hereunder may, in lieu of the bond required above, deposit with the City Clerk a cash deposit in the sum of Five Thousand Dollars (\$5,000.00) as an indemnity for any damage which the City may sustain by reason of damage or injury to any highway, street or alley, sidewalk, fire hydrant or other property of the City, which may be caused by or be incidental to the removal of any building over, along or across any street in the City and to indemnify the City against any claim of damages to persons or private property, and to satisfy any claims by private individuals arising out of, caused by or incidental to the moving of any building over, along or across any street in the City.

[A] 105.3.6.4 Certificate of Insurance. The applicant shall file with the City a certificate of insurance, demonstrating evidence of satisfactory Commercial General Liability and Automobile Liability insurance. No permit shall be issued until such evidence is filed. Policies of insurance must contain the following limits of protection and conditions:

1. Commercial General Liability insurance on an occurrence basis in amounts no less than \$500,000 bodily injury and property damage per occurrence.
2. Automobile Liability insurance in an amount no less than \$250,000 bodily injury each person / \$500,000 bodily injury each occurrence / \$250,000 property damage each occurrence; or \$500,000 bodily injury and property damage combined single limit.

The City will only accept coverage from an insurance carrier meeting these criteria:

1. Is licensed to do business in the state of Kansas;
2. Carries a Best's policyholder and financial rating of A- or better;
3. Carries at least a Class VIII financial rating; or
4. Is a company mutually agreed upon by the City and the applicant.

The City shall be notified in writing not less than thirty (30) days prior to cancellation or material modification of any policy provisions.

[A] 105.3.6.5 Duties of Chief Building Official. Upon receipt of the application the Chief Building Official or designee shall:

1. Check and verify that all application, fee and deposit requirements have been complied with;
2. Endorse the application to indicate applicant compliance with contents, requirements and forward to other City agencies for concurrence/approval as appropriate.
3. Deposit all fees and cash deposits with the Director of Resource Management or designee.
4. Hold all bonds and/or insurance policies until either denial of application or final resolution of the move and any damages that may result therefrom.
5. Issue the permit upon return of application approval by the departments listed in subparagraph 2. above.
6. In the event the permit is refused, return to the applicant all deposits, bonds and insurance policies (permit fees shall not be returned).
7. Inspection. The Building Official may direct inspection of the building to determine whether the standards for issuance of a permit are met.
8. Standards for Issuance. The Building Official shall refuse to issue a permit if he/she finds:
 - a. The building is too large to move without endangering persons or property in the City;
 - b. The building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the City;
 - c. The building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the City;
 - d. The applicant's equipment is unsafe and that persons and property would be endangered by its use;
 - e. That zoning or other ordinances would be violated by the building in its new location;
 - f. That for any other reason persons or property in the City would be endangered by the moving of the building.
9. Return upon allowance for expense. After the building has been removed, the Chief Building Official shall furnish the Director of Resource Management or designee with a written statement of all expenses incurred in removing and replacing all property belonging to the City, and of all material used in the making of the removal and replacement together with a statement of all damage caused to or inflicted upon property belonging to the City. Provided however, that if any wires, poles, lamps or other property are not located in conformity with governing ordinances, the permittee shall not be liable for the cost of removing the same. The Director of Resource Management shall return to the applicant all deposits after deduction of sum sufficient to pay for all of the costs and expenses and for all damage done to property of the City by reason of the removal of the building. The return of deposits shall be made no later than thirty (30) days after completion of the move. Permit fees deposited with the application shall not be returned.

10. Designate Streets for Moving. The Chief Building Official may designate streets for moving buildings or he/she may modify the applicant's proposed route and moving dates and hours in order to assure maximum safety to persons and property in the City and to minimize congestion and traffic hazards on public streets. The Building Official may require the planking of any street, bridge or culvert, or any part thereof, to support the building being moved to prevent damage. Further, the Building Official may, at his/her discretion, inspect the progress of moving the building to ensure compliance with the provisions of this chapter.

[A] 105.3.6.6 Duties of Director of Resource Management.

1. Deposit all monies received into the City general operating fund.
2. The Director of Resource Management or designee shall return to the applicant all deposits after deduction of sum sufficient to pay for all of the costs and expenses and for all damage done to property of the City by reason of the removal of the building. The return of deposits shall be made no later than thirty (30) days after completion of the move. Permit fees deposited with the application shall not be returned.

[A] 105.3.6.7 Duties of Police Chief.

1. The Police Chief or designee shall review the application and, if concurring, indicate the same thereon and assign police escort as may be required. If nonconcurring, return the application with reasons for recommended disapproval.
2. Upon completion of the movement of the building and the termination of any police escort, notify the Chief Building Official of all police services costs.

[A] 105.3.6.8 Duties of City Attorney. The City Attorney or designee shall review the application for legal sufficiency and signify approval or in the event of recommended disapproval submit reasons therefor.

[A] 105.3.6.9 Duties of Permittee. Every permittee under this chapter shall:

1. Use of Streets. Use only those streets and routes as approved by the permit.
2. Notify of Revised Moving Time. Notify the Chief Building Official in writing at least forty-eight (48) hours prior to the move of any desired change in the date, hour, or route of the move as proposed in the application. All changes must be approved by the Chief Building Official before initiating the move.
3. Notify of Damage. Notify the Chief Building Official in writing of any and all damage done to public and private property within 24 hours after the damage or injury has occurred.
4. Street Occupancy Period. Remove the building from the City streets after twenty-four (24) hours of such occupancy. No building or structure or any part of any building or structure being moved shall be left in the parkway, street, or on the dedicated right-of-way line between the curb and the front property line of any lot.
5. Comply with Governing Law. Comply with the building code, the fire code, the zoning ordinance and all other applicable ordinances and laws upon relocating the building in the City.
6. Pay Expense of Officer. Pay the expense of any officer that may be ordered by the Police Chief or designee to accompany the movement of the building to protect the public from injury.
7. Clear Old Premises. Within 30 days demolish original foundation, remove all rubbish and materials, and fill all excavations to existing grade at the original building site so that the premises are left in a safe and sanitary condition. Any open foundation or excavation shall be protected by a four foot fence. Erosion and sediment control measures shall be put in place as needed and shall remain in place until vegetation has been established.

8. Remove Service Connection. See that the sewer line is plugged with a stopper, the water shut off, and the meter returned to the City water office. Permittee shall notify the gas and electric service companies to remove their services.
9. Permit Aboard Moving Vehicle. Ensure that at all times while the moving or towing vehicle is engaged in moving the building, the permit and route of travel are in the possession of the vehicle operator and available for inspection by City authorities.
10. Railroad Crossings. Notify railroad officials of times, location and direction of crossing of all railroad tracks on the route of travel.
11. Compliance with Moving Provisions. Be responsible for furnishing its own escort and for complying with all provisions contained in Section [A] 105.3.6.10.

[A] 105.3.6.10 General Provisions. The following general provisions shall be complied with during the moving of any building within the limits of the City of Olathe:

1. Escort Vehicles. The movement of all buildings within the City shall be protected by two (2) escort vehicles to be provided by the permittee. Each escort vehicle shall have a rotating flashing amber light eight inches (8") in diameter mounted on the top of the escort vehicle in such a manner that it is readily visible in all directions at a distance of not less than eight hundred feet (800'), and it shall have attached to the top of said vehicle an "OVERSIZE LOAD" sign. Such sign shall be yellow with black lettering. The sign shall be fourteen inches (14") in height and sixty inches (60") in length. The lettering is to be eight inches (8") high and have a one and one-eighth inch (1-1/8") stroke and it must be readily visible from a distance of five hundred feet (500'). One escort vehicle shall precede the building being moved and the other shall follow it.
2. Warning Flags. The building being moved shall have red flags not less than eighteen inches (18") square attached to each corner of the building at all times it is in transit.
3. Display Lights. Cause red lights to be displayed during the night time on every side of the building, while standing on a street, in such manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such manner as to protect the public from damage or injury by reason of the removal of the building. Night time is from thirty (30) minutes after sunset to thirty (30) minutes before sunrise.

[A] 105.3.6.11 Enforcement.

1. The Chief Building Official or designee and Police Chief or designee shall enforce and carry out the requirements of this chapter.
2. Permittee Liable for Expense above Deposit. The permittee shall be liable for any expense, damages or costs in excess of deposited amounts or securities, and the City Attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such excessive amounts.
3. Original Premises Left Unsafe. The City shall proceed to do the work necessary to leaving the original premises in a safe and sanitary condition, where permittee does not comply with the requirements of this chapter, and the cost thereof shall be charged against the general deposit. In lieu thereof the City may levy a special assessment in accordance with the provisions of Section [A] 116.6.

[A] 105.3.6.12 Penalties. Any person violating any of the provisions of this code shall be subject to the penalties as stipulated in Section [A] 114.4.

[A] 105.3.6.13 Liability. The requirements stated in this code shall not be construed as imposing upon the City, its officers, agents or employees any liability or responsibility for damages to any property or injury to any person due to an improper moving of buildings on the City's streets. The City or any official, employee or agent thereof shall not assume liability or responsibility whatsoever by reason of any inspection or approval of any move. Acceptance of the permit by the permittee will be prima facie evidence that the permittee assures full compliance with all requirements contained in this chapter, and assumes all responsibility for injury to persons or damages to public or private property, and further agrees to hold the City immune from all suits, claims and damages arising from the movement of the building. (Ord. 12-41 § 2, 2012)

15.02.180 Section [A] 109.2 Amended – Schedule of permit fees. Section [A] 109.2 of the International Building Code is hereby amended to read as follows:

[A] 109.2 Schedule of permit fees. Permit fees for all applications shall be established by a resolution of the Governing Body. Permit fees may be reviewed on an annual basis and revised as necessary by adoption of a new resolution. Copies of the current resolution establishing permit fees shall be on file in the City Clerk's office. (Ord. 12-41 § 2, 2012)

15.02.190 Section [A] 109.4 Amended – Work commencing before permit issuance. Section [A] 109.4 of the International Building Code is hereby amended to read as follows:

[A] 109.4 Work commencing before permit issuance. When it is determined through an investigation that any person has commenced any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits, the person shall be subject to an investigation fee established that shall be in addition to the required permit fees. The investigation fee shall be established by a resolution of the Governing Body and shall be equal to the amount of the permit fee. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of either this code or the technical codes nor from any penalty prescribed by law. (Ord. 12-41 § 2, 2012)

15.02.200 Section 111 Amended – Certificate of Occupancy. Section 111 of the International Building Code is hereby amended to read as follows:

SECTION 111 CERTIFICATE OF OCCUPANCY

[A] 111.1 Use and occupancy. No change in the character, use or occupancy classification of land or of a building shall be made, nor shall any new or old building or structure or portion thereof be so occupied or used until the Chief Building Official has issued a certificate of occupancy certifying that such building or use complies with all regulations of Title 15 of the Olathe Municipal Code, the Unified Development Ordinance and all other ordinances and regulations applicable thereto. 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.

Exception: Certificates of occupancy are not required for work exempt from permits under Section [A] 105.2.

[A] 111.1.1 Change in Use. Changes in the character or use of a building shall not be made except as specified in the International Existing Building Code.

[A] 111.2 Certificate issued. After the Building Official conducts the final inspection of the building, structure, and grounds and finds no violations of the provisions of this code and the Unified Development Ordinance, the Chief Building Official shall issue a Certificate of Occupancy which shall contain the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the Building Official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

[A] 111.3 Temporary occupancy. A Temporary Certificate of Occupancy may be issued by the Building Official for the use of a portion or portions of a building or structure prior to the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. Such temporary certificate shall be issued only for a specified period of time and shall specifically state the item or items needed to be completed before a Certificate of Occupancy shall be issued. It shall be unlawful for any person, firm or corporation that has been issued a Temporary Certificate of Occupancy to occupy or to allow the occupancy of a building or structure beyond the time specified in the temporary certificate without completing the item or items needed to be completed and obtaining a Certificate of Occupancy.

[A] 111.4 Revocation. The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

[A] 111.5 Record. A record of all Certificates of Occupancy shall be on file in the office of the Building Official and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the land or building affected by such Certificate of Occupancy.

[A] 111.6 Posting. The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official. (Ord. 12-41 § 2, 2012)

15.02.210 Section 113 Amended – Board of Appeals. Section 113 of the International Building Code is hereby amended to read as follows:

SECTION 113 BOARD OF APPEALS

[A] 113.1 Board of Code Review. A Board of Code Review shall be established and empowered to act as the Board of Appeals in order to determine suitability of alternate materials, methods of construction and to provide for reasonable interpretation of the code and to perform all other such duties as defined in Chapter 2.74 of the Olathe Municipal Code.

[A] 113.2 Procedures for Conduct of Hearing Appeals.

- A. **Hearing.** The Board shall conduct all hearings.
- B. **Record.** A record of the entire proceedings shall be made by audio recording, or by any other means of permanent recording determined to be appropriate by the Board.
- C. **Continuances.** The Board may grant continuances for good cause shown.
- D. **Oaths.** In any proceedings under this chapter, the Board, or any Board member, has the power to administer oaths and affirmations to certify to official acts.

E. **Reasonable Dispatch.** The Board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

[A] **113.3 Form of Notice of Hearing.** The notice to appellant shall be substantially in the following form, but may include other information:

You are hereby notified that a hearing will be held before the Board of Code Review at _____, on the day of _____, 20____, at the hour of _____, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you.

[A] **113.4 Conduct of Hearing.**

A. **Rules.** Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

B. **Hearsay Evidence.** Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

C. **Admissibility of Evidence.** Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

D. **Exclusion of Evidence.** Irrelevant and unduly repetitious evidence shall be excluded.

E. **Rights of Parties.** Each party shall have these rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To impeach any witness regardless of which party first called him/her to testify;
5. To rebut the evidence against him/her;
6. To represent himself/herself or to be represented by anyone of his/her choice who is lawfully permitted to do so.

F. **Official Notice.**

1. **What may be noticed.** In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the Board or departments and ordinances of the City or rules and regulations of the Board.

2. **Parties to be notified.** Parties at the hearing shall be informed of the matters to be noticed, and these matters shall be noted on the record, referred to therein, or appended thereto.

3. **Opportunity to refute.** Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the Board.

4. **Inspection of the premises.** The Board may inspect any building or premises involved in the appeal during the course of the hearing, provided that

- a. notice of inspection shall be given to the parties before the inspection is made,
- b. the parties are given an opportunity to be present during the inspection, and
- c. the Board shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the Board or hearing examiner.

[A] 113.5 Method and Form of Decision.

A. **Hearing Before the Board.** When a contested case is heard before the Board, no member thereof who did not hear the evidence or has not read the entire record of the proceedings shall vote on or take part in the decision.

B. **Form of Decision.** The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent to him by certified mail, postage prepaid, return receipt requested.

[A] 113.6 Effective Date of Decision. The effective date of the decision shall be as stated therein.

[A] 113.7 Filing Fee. Filing fees for all appeals to the Board of Appeals shall be established by resolution of the Governing Body. (Ord. 14-17 § 1, 2014; Ord. 13-43 § 1, 2013; Ord. 12-41 § 2, 2012)

15.02.220 Section [A] 114.4 Amended – Violation penalties. Section [A] 114.4 of the International Building Code is hereby amended to read as follows:

[A] 114.4 Violation penalties. Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted, and upon a conviction of any such violation such person shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. (Ord. 12-41 § 2, 2012)

15.02.230 Section [A] 114.5 Added – Correcting damage to public facilities. Section [A] 114.5 is hereby added to the International Building Code and shall read as follows:

[A] 114.5 Correcting Damage to Public Facilities.

[A] 114.5.1 Responsible Party. The person, firm or corporation in whose name a building permit is issued will be responsible for the repair of any damage to public facilities which occurs as a result of construction activities covered by such permit.

[A] 114.5.2 Definitions. For the purposes of this section, public facilities shall be defined to include but not be limited to sanitary sewer pipes and manholes, storm sewer pipes and inlets, waterlines, valves, fire hydrants, water meters, curbs, sidewalks and pavement, which facilities are located on the property in question or in easements immediately adjacent thereto.

[A] 114.5.3 Notice of Corrective Action. Whenever such damage is discovered, the responsible permit holder shall be given written notice of what corrective action is necessary and what period of time is specified for completing the corrective action.

[A] 114.5.4 When City to Perform Work. If the responsible party fails to complete the repair work within the specified time, the City may cause the necessary work to be done and the permit holder shall reimburse the City for the costs incurred in completing said repair work.

[A] 114.5.5 Refusal of Permits for Noncompliance. The City may refuse to issue permits to anyone who has been billed for the cost of making such repairs but has refused to pay such costs. The full amount due under this section shall constitute a debt to the City. An action for collection thereof may be commenced in the name of the City in any court having jurisdiction of the cause.

[A] 114.5.6 Not Responsible for Prior Damage. The permittee shall not be held responsible for damage which existed prior to the commencement of such construction activity. The permit applicant shall make a thorough inspection of the site prior to beginning construction and notify the building inspector of any such pre-existing damage of which he becomes aware.

[A] 114.5.7 Appeal. Any party aggrieved by a decision of the building inspector hereunder may appeal said decision to the Board of Code Review, and any pending enforcement action shall be suspended until final determination by said board. (Ord. 12-41 § 2, 2012; Ord. 90-65 § 1, 1990)

15.02.240 Subsection [A] 116.1.1 Added – Immediate Hazard Procedures Authorized. Subsection [A] 116.1.1 is hereby added to the International Building Code and shall read as follows:

[A] 116.1.1 Immediate Hazard Procedures Authorized. When, in the opinion of the Building Official, any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, such officer may erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay and such action may, under such circumstances, be taken without prior notice to or hearings of the owners, agents, lienholders, and occupants. The cost of any such action shall be assessed against the property and paid in the manner provided by Section 116.6.3. (Ord. 12-41 § 2, 2012)

15.02.250 Section [A] 116.6 Added – Failure to abate an unsafe condition. Section [A] 116.6 is hereby added to the International Building Code and shall read as follows:

[A] 116.6 Failure to abate an unsafe condition. If the owner of any structure has failed to commence the repair, demolition or removal of such structure within the time ordered by the Building Official or has failed to diligently prosecute the same thereafter, the owner will be subject to penalties stipulated in Section [A] 114.4, and the City may proceed to raze, demolish, repair and remove the structure, make the premises safe and secure, or let the same to contract by resolution of the Governing Body.

[A] 116.6.1. Governing Body Authority. The Governing Body shall have the power to require or cause the repair, closing, demolition or removal of structures found to be unsafe, dangerous, or unsanitary or detrimental to the health, safety, or otherwise inimical to the welfare of the citizens of the City.

[A] 116.6.2 Notification and Hearing Procedures.

1. Whenever the Building Official files with the Governing Body a statement in writing that any structure, describing the same and where located, is unsafe or dangerous, the Governing Body shall by resolution fix a time and place in which the owner, his/her agent, any lienholders of record and any occupant of such structure may appear and show cause why such structure should not be condemned and ordered repaired, demolished or removed.
2. Such resolution shall be mailed by certified mail to each such owner, agent, lienholder and occupant, at their last known place of residence at least fifteen (15) days prior to the date set for the hearing.
3. On the date fixed for hearing or any adjournment thereof, the Governing Body shall hear all evidence submitted by the owner, his/her agent, lienholders of record and occupants having an interest in such structure as well as evidence submitted by the Building Official filing the statement and shall make findings by resolution. If the Governing Body finds that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired, closed, demolished or removed and the premises made safe or secure. Such resolution shall be published once in the official City newspaper and a copy mailed to the owners, agents, lienholders of record and occupants, in the same manner provided in the notice of hearing. The resolution shall fix a reasonable time within which the repair, removal or demolition of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the Governing Body will cause the structure to be demolished, razed, removed or repaired.

[A] 116.6.3 City to perform repair, demolition, or removal. If the owner of any structure has failed to commence the repair, demolition or removal of such structure within the time stated in the resolution or has failed to diligently prosecute the same thereafter, the City may proceed to raze, demolish, repair and remove the structure, make the premises safe and secure, or let the same to contract. The City shall keep an account of the cost of such work and may sell the salvage from such structure and apply the proceeds or any necessary portion thereof to pay the cost of demolishing, repairing or removing such structure or part thereof, and making the premises safe and secure. All moneys in excess of that necessary to pay such costs shall, after the payment of all costs, be paid to the owner of the premises upon which the structure was located. If there is no salvageable material or if money received from the salvage is insufficient to pay the cost of such work, such cost or any portion thereof, including a Ten Dollar (\$10.00) administrative cost, shall be assessed as a special assessment against the parcel of land on which the structure was located and the City Clerk shall, at the time of certifying other City taxes, certify the unpaid portion of the aforesaid costs and the County Clerk shall extend the same on the tax rolls of the county against the lot or parcel of land. Whenever any structure is demolished, repaired or removed from any premises under the provision of this chapter, the City Clerk shall certify to the county assessor that such structure, describing the same, has been so repaired, removed or demolished. (Ord. 12-41 § 2, 2012)

15.02.260 Subsection 305.2.3 Amended – Care being provided in a dwelling unit in compliance with K.S.A. § 65-508. Subsection 305.2.3 of the International Building Code is hereby amended to read as follows:

305.2.3 Care being provided in a dwelling unit in compliance with K.S.A. § 65-508. A facility such as the above within a dwelling unit that is providing custodial care in compliance with K.S.A. § 65-508 shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code for One and Two-Family Dwellings as adopted by the City in accordance with Chapter 15.04 of the Olathe Municipal Code. (Ord. 12-41 § 2, 2012)

15.02.270 Subsection 308.6.5 Added – Care being provided in a dwelling unit in compliance with K.S.A. § 65-508. Subsection 308.6.5 is hereby added to the International Building Code and shall read as follows:

308.6.5 Care being provided in a dwelling unit in compliance with K.S.A. § 65-508. A facility such as the above within a dwelling unit that is providing custodial care in compliance with K.S.A. § 65-508 shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code for One and Two-Family Dwellings as adopted by the City in accordance with Chapter 15.04 of the Olathe Municipal Code. (Ord. 12-41 § 2, 2012)

15.02.280 Subsection 310.5.1 Exception Added – Care facilities within a dwelling unit. Subsection 310.5.1 Exception is hereby added to the International Building Code and shall read as follows:

310.5.1 Care facilities within a dwelling.

Exception: Where custodial care is provided in compliance with K.S.A. § 65-508. (Ord. 12-41 § 2, 2012)

15.02.290 Subsection [F] 901.6.4 Added – Qualifications of inspection, testing and maintenance personnel. Subsection [F] 901.6.4 is hereby added to the International Building Code and shall read as follows:

[F] 901.6.4 Qualifications of inspection, testing and maintenance personnel. All personnel performing any inspection, testing or maintenance of any fire protection system shall be qualified. Where such inspection, testing and maintenance are performed by an outside service company, the company shall be appropriately licensed in accordance with the Office of the Kansas State Fire Marshal. (Ord. 12-41 § 2, 2012)

15.02.300 Subsection [F] 903.4.1 Amended – Monitoring. Subsection [F] 903.4.1 of the International Building Code is hereby amended to read as follows:

[F] 903.4.1 Monitoring. Alarm, water flow, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved UL-listed central station as defined in NFPA 72, or, when approved by the fire code official, shall sound an audible signal at a constantly attended location. The fire alarm system installed to transmit such signals shall be considered a building fire alarm system and shall be documented as a UL-certificated central station service system.

Exceptions:

1. Underground key or hub valves in roadway boxes provided by the municipality or public utility are not required to be monitored.
2. Backflow prevention device test valves located in limited area sprinkler system supply piping shall be locked in the open position. In occupancies required to be equipped with a fire alarm system, the backflow preventer valves shall be electrically supervised by a tamper switch installed in accordance with NFPA 72 and separately annunciated. (Ord. 12-41 § 2, 2012)

15.02.310 Subsection [F] 903.4.2 Amended – Alarms. Subsection [F] 903.4.2 of the International Building Code is hereby amended to read as follows:

[F] 903.4.2 Alarms. One exterior audible/visual device shall be connected to every automatic sprinkler system in an approved location. Such sprinkler water-flow devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a building fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system. Interior alarm notification appliances shall be installed as required by Section [F] 903.4.2.1.

[F] 903.4.2.1 Notification devices. Where an automatic fire sprinkler system is installed in a building, audible and visible notification appliances shall be installed throughout the building as follows:

1. Audible notification appliances shall be installed so as to be audible at 15 dB above average sound pressure level throughout the building.
2. Visible notification appliances shall be installed in all public and common use areas, restrooms and corridors in accordance with the spacing requirements of NFPA 72.
3. Visible notification devices can be eliminated in normally unoccupied portions of buildings where permitted by the fire code official.

Exception: The requirements of this section do not apply to Group R-3 occupancies. (Ord. 12-41 § 2, 2012)

15.02.320 Subsection [F] 907.6.5 Amended – Monitoring. Subsection [F] 907.6.5 of the International Building Code is hereby amended to read as follows:

[F] 907.6.5 Monitoring. Fire alarm systems required by this chapter or by the International Building Code shall be monitored by an approved supervising station in accordance with NFPA 72. An Underwriters Laboratories (UL) Fire Alarm certificate shall be issued by the UL listed fire alarm contractor for all newly installed fire alarm system or existing fire alarm systems included in any existing building involved in any construction project involving a building permit. Any fire alarm system involved in one (1) or more false alarms within the same calendar year shall be subject to a fee in accordance with Section 16.07.070 of the Olathe Municipal Code. Any fire alarm system involved in four (4) or more false alarms within the same calendar year will be required to meet the monitoring requirements of new fire alarm systems, including the issuance of a UL fire alarm certificate. The Fire Department shall maintain a listing of approved UL listed fire alarm contractors.

Exception: Monitoring by a supervising station is not required for:

1. Single- and multiple-station smoke alarms required by Section [F] 907.2.11.
2. Smoke detectors in Group I-3 occupancies.
3. Automatic sprinkler systems in one- and two-family dwellings. (Ord. 12-41 § 2, 2012)

15.02.330 Subsection [F] 907.7.4 Added – Contractor’s statement. Subsection [F] 907.7.4 is hereby added to the International Building Code and shall read as follows:

[F] 907.7.4 Contractor’s Statement. A contractor’s statement verifying that the system has been installed in accordance with the approved plans and specifications and has been 100% tested in accordance with NFPA 72. The statement will also include that all personnel involved with the installation of the fire alarm system meet the qualification requirements of the fire code official. (Ord. 12-41 § 2, 2012)

15.02.340 Section [F] 912.2 Amended – Location. Section [F] 912.2 of the International Building Code is hereby amended to read as follows:

912.2 Location. With respect to hydrants, driveways, buildings and landscaping, Fire Department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of Fire Department connections shall be approved by the fire code official. A Fire Department connection for each standpipe system or water-based fire-extinguishing system shall be located not more than 100 feet from the nearest public fire hydrant connection to an approved water supply. Private fire hydrants are not approved to supply water-based fire-extinguishing systems. (Ord. 12-41 § 2, 2012)

15.02.350 Subsection [F] 912.3.4 Added – Fire department connections. Subsection [F] 912.3.4 is hereby added to the International Building Code and shall read as follows:

[F] 912.3.4 Fire department connections. The connection shall be a four-inch (4”) Storz quick coupling connector. (Ord. 12-41 § 2, 2012)

15.02.360 Section 1015.6 Exception Added – Day care means of egress. Section 1015.6 Exception is hereby added to the International Building Code and shall read as follows:

1015.6 Day care means of egress.

Exception: Where custodial care is provided in compliance with K.S.A. § 65-508. (Ord. 12-41 § 2, 2012)

15.02.370 Section 1030 Added – Physical Security. Section 1030 is hereby added to the International Building Code and shall read as follows:

SECTION 1030 PHYSICAL SECURITY

1030.1 Purpose. The purpose of this section is to establish minimum standards that incorporate physical security to make dwelling units resistant to unlawful entry.

1030.1.1 Scope. The provisions of this section shall apply to all new residential structures and to alterations, additions and repairs to existing residential structures as stipulated in Chapter 34 and in the International Existing Building Code as adopted by the City in accordance with Chapter 15.06 of the Olathe Municipal Code.

1030.2 Doors. Except for vehicular access doors, all exterior swinging doors of residential buildings and attached garages, including the doors leading from the garage area into the dwelling unit, shall comply with Sections 1030.2.1 through 1030.2.5 for the type of door installed.

1030.2.1 Wood doors. Where installed, exterior wood doors shall be of solid core construction such as high-density particleboard, solid wood, or wood block core with a minimum thickness of one and three-fourths inches (1 ¾") at any point. Doors with panel inserts shall be solid wood. The panels shall be a minimum of one (1) inch thick. The tapered portion of the panel that inserts into the groove of the door shall be a minimum of one-quarter inch (1/4") thick. The groove shall be a dado groove or applied molding construction. The groove shall be a minimum of one-half inch (1/2") in depth.

1030.2.2 Steel doors. Where installed, exterior steel doors shall be a minimum thickness of 24 gauge.

1030.2.3 Fiberglass doors. Fiberglass doors shall have a minimum skin thickness of one-sixteenth inch (1/16") and have reinforcement material at the location of the deadbolt.

1030.2.4 Double doors. Where installed, the inactive leaf of an exterior double door shall be provided with flush bolts having an engagement of not less than one inch into the head and threshold of the doorframe.

1030.2.5 Sliding doors. Where installed, exterior sliding doors shall comply with all of the following requirements:

- A. Sliding door assemblies shall be installed to prevent the removal of the panels and the glazing from the exterior with the installation of shims or screws in the upper track.
- B. All sliding glass doors shall be equipped with a secondary locking device consisting of a metal pin or a surface mounted bolt assembly. Metal pins shall be installed at the intersection of the inner and outer panels of the inside door and shall not penetrate the frame's exterior surface. The surface mounted bolt assembly shall be installed at the base of the door.

1030.3 Door frames. The exterior door frames shall be installed prior to a rough-in inspection. Door frames shall comply with Sections 1030.3.1 through 1030.3.3 for the type of assembly installed.

1030.3.1 Wood frames. Wood door frames shall comply with all of the following requirements:

- A. All exterior door frames shall be set in frame openings constructed of double studding or equivalent construction, including garage doors, but excluding overhead doors. Door frames, including those with sidelights, shall be reinforced in accordance with ASTM F476-84 Grade 40.
- B. In wood framing, horizontal blocking shall be placed between studs at the door lock height for three (3) stud spaces or equivalent bracing on each side of the door opening.

1030.3.2 Steel frames. All exterior door frames shall be constructed of 18 gauge or heavier steel, and reinforced at the hinges and strikes. All steel frames shall be anchored to the wall in accordance with manufacturer specifications. Supporting wall structures shall consist of double studding or framing of equivalent strength. Frames shall be installed to eliminate tolerances inside the rough opening.

1030.3.3 Door jambs. Door jambs shall be installed with solid backing in a manner so that no void exists between the strike side of the jamb and the frame opening for a vertical distance of twelve inches (12") each side of the strike. Filler material shall consist of a solid wood block. Door stops on wooden jambs for in-swinging doors shall be of one-piece construction. Jambs for all doors shall be constructed or protected so as to prevent violation of the strike.

1030.4 Door hardware. Exterior door hardware shall comply with Sections 1030.4.1 through 1030.4.6.

1030.4.1 Hinges. Hinges for exterior door hardware shall comply with the following:

- A. At least two (2) screws, three inches (3") in length, penetrating at least one inch (1") into wall structure shall be used. Solid wood fillers or shims shall be used to eliminate any space between the wall structure and door frame behind each hinge.
- B. Hinges for out-swinging doors shall be equipped with mechanical interlock to preclude the removal of the door from the exterior.

1030.4.2 Strike plates. Exterior door strike plates shall be a minimum of eighteen (18) gauge metal with four (4) offset screw holes. Strike plates shall be attached to wood with not less than three inch (3") screws, which shall have a minimum of one inch (1") penetration into the nearest stud. Note: For side lighted units, refer to section R328.4.6.

1030.4.3 Escutcheon plates. All exterior doors shall have escutcheon plates or wraparound door channels installed around the lock protecting the door's edge.

1030.4.4 Locks. Exterior doors shall be provided with a locking device complying with one of the following: Single Cylinder Deadbolt shall have a minimum projection of one inch (1"). The deadbolt shall penetrate at least three-fourths inch (3/4") into the strike receiving the projected bolt. The cylinder shall have a twist-resistant, tapered hardened steel cylinder guard. The cylinder shall have a minimum of five (5) pin tumblers, shall be connected to the inner portion of the lock by solid metal connecting screws at least one-fourth inch (1/4") in diameter and two and one-fourth inches (2 1/4") in length. Bolt assembly (bolt housing) unit shall be of single piece construction. All deadbolts shall meet ANSI grade 2 specifications.

1030.4.5 Entry vision and glazing. All main or front entry doors to dwelling units shall be arranged so that the occupant has a view of the area immediately outside the door without opening the door. The view may be provided by a door viewer having a field of view of not less than one hundred eighty degrees (180°) through windows or through view ports.

1030.4.6 Side lighted entry doors. Side light door units shall have framing of double stud construction or equivalent construction complying with Sections 1030.3.1, 1030.3.2 and 1030.3.3. The doorframe that separates the door opening from the side light, whether on the latch side or the hinge side, shall be double stud construction or equivalent construction complying with Sections 1030.3.1 and 1030.3.2. Double stud construction or construction of equivalent strength shall exist between the glazing unit of the side light and wall structure of the dwelling.

1030.5 Street numbers. Street numbers shall comply with Section 501.2.

1030.6 Exterior lighting. Exterior lighting shall comply with the Section 210-70 of the National Electric Code as adopted by the City in accordance with Chapter 15.14 of the Olathe Municipal Code.

1030.7 Alternate material and methods of construction. The provisions of this section are not intended to prevent the use of any material or method of construction not specifically prescribed by this section, provided any such alternate has been approved by the enforcing authority, nor is it the intention of this section to exclude any sound method of structural design or analysis not specifically provided for in the section. The materials, methods of construction, and structural design limitations provided for in this section shall be used, unless the enforcing authority grants an exception. The enforcing authority is authorized to approve any such alternate provided they find the proposed design, materials, and methods of work to be at least equivalent to those prescribed in the section in quality, strength, effectiveness, burglary resistance, durability, and safety. (Ord. 12-41 § 2, 2012)

15.02.380 Subsection 1103.2.12 Exception Added – Day care facilities. Section 1103.2.12 Exception is hereby added to the International Building Code and shall read as follows:

1103.2.12 Day care facilities.

Exception: Where custodial care is provided in compliance with K.S.A. 2010 Supp. 65-508. (Ord. 12-41 § 2, 2012)

15.02.390 Section 1203.1 Amended – General. Section 1203.1 of the International Building Code is hereby amended to read as follows:

1203.1 General. Buildings shall be provided with natural ventilation in accordance with Section 1203.4, or mechanical ventilation in accordance with the International Mechanical Code. Where the air infiltration rate in a dwelling unit is less than 3 air changes per hour when tested with a blower door at a pressure 0.2 inch w.c. (50 Pa) in accordance with Section 402.4.1.2 of the International Energy Conservation Code, the dwelling unit shall be ventilated by mechanical means in accordance with Section 403 of the International Mechanical Code. (Ord. 12-41 § 2, 2012)

15.02.395 Section 3009 Added – Certificate of Inspection. Section 3009 is hereby added to the International Building Code and shall read as follows:

3009.1 Certificate of Inspection. Prior to operation of each elevator, escalator, and dumbwaiter, a Certificate of Inspection shall be issued by the Building Official after receiving the required test report and elevator certification fee. The Certificate of Inspection shall be on display within the elevator or attached to the escalator or dumbwaiter or be available for public inspection in the office of the building operator. The effective date of this Section is January 1, 2017.

3009.1.1 Testing. Each elevator, escalator, and dumbwaiter shall be tested by a certified elevator tester at the time of installation, repair, or remodel, and said tester shall submit the test report and elevator certification fee to the Building Official to obtain a Certificate of Inspection. (Ord. 15-52 § 1, 2015)

3009.1.2 Elevator Certification Fee. There is hereby established a fee for issuance of a Certificate of Inspection for an elevator, escalator, or dumbwaiter that has been inspected and tested by a certified elevator tester on behalf of the City pursuant to this Section. The testing fee shall be adopted by the Governing Body of the City by resolution.

15.02.400 Section 3109.3 Amended – Public swimming pools. Section 3109.3 of the International Building Code is hereby amended to read as follows:

3109.3 Public swimming pools. Public and semi-public swimming pools shall be completely enclosed by a fence that complies with the requirements set forth in the International Swimming Pool and Spa Code, adopted by the City in accordance with Chapter 15.20 of the Olathe Municipal Code. (Ord. 12-41 § 2, 2012)

15.02.410 Conflicts. When conflicts between this code and the conditions of listing or the manufacturer's installation instructions occur, the Chief Building Official shall make the final determination. (Ord. 12-41 § 2, 2012)

15.02.420 Liability. The requirement stated in this chapter shall not be construed as imposing upon the City, its officers, agents or employees any liability or responsibility for damages to any property or injury to any person due to defective construction or installation. The City or any official, employee or agent thereof shall not assume liability or responsibility whatsoever by reason of any inspection or approval of any installation. (Ord. 12-41 § 2, 2012)

15.02.430 Severability. If any part or parts of this chapter shall be held to be invalid such invalidity shall not affect the validity of the remaining parts of this chapter. The Governing Body hereby declares that it would have passed the remaining parts of this chapter if it had known that such part or parts thereof would be declared invalid. (Ord. 12-41 § 2, 2012)

Previous building codes were codified with the following ordinances. (Ord. 06-57 § 1, 2006; Ord. 01-75 § 2, 2001; Ord. 98-74, 1998; Ord. 95-99, 1995; Ord. 93-24, 1993; Ord. 93-22, 1993; Ord. 93-21, 1993; Ord. 90-31, 1990; Ord. 90-30, 1990; Ord. 89-131, 1989; Ord. 88-169, 1988; Ord. 86-130, 1986; Ord. 86-129, 1986; Ord. 84-29, 1984; Ord. 83-47, 1982; Ord. 82-113, 1982; Ord. 82-107, 1982; Ord. 918, 1979; Ord. 916, 1979; Ord. 174, 1973.)

CHAPTER 15.04

RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS

Sections:

15.04.010	Code Adopted
15.04.020	Marked Copies of Code on File
15.04.030	Code Official
15.04.040	Section R101.2 Exception 3 Added – Scope
15.04.050	Section R101.4 Added – Administration
15.04.060	Section R 102.4 Amended – Referenced codes and standards 15.04.070 Section R102.5 Amended – Appendices
15.04.080	Sections R103 through R114 Deleted – Chapter 1 Part 2 – Administration and Enforcement
15.04.090	Section R202 Amended – Definitions
15.04.100	Table R301.2(1) Amended – Climatic and Geographic Design Criteria
15.04.110	Table R301.5 Amended – Minimum Uniformly Distributed Live Loads (in pounds per square foot)
15.04.120	Section R302.2 Amended – Townhouses
15.04.130	Section R302.3 Amended – Two-family dwellings
15.04.140	Section R302.3 Exceptions 1 and 2 Deleted – Two-family dwellings
15.04.150	Subsection R302.3.1 Deleted – Supporting Construction
15.04.160	Section R303.4 Amended – Mechanical ventilation
15.04.170	Section R306.5 Added – New single-family dwelling toilet facilities
15.04.180	Section R310.1 Amended – Emergency escape and rescue required
15.04.190	Section R313 Amended – Automatic Fire Sprinkler Systems
15.04.200	Section R314.4 Amended – Power source
15.04.210	Section R315.1 Exceptions 1 and 2 Added – Carbon Monoxide Alarms
15.04.220	Section R319.1 Amended – Address numbers
15.04.230	Section R324 Added – Physical Security
15.04.240	Section R401.1 Exception 2 Added – Application
15.04.250	Subsection R401.2.1 Added – Design required
15.04.260	Subsections R403.1.1.1 and R403.1.1.2 Added – Continuous footing reinforcement & Column pads
15.04.270	Subsection R403.1.6 Exception 4 Added – Foundation anchorage
15.04.280	Section R405.1 Exceptions Added – Concrete or masonry foundations
15.04.290	Subsection R506.2.5 Added – Basement floor slab isolation
15.04.300	Section R506.3 Added – Design required
15.04.310	Subsection R602.6.1 Amended – Drilling and notching of top plate
15.04.320	Section R907.3 Subsection 2 Amended – Recovering versus replacement
15.04.330	Section N1101.1 Exception Added – Scope
15.04.340	Section N1101.3 (R101.4.3) Exceptions Deleted – Additions, alterations, renovations or repairs
15.04.350	Section N1101.8 (R103.2) Amended – Information on Construction documents
15.04.360	Table N1102.1.1 (R402.1.1) Amended – Insulation and Fenestration Requirements by Component
15.04.370	Subsection N1102.2.8.1 (R402.2.8.1) Added – Concrete and masonry basement walls
15.04.380	Table N1102.4.1.1 (R402.4.1.1) Amended – Air Barrier and Insulation Installation
15.04.390	Subsection N1102.4.1.2 (R402.4.1.2) Amended – Testing
15.04.400	Subsection N1103.2.2 (R403.2.2) Amended – Sealing (Mandatory).
15.04.410	Subsection N1103.2.3 (R403.2.3) Deleted – Building cavities (Mandatory).
15.04.420	Subsection N1103.4.2 (R403.4.2) Deleted – Hot water pipe insulation (Prescriptive)
15.04.430	Section N1104.1 (R404.1) Amended – Lighting equipment (Mandatory)
15.04.440	Section P2503.3 Amended – Responsibility of permittee
15.04.450	Subsection P2603.5.1 Amended – Sewer depth
15.04.460	Subsection P2603.5.2 Added – Cleanouts on building sewers

15.04.470	Subsection P2905.4.2 Amended – Water service installation.
15.04.480	Subsections 3002.2.1 and 3002.2.2 Added – Drainage pipe in filled ground and sanitary and storm sewers
15.04.490	Section E3902.2 Exceptions 1 and 2 Added – Garage and accessory building receptacles
15.04.500	Section E3902.5 Exceptions 2 and 3 Added – Unfinished basement receptacles
15.04.510	Section E3902.12 Exceptions 4 and 5 Added – Arc-fault circuit- interrupter protection
15.04.520	Section E3902.13 Exception Added – Arc-fault circuit interrupter protection for branch circuit extensions or modifications
15.04.530	Section AE608 Added – Severe Storm Safety Measures for Mobile and Modular Homes and Subdivisions
15.04.540	Conflicts
15.04.550	Liability
15.04.560	Severability

15.04.010 Code Adopted. The 2012 International Residential Code for One- and Two-Family Dwellings, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795 is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Sections 15.04.030 through and including 15.04.560.

15.04.020 Marked Copies of Code on File. There shall be not less than one (1) copy of the code adopted by reference in Section 15.04.010 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, and which shall be marked or stamped, “Official Copy as Incorporated by Ordinance No. 12-42” with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk and open to inspection and available to the public at all reasonable hours. The Fire Department, Municipal Judges and all administrative departments of the City charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the City, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient. (Ord. 12-42 § 2, 2012)

15.04.030 Code Official. The Chief Building Official or his or her designee will be known as the “Building Official, “Code Official” or “Administrative Authority” for the purposes of this chapter and will have the duty of enforcing provisions of this chapter. (Ord. 12-42 § 2, 2012)

15.04.040 Section R101.2 Exception 3 Added – Scope. Section R101.2 of the Exception 3 is hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

R101.2 Scope.

Exceptions:

3. Swimming pools, hot tubs, and spas shall be constructed in accordance with the *International Swimming Pool and Spa Code* as adopted by the City in accordance with Chapter 15.20 of the Olathe Municipal Code. (Ord. 12-42 § 2, 2012)

15.04.050 Section R101.4 Added – Administration. Section R101.4 is hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

R101.4 Administration. The administrative and enforcement provisions for this code shall be those provisions of Chapter 1 of the 2012 International Building Code as adopted by the City in accordance with Chapter 15.02 of the Olathe Municipal Code. (Ord. 12-42 § 2, 2012)

15.04.060 Section R102.4 Amended – Referenced codes and standards. Section R102.4 of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

R102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections R102.4.1 and R102.4.2.

R102.4.1 Differences. Where differences occur between provisions of this code and referenced codes and standards, the most restrictive provisions shall apply.

R102.4.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the most restrictive provisions, as applicable, shall take precedence over all other provisions. (Ord. 12-42 § 2, 2012)

15.04.070 Section R102.5 Amended – Appendices. Section R102.5 of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

R102.5 Appendices. Provisions in the appendices shall not apply unless specifically referenced in the adopting ordinance.

R102.5.1 Appendices adopted. The following appendices are adopted as part of this code:

- Appendix E – Manufactured Housing Used as Dwellings**
- Appendix H – Patio Covers**
- Appendix J – Existing Buildings and Structures**
- Appendix K – Sound Transmission**
- Appendix O – Automatic Vehicular Gates** (Ord. 12-42 § 2, 2012)

15.04.080 Sections R103 through R114 Deleted – Chapter 1 Part 2 – Administration and Enforcement. Sections R103 through R114 of the International Residential Code for One- and Two-Family Dwellings are hereby deleted. (Ord. 12-42 § 2, 2012)

15.04.090 Section R202 Amended – Definitions. Section R202 of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

The definition of “ATTIC, HABITABLE” and all text related to this term in the Code is hereby deleted. (Ord. 12-42 § 2, 2012)

15.04.100 Table R301.2(1) Amended – Climatic and Geographic Design Criteria. Table R301.2(1) of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

**TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^e	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	Speed ^d (mph)	Topographic effects ^k		Weathering ^a	Frost line depth ^b	Termite ^c					
20	90	No	A	Severe	36"	Moderate to Heavy	6° F	No	8/3/2009	1,000	54.7° F

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., “negligible,” “moderate” or “severe”) for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.l(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 ½-percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local weather climates or local weather experience as determined by the Building Official.
- f. The jurisdiction shall fill in this part of the table with the Seismic Design Category determined from Section R301.2.2.1.
- g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction’s entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of all currently effective FIRMs and FBFM, or other flood hazard map adopted by the authority having jurisdiction, as may be amended.
- h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with “YES.” Otherwise, the jurisdiction shall fill in this part of the table with “NO.”
- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table “Air Freezing Index- USA Method (Base 32° Fahrenheit)” at www.ncdc.noaa.gov/fpsf.html.
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table “Air Freezing Index- USA Method (Base 32° Fahrenheit)” at www.ncdc.noaa.gov/fpsf.html.
- k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with “YES.” Otherwise the jurisdiction shall indicate “NO” in this part of the table.

(Ord. 12-42 § 2, 2012)

15.04.110 Table R301.5 Amended – Minimum Uniformly Distributed Live Loads (in pounds per square foot). Table R301.5 of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

**Table R301.5
MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS
(in pounds per square foot)**

USE	LIVE LOAD
Attics without storage ^b	10
Attics with limited storage ^{b,g,h}	20
Balconies (exterior) and decks ^e	40
Fire Escapes	40
Guardrails and handrails ^d	200 ^l
Guardrails in-fill components ^l	50 ^l
Passenger vehicle garages ^a	50 ^a
Rooms other than sleeping rooms	40
Sleeping rooms	30
Stairs	40 ^c

For SI: 1 pound per square foot = 0.0479 kPa, 1 square inch = 645 mm², 1 pound = 4.45 N.

- a. Elevated garage floors shall be capable of supporting a 2,000-pound load applied over a 20 square-inch area.
- b. Attics without storage are those attic areas that are not accessed by a pull-down stair, or a scuttle with a dimension of less than or equal to 30 inches high by 24 inches wide.
- c. Individual stair treads shall be designed for the uniformly distributed live load or a 300-pound concentrated load acting over an area of 4 square inches, whichever produces the greater stresses.
- d. A single concentrated load applied in any direction at any point along the top.
- e. See Section R502.2.2 for decks attached to exterior walls.
- f. Guard in-fill components (all those except the handrail), balusters and panel fillers shall be designed to withstand a horizontally applied normal load of 50 pounds on an area equal to 1 square foot. This load need not be assumed to act concurrently with any other live load requirement.
- g. Attics with limited storage are those where the maximum clear height between joists and rafters is 42 inches or greater, or where there are two or more adjacent trusses with web configurations capable of accommodating an assumed rectangle 42 inches high by 24 inches wide, or greater, within the plane of the trusses. The live load need only be applied to those portions of the joists or truss bottom chords where all of the following conditions are met:
 - 1. The attic area is accessible from an opening not less than 20 inches in width by 30 inches in length that is located where the clear height in the attic is a minimum of 30 inches.
 - 2. The slopes of the joists or truss bottom chords are no greater than 2 inches vertical to 12 units horizontal.
 - 3. Required insulation depth is less than the joist or truss bottom chord member depth.
- h. Attic spaces served by a fixed stair shall be designed to support the minimum live load specified for sleeping rooms.
- i. Glazing used in handrail assemblies and guards shall be designed with a safety factor of 4. The safety factor shall be applied to each of the concentrated loads applied to the top of the rail, and to the load on the in-fill components. These loads shall be determined independent of one another, and loads are assumed not to occur with any other live load.

(Ord. 12-42 § 2, 2012)

15.04.120 Section R302.2 Amended – Townhouses. Section R302.2 of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

R302.2 Townhouses. Each townhouse shall be considered a separate building and shall be separated by fire-resistance rated wall assemblies meeting the requirements of Section 706 of the International Building Code, or when townhouses on both sides of the fire resistance rated wall assembly are equipped throughout with an automatic sprinkler system installed in accordance with Section P2904, the wall separating the townhouses shall meet the requirements of Sections R302.1, R302.2.1, R302.2.2, R302.2.3, and R302.2.4 of this code.

Exception: When townhouses on both sides of the fire-resistance rated wall assembly are equipped throughout with an automatic sprinkler system installed in accordance with Section P2904, a common 1-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4. (Ord. 12-42 § 2, 2012)

15.04.130 Section R302.3 Amended – Two-family dwellings. Section R302.3 of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

R302.3 Two-family dwellings. Dwelling units in two-family dwellings shall be separated in accordance with the requirements of townhouses as set forth in this code. (Ord. 12-42 § 2, 2012)

15.04.140 Section R302.3 Exceptions 1 and 2 Deleted – Two-family dwellings. Section R302.3 Exceptions 1 and 2 of the International Residential Code for One- and Two-Family Dwellings are hereby deleted. (Ord. 12-42 § 2, 2012)

15.04.150 Subsection R302.3.1 Deleted – Supporting Construction. Subsection R302.3.1 of the International Residential Code for One- and Two-Family Dwellings is hereby deleted. (Ord. 12-42 § 2, 2012)

15.04.160 Section R303.4 Amended – Mechanical ventilation. Section R303.4 of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

303.4 Mechanical ventilation. Where the air infiltration rate of a dwelling unit is less than 3 air changes per hour when tested with a blower door at a pressure of 0.2 inch w.c. (50 Pa) in accordance with Section N1102.4.1.2, the dwelling unit shall be provided with whole-house mechanical ventilation in accordance with Section M1507.3. (Ord. 12-42 § 2, 2012)

15.04.170 Section R306.5 Added – New single-family dwelling toilet facilities. Section R306.5 is hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

R306.5 New single-family dwelling toilet facilities. Toilet facilities shall be provided within 500 feet (measured from the property line adjacent to the street for platted subdivisions along the public right-of-way) for all new single-family dwellings starting from the time of the first footing inspection until facilities are available in the dwelling. If the facilities are not located on the job site, the location of the required facilities shall be posted on the job site or other certification provided to the Building Official to verify the availability of toilet facilities. The facilities on the site shall be removed prior to issuance of a Temporary Certificate of Occupancy. (Ord. 12-42 § 2, 2012)

15.04.180 Section R310.1 Amended – Emergency escape and rescue required. Section R310.1 of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

R310.1 Emergency escape and rescue required. *Basements* and every sleeping room shall have at least one operable emergency escape and rescue opening. Where *basements* contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 44 inches (1,118 mm) measured from the finished floor to the bottom of the clear opening. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2. Emergency escape and rescue openings shall open directly into a public way, or to a *yard* or court that opens to a public way.

Exceptions:

1. *Basements* used only to house mechanical equipment and not exceeding total floor area of 200 square feet (18.58 m²).
2. Dwellings for which the building permit for the initial construction of that dwelling was issued prior to September 15, 2001, are exempt from the above requirement for subsequent basement remodels; provided, however, that exemption shall only apply if the basement has not been expanded subsequent to September 15, 2001, or that basement does not at any time contain any sleeping areas; conversion of any habitable area to a sleeping area at any time will trigger the emergency escape and rescue requirements set forth above. All currently existing openings that provide for emergency escape and rescue, regardless of whether or not they comply with the above escape and rescue requirements, cannot be removed or altered without bringing the basement into full compliance with the minimum requirements of this section, regardless of when building permits for the dwelling were issued.

R310.1.1 Minimum opening area. All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet (0.530 square meters).

Exception: *Grade* floor openings shall have a minimum net clear opening of 5 square feet (0.465 square meters).

R310.1.2 Minimum opening height. The minimum net clear opening height shall be 24 inches (610 mm).

R310.1.3 Minimum opening width. The minimum net clear opening width shall be 20 inches (508 mm).

R310.1.4 Operational constraints. Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys, tools or special knowledge. (Ord. 12-42 § 2, 2012)

15.04.190 Section R313 Amended – Automatic Fire Sprinkler Systems. Section R313 of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

SECTION R313 AUTOMATIC FIRE SPRINKLER SYSTEMS

R303.1 Townhouse automatic fire sprinkler systems. If an automatic sprinkler system is installed in townhouses, then the automatic residential fire sprinkler system shall be designed and installed in accordance with Section P2904 or NFPA 13R.

R313.2 One- and two-family dwellings automatic fire sprinkler systems. If an automatic residential fire sprinkler system is installed in a one- and two-family dwelling, then the automatic residential fire sprinkler system shall be designed and installed in accordance with Section P2904 or NFPA13D. (Ord. 12-42 § 2, 2012)

15.04.200 Section R314.4 Amended – Power source. Section 314.4 of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

R314.4 Power source. Smoke alarms shall receive their primary power from the building wiring when such wiring is served from a commercial source, and when primary power is interrupted, shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection and shall not be included in a branch circuit protected by an arc-fault circuit interrupter.

Exceptions:

1. Smoke alarms shall be permitted to be battery operated when installed in buildings without commercial power.
2. Hard wiring of smoke alarms in existing areas shall not be required where the *alterations* or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an *attic*, crawl space or *basement* available which could provide access for hard wiring without the removal of interior finishes. (Ord. 12-42 § 2, 2012)

15.04.210 Section R315.1 Exceptions 1 and 2 Added – Carbon Monoxide Alarms. Section R315.1 Exceptions 1 and 2 are hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

R315.1 Carbon Monoxide Alarms.

Exceptions:

1. Work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck, are exempt from the requirements of this section.
2. Installation, alteration or repairs of plumbing or mechanical systems are exempt from the requirements of this section.

15.04.220 Section R319.1 Amended – Address numbers. Section R319.1 of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

R319.1 Address numbers. 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. Where access is by means of a private road and the building address cannot be viewed from the public right-of-way, a monument, pole or other sign or means shall be used to identify the structure. (Ord. 12-42 § 2, 2012)

15.04.230 Section R324 Added – Physical Security. Section R324 is hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

**SECTION R324
PHYSICAL SECURITY**

R324.1 Purpose. The purpose of this section is to establish minimum standards that incorporate physical security to make dwelling units resistant to unlawful entry.

R324.1.1 Scope. The provisions of this section shall apply to all new residential structures and to alterations, additions and repairs to existing residential structures as stipulated in Appendix J.

R324.2 Doors. Except for vehicular access doors, all exterior swinging doors of residential buildings and attached garages, including the doors leading from the garage area into the dwelling unit, shall comply with Sections R324.2.1 through R324.2.5 for the type of door installed.

R324.2.1 Wood doors. Where installed, exterior wood doors shall be of solid core construction such as high-density particleboard, solid wood, or wood block core with a minimum thickness of one and three-fourths inches (1 ¾”) at any point. Doors with panel inserts shall be solid wood. The panels shall be a minimum of one (1) inch thick. The tapered portion of the panel that inserts into the groove of the door shall be a minimum of one-quarter inch (¼”) thick. The groove shall be a dado groove or applied molding construction. The groove shall be a minimum of one-half inch (½”) in depth.

R324.2.2 Steel doors. Where installed, exterior steel doors shall be a minimum thickness of 24 gauge.

R324.2.3 Fiberglass doors. Fiberglass doors shall have a minimum skin thickness of one-sixteenth inch (1/16”) and have reinforcement material at the location of the deadbolt.

R324.2.4 Double doors. Where installed, the inactive leaf of an exterior double door shall be provided with flush bolts having an engagement of not less than one inch into the head and threshold of the doorframe.

R324.2.5 Sliding doors. Where installed, exterior sliding doors shall comply with all of the following requirements:

1. Sliding door assemblies shall be installed to prevent the removal of the panels and the glazing from the exterior with the installation of shims or screws in the upper track.
2. All sliding glass doors shall be equipped with a secondary locking device consisting of a metal pin or a surface mounted bolt assembly. Metal pins shall be installed at the intersection of the inner and outer panels of the inside door and shall not penetrate the frame’s exterior surface. The surface mounted bolt assembly shall be installed at the base of the door.

R324.3 Door frames. The exterior door frames shall be installed prior to a rough-in inspection. Door frames shall comply with Sections R324.3.1 through R324.3.3 for the type of assembly installed.

R324.3.1 Wood frames. Wood door frames shall comply with all of the following requirements:

1. All exterior door frames shall be set in frame openings constructed of double studding or equivalent construction, including garage doors, but excluding overhead doors. Door frames, including those with sidelights, shall be reinforced in accordance with ASTM F476-84 Grade 40.
2. In wood framing, horizontal blocking shall be placed between studs at the door lock height for three (3) stud spaces or equivalent bracing on each side of the door opening.

R324.3.2 Steel frames. All exterior door frames shall be constructed of 18 gauge or heavier steel, and reinforced at the hinges and strikes. All steel frames shall be anchored to the wall in accordance with manufacturer specifications. Supporting wall structures shall consist of double studding or framing of equivalent strength. Frames shall be installed to eliminate tolerances inside the rough opening.

R324.3.3 Door jambs. Door jambs shall be installed with solid backing in a manner so that no void exists between the strike side of the jamb and the frame opening for a vertical distance of twelve inches (12") each side of the strike. Filler material shall consist of a solid wood block. Door stops on wooden jambs for in-swinging doors shall be of one-piece construction. Jambs for all doors shall be constructed or protected so as to prevent violation of the strike.

R324.4 Door hardware. Exterior door hardware shall comply with Sections R324.4.1 through R324.4.6.

R324.4.1 Hinges. Hinges for exterior door hardware shall comply with the following:

1. At least two (2) screws, three inches (3") in length, penetrating at least one inch (1") into wall structure shall be used. Solid wood fillers or shims shall be used to eliminate any space between the wall structure and door frame behind each hinge.
2. Hinges for out-swinging doors shall be equipped with mechanical interlock to preclude the removal of the door from the exterior.

R324.4.2 Strike plates. Exterior door strike plates shall be a minimum of eighteen (18) gauge metal with four (4) offset screw holes. Strike plates shall be attached to wood with not less than three inch (3") screws, which shall have a minimum of one inch (1") penetration into the nearest stud. Note: For side lighted units, refer to Section R328.4.6.

R324.4.3 Escutcheon plates. All exterior doors shall have escutcheon plates or wraparound door channels installed around the lock protecting the door's edge.

R324.4.4 Locks. Exterior doors shall be provided with a locking device complying with one of the following:

Single Cylinder Deadbolt shall have a minimum projection of one inch (1"). The deadbolt shall penetrate at least three-fourths inch (3/4") into the strike receiving the projected bolt. The cylinder shall have a twist-resistant, tapered hardened steel cylinder guard. The cylinder shall have a minimum of five (5) pin tumblers, shall be connected to the inner portion of the lock by solid metal connecting screws at least one-fourth inch (1/4") in diameter and two and one-fourth inches (2 1/4") in length. Bolt assembly (bolt housing) unit shall be of single piece construction. All deadbolts shall meet ANSI grade 2 specifications.

R324.4.5 Entry vision and glazing. All main or front entry doors to dwelling units shall be arranged so that the occupant has a view of the area immediately outside the door without opening the door. The view may be provided by a door viewer having a field of view of not less than one hundred eighty degrees (180°) through windows or through view ports.

R324.4.6 Side lighted entry doors. Side light door units shall have framing of double stud construction or equivalent construction complying with Sections R324.3.1, R324.3.2 and R324.3.3. The doorframe that separates the door opening from the side light, whether on the latch side or the hinge side, shall be double stud construction or equivalent construction complying with Sections R324.3.1 and R324.3.2. Double stud construction or construction of equivalent strength shall exist between the glazing unit of the side light and wall structure of the dwelling.

R324.5 Street numbers. Street numbers shall comply with Section R319.

R324.6 Exterior lighting. Exterior lighting shall comply with Section E3903.3.

R324.7 Alternate material and methods of construction. The provisions of this section are not intended to prevent the use of any material or method of construction not specifically prescribed by this section, provided any such alternate has been approved by the enforcing authority, nor is it the intention of this section to exclude any sound method of structural design or analysis not specifically provided for in the section. The materials, methods of construction, and structural design limitations provided for in this section shall be used, unless the enforcing authority grants an exception. The enforcing authority is authorized to approve any such alternate provided they find the proposed design, materials, and methods of work to be at least equivalent to those prescribed in the section in quality, strength, effectiveness, burglary resistance, durability, and safety. (Ord. 12-42 § 2, 2012)

15.04.240 Section R401.1 Exception 2 Added – Application. Section R401.1 Exception 2 is hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

401.1 Application.

Exceptions:

2. Foundation designs for one- and two-family dwellings may use the approved standards and designs provided in the Johnson County Residential Foundation Guidelines in lieu of the prescriptive requirements of Chapter 4 of this code as approved by the by the Building Official. (Ord. 12-42 § 2, 2012)

15.04.250 Subsection R401.2.1 Added – Design required. Subsection R402.1.1 is hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

R401.2.1 Design required. A design in accordance with accepted engineering practice shall be provided for concrete or masonry foundation walls when any of the conditions listed below exist:

1. Walls are subject to hydrostatic pressure from ground water.
2. Walls supporting more than 48 inches (48”) of unbalanced backfill that do not have permanent lateral support at the top and bottom.
3. Sites containing CH, MH, OL, or OH soils as identified in Table R405.1.
4. Foundation walls exceeding ten feet (10’) in height, measured from the top of the wall to the bottom of the slab.
5. Lots identified on the subdivision grading plan as having more than six feet (6’) of fill or having a finished slope steeper than 4 horizontal to 1 vertical before grading.
6. Footings and foundations with existing fill soils below the footing level.
7. Sloping lots steeper than 4 to 1 before grading.
8. Lots where some footings will bear on soil and others will bear on rock.
9. Areas where problems have historically occurred.
10. Stepped footing and foundation walls. (Ord. 12-42 § 2, 2012)

15.04.260 Subsections R403.1.1.1 and R403.1.1.2 Added – Continuous footing reinforcement & Column pads. Subsections R403.1.1.1 and R403.1.1.2 are hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

R403.1.1.1 Continuous footing reinforcement. Continuous footings for basement foundation walls shall have minimum reinforcement consisting of not less than two No. 4 bars, uniformly spaced, located a minimum 3 inches (3") clear from the bottom of the footing.

R403.1.1.2 Column pads. Column pads shall be a minimum of 24 inches by 24 inches and 8 inches deep (24" x 24" x 8"). Reinforcement shall consist of a minimum of three (3) No. 4 bars each way, uniformly spaced. (Ord. 12-42 § 2, 2012)

15.04.270 Subsection R403.1.6 Exception 4 Added – Foundation anchorage. Subsection R403.1.6 Exception 4 is hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

R403.1.6 Foundation anchorage.

Exceptions:

4. The spacing of anchor bolts or foundation anchor straps shall be reduced to a maximum of 3 feet (3') on center for basement foundation walls. (Ord. 12-42 § 2, 2012)

15.04.280 Section R405.1 Exceptions Added – Concrete or masonry foundations. Exceptions 2 and 3 are hereby added to Section R405.1 of the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

R405.1 Concrete or masonry foundations.

Exceptions:

2. A filter membrane is not required where perforated drains are covered with at least eighteen inches (18") of washed gravel or crushed rock.
3. For gravel or crushed stone drains a filter membrane is not required when the gravel or crushed stone extends at least eighteen inches (18") above the top of the footing. (Ord. 12-42 § 2, 2012)

15.04.290 Subsection R506.2.5 Added – Basement floor slab isolation. Subsection R506.2.6 is hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

R506.2.5 Basement floor slab isolation. Basement floor slabs shall be isolated from column pads, interior columns and interior bearing walls to facilitate differential movement. Nonbearing walls supported on basement floor slabs shall be provided with a minimum one inch (1") expansion joint to facilitate differential movement between the floor slab and the floor framing above. Isolation and/or an expansion joint is not required within six inches (6") of the exterior walls. (Ord. 12-42 § 2, 2012)

15.04.300 Section R506.3 Added – Design required. Section R506.3 is hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

R506.3 Design required. A design in accordance with accepted engineering practice shall be provided for concrete floors when the limitations for fill material set forth in Section R506.2.1 are exceeded. (Ord. 12-42 § 2, 2012)

15.04.310 Subsection R602.6.1 Amended – Drilling and notching of top plate. Subsection R602.6.1 of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

R602.6.1 Drilling and notching of top plate. When piping or ductwork is placed in or partly in an exterior wall or interior load-bearing wall, necessitating cutting, drilling or notching of the top plate by more than fifty percent (50%) of its width, a galvanized metal tie not less than 0.054 inch thick (16 ga) and one and one-half inches (1½”) wide shall be fastened across and to the plate at each side of the opening with not less than four 10d (0.148 inch diameter) nails having a minimum length of one and one-half inches (1½”) at each side or equivalent. The metal tie must extend a minimum of six inches (6”) past the opening. See Figure R602.6.1.

Exception: When the entire side of the wall with the notch or cut is covered by wood structural panel sheathing. (Ord. 12-42 § 2, 2012)

15.04.320 Section R907.3 Subsection 2 Amended – Recovering versus replacement. Section R907.3 Subsection 2 of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

R907.3 Recovering versus replacement.

2. Where the existing roof covering is asphalt shingle, wood shake, slate, clay, cement or asbestos-cement tile. (Ord. 12-42 § 2, 2012)

15.04.330 Section N1101.1 Exception Added – Scope. An exception is hereby added to Section N1101.1 of the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

N1101.1 Scope.

Exception. Structures certified to meet or exceed the energy efficiency standards of the 2009 International Energy Conservation Code (IECC) through a simulated energy performance analysis conducted by a nationally certified energy auditor (for example, a HERS rating of 85 or lower) shall be exempted from the requirements of Chapter 11. 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 documentation from the auditor certifying 2009 IECC performance compliance is submitted to and approved by the Building Official. (Ord. 12-42 § 2, 2012)

15.04.340 Section N1101.3 (R101.4.3) Exceptions Deleted – Additions, alterations, renovations or repairs. All exceptions to Section N1101.3 (R101.4.3) of the International Residential Code for One- and Two-Family Dwellings are hereby deleted. (Ord. 12-42 § 2, 2012)

15.04.350 Section N1101.8 (R103.2) Amended – Information on Construction documents. Section N1101.8(R103.2) of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

N1101.8 (R103.2) Information on Construction documents. Construction documents shall be drawn to scale upon suitable material. Electronic media documents are permitted to be submitted when *approved* by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in sufficient detail pertinent data and features of the building, systems and equipment as herein governed. Details shall include, but are not limited to, as applicable, insulation materials and their R-values; fenestration U-factors and SHGCs; area-weighted U-factor and SHGC calculations; mechanical system design criteria; mechanical and service water heating system and equipment types, sizes and efficiencies; economizer description; equipment and systems controls; fan motor horsepower (hp) and controls; duct sealing, duct and pipe insulation and location; and air sealing details. (Ord. 12-42 § 2, 2012)

15.04.360 Table N1102.1.1 (R402.1.1) Amended – Insulation and Fenestration Requirements by Component. Table N1102.1.1 (R402.1.1) of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

**TABLE N1102.1.1 (R402.1.1)
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT^a**

CLIMATE ZONE	FENESTRATION U-FACTOR ^b	SKYLIGHT U-FACTOR ^b	GLAZED FENESTRATION SHGC ^{b,c}	CEILING R-VALUE ^e	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE ^f	FLOOR R-VALUE	BASEMENT WALL R-VALUE ^c	SLAB R-VALUE & DEPTH ^d	CRAWL SPACE WALL R-VALUE ^c
4	.35	.55	.40	49	13	8/13	19	10/13	NR	10/13

For SI: 1 foot – 304.8 mm.

- 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. Or insulation sufficient to fill the framing cavity, R-19 minimum.
- f. The second R-value applies when more than half the insulation is on the interior of the mass wall.
- g. 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 N1102.2. (Ord. 12-42 § 2, 2012)

15.04.370 Subsection N1102.2.8.1 (R402.2.8.1) Added – Concrete and masonry basement walls. Subsection N1102.2.8.1 (R402.2.8.1) is hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

N1102.2.8.1 (R402.2.8.1) Concrete and masonry basement walls. Insulation is not required for concrete or masonry portions of basement walls of one- and two-family dwellings which are not adjacent to nor form a common wall with finished space and are more than 50 percent (50%) below grade. Such common walls shall be insulated whenever the adjacent interior space is finished. (Ord. 12-42 § 2, 2012)

15.04.380 Table N1102.4.1.1 (R402.4.1.1) Amended – Air Barrier and Insulation Installation. Table N1102.4.1.1 (R402.4.1.1) of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

**TABLE N1102.4.1.1 (R402.4.1.1)
AIR BARRIER AND INSULATION INSTALLATION**

COMPONENT	CRITERIA
Air barrier and thermal barrier	A continuous air barrier shall be installed in the building envelope. Exterior thermal envelope contains a continuous air barrier. Breaks or joints in the air barrier shall be sealed. Air-permeable insulation shall not be used as sealing material.
Ceiling/attic	The air barrier in any dropped ceiling/soffit shall be aligned with the insulation and any gaps in the air barrier sealed. Access opening, drop down stair or knee wall doors to unconditioned attic spaces shall be sealed.
Walls	Corners and the junction of the foundation and sill plate shall be sealed. Exterior thermal envelope insulation for framed walls shall be installed in substantial contact and continuous alignment with the air barrier. Knee walls shall be sealed.
Windows, skylights and doors	The space between window/door jambs and framing and skylights and framing shall be sealed.
Rim joists	Rim shall be sealed to prevent air leakage.
Floors (including above-garage and cantilevered floors)	Insulation shall be installed to maintain permanent contact with underside of subfloor decking. The air barrier shall be installed at any exposed edge of insulation.
Crawl space walls	Where provided in lieu of floor insulation, insulation shall be permanently attached to the crawlspace walls. Exposed earth in unvented crawl spaces shall be covered with a Class I vapor retarder with overlapping joints taped.
Shafts, penetrations	Duct shafts, utility penetrations, and flue shafts opening to exterior or unconditioned space shall be sealed.
Narrow cavities	Batts in narrow cavities shall be cut to fit, or narrow cavities shall be filled by insulation that on installation readily conforms to the available cavity space.
Garage separation	Air sealing shall be provided between the garage and conditioned spaces.
Recessed lighting	Recessed light fixtures installed in the building thermal envelope shall be air tight, IC rated, and sealed to the drywall.
Plumbing and wiring	Batt insulation shall be cut neatly to fit around wiring and plumbing in exterior walls, or insulation that on installation readily conforms to available space shall extend behind piping and wiring.
Shower/tub on exterior wall	Exterior walls adjacent to showers and tubs shall be insulated and the air barrier installed separating them from the showers and tubs.
Electrical/phone box on exterior walls	The air barrier shall be installed behind electrical or communication boxes or air-sealed boxes shall be installed.
HVAC register boots	HVAC register boots that penetrate building thermal envelope shall be sealed to the sub floor or drywall.
Fireplace	An air barrier shall be installed on fireplace walls.

(Ord. 12-42 § 2, 2012)

15.04.390 Subsection N1102.4.1.2 (R402.4.1.2) Amended – Testing. Subsection N1102.4.2.1 (R402.4.1.2) of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

N1102.4.1.2 (R402.4.1.2) Testing. *Where required by the Building Official*, the building or dwelling unit shall be tested and verified as having an air leakage rate of 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 Building 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 Building 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, fireplace and stove doors shall be closed, but not sealed, beyond the intended weathersripping 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; and
6. Supply and return registers, if installed at the time of the test, shall be fully open. (Ord. 12-42 § 2, 2012)

15.04.400 Subsection N1103.2.2 (R403.2.2) Amended – Sealing (Mandatory). Subsection N1103.2.2 (R403.2.2) of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

N1103.2.2 (R403.2.2) Sealing (Mandatory). 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 pressures less than two inches (2") of water column (500 Pa) pressure classification shall not require additional closure systems.

Where required by the Code Official, duct tightness shall be verified by either of the following:

1. Postconstruction test: Total leakage shall be less than or equal to 4 cfm (113.3L/min) per 100 square feet (9.29 m²) 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 (113.3 L/min) per 100 *ft*² *square feet* (9.29 m²) 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 (85 L/min) per 100 square feet (9.29m²) 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 postconstruction 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 area. (Ord. 12-42 § 2, 2012)

15.04.410 Subsection N1103.2.3 (R403.2.3) Deleted – Building cavities (Mandatory). Subsection N1103.2.3 (R403.2.3) of the International Residential Code for One- and Two-Family Dwellings is hereby deleted. (Ord. 12-42 § 2, 2012)

15.04.420 Subsection N1103.4.2 (R403.4.2) Deleted – Hot water pipe insulation (Prescriptive). Subsection N1103.4.2 (R403.4.2) of the International Residential Code for One- and Two-Family Dwellings is hereby deleted. (Ord. 12-42 § 2, 2012)

15.04.430 Section N1104.1 (R404.1) Amended – Lighting equipment (Mandatory). Section N1104.1 (R404.1) of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

N1104.1 (R404.1) Lighting equipment (Mandatory). Fuel gas lighting systems shall not have continuously burning pilot lights. (Ord. 12-42 § 2, 2012)

15.04.440 Section P2503.3 Amended – Responsibility of permittee. Section P2503.3 of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

P2503.3 Responsibility of permittee. The permit holder shall make the applicable test prescribed in Sections P2503.5 through P2503.8 to determine compliance with the provisions of this code. Test equipment, materials and labor shall be furnished by the permittee.

Exceptions:

1. The testing of the DWV rough plumbing system shall be done in accordance with Section P2503.5.1 when required by the Code Official.
2. The testing of the building sewer shall be done in accordance with Section P2503.4 when required by the Code Official. (Ord. 12-42 § 2, 2012)

15.04.450 Subsection P2603.5.1 Amended – Sewer depth. Subsection P2603.5.1 of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

P2603.5.1 Sewer depth. *Building sewers* shall be installed as required by the appropriate authority having jurisdiction. (Ord. 12-42 § 2, 2012)

15.04.460 Subsection P2603.5.2 Added – Cleanouts on building sewers. Subsection P2603.5.2 is hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

P2603.5.2 Cleanouts on building sewers. Cleanouts on building sewers shall be located as required by the appropriate authority having jurisdiction. (Ord. 12-42 § 2, 2012)

15.04.470 Subsection P2905.4.2 Amended – Water service installation. Subsection P2905.4.2 of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

P2905.4.2 Water service installation. Trenching, pipe installation and backfilling shall be in accordance with Section P2604. Where the *building sewer* is installed within 5 feet (1,524 mm) of the water service, the installation shall comply with the provisions provided by the appropriate authority having jurisdiction.

Exception: The required separation distance shall not apply where a water service pipe crosses a sewer pipe, provided that the water service pipe is sleeved not less than 5 feet (1,524 mm), horizontally from the sewer pipe centerline, on both sides of the crossing with pipe materials listed in Table P2905.4, P3002.1(1), P3002.1(2), or P3002.2. (Ord. 12-42 § 2, 2012)

15.04.480 Subsections 3002.2.1 and 3002.2.2 Added – Drainage pipe in filled ground and sanitary and storm sewers. Subsections 3002.2.1 and 3002.2.2 are hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

P3002.2.1 Drainage pipe in filled ground. Where a building drain is installed on filled or unstable ground, the drainage pipe shall conform to one of the standards for ABS plastic pipe, cast-iron pipe, copper or copper-alloy tubing, or PVC plastic pipe listed in Table P3002.1(2).

P3002.2.2 Sanitary and storm sewers. Where separate systems of sanitary drainage and storm drainage are installed in the same property, the sanitary and storm building sewers or drains shall be permitted to be laid side by side in one trench if approved by the appropriate authority having jurisdiction. (Ord. 12-42 § 2, 2012)

15.04.490 Section E3902.2 Exceptions 1 and 2 Added – Garage and accessory building receptacles. Section E3902.2 Exceptions 1 and 2 are hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

E3902.2 Garage and accessory building receptacles.

Exceptions:

1. Receptacles that are not readily accessible such as a ceiling mounted receptacle for a garage door opener.
2. A single receptacle supplied by a dedicated branch circuit that is located and identified for specific use by a cord- and plug-connected appliance such as a refrigerator or freezer. (Ord. 12-42 § 2, 2012)

15.04.500 Section E3902.5 Exceptions 2 and 3 Added – Unfinished basement receptacles. Section 3902.5 Exceptions 2 and 3 are hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

E3902.5 Unfinished basement receptacles.

Exceptions:

2. A single receptacle supplying a permanently installed sump pump.
3. A single receptacle supplied by a dedicated branch circuit that is located and identified for specific use by a cord- and plug-connected appliance such as a refrigerator or freezer. (Ord. 12-42 § 2, 2012)

15.04.510 Section E3902.12 Exceptions 4 and 5 Added – Arc-fault circuit-interrupter protection. Section E3902.12 Exceptions 4 and 5 are hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

E3902.12 Arc-fault circuit-interrupter protection.

Exceptions:

4. A smoke alarm shall not be considered an outlet and shall not be included in a branch circuit protected by an arc-fault circuit interrupter.
5. This section shall not apply where existing dwelling unit premises' wiring circuits make the application of this section impracticable, as deemed by the Building Official.

Informational Note: Two examples of the application of this exception are where the existing dwelling unit has a multi-wire branch circuit or utilizes a listed panelboard for which there is no listed device for the application of AFCI protection. (Ord. 12-42 § 2, 2012)

15.04.520 Section E3902.13 Exception Added – Arc-fault circuit interrupter protection for branch circuit extensions or modifications. Section E3902.13 Exception is hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

E3902.13 Arc-fault circuit interrupter protection for branch circuit extensions or modifications

Exception: This section will not apply where existing dwelling unit premises wiring circuits make the application of this section impracticable, as determined by the Building Official.

Informational Note: Two examples of the application of this exception are where the existing dwelling unit has a multi-wire branch circuit or utilizes a listed panelboard for which there is no listed device for the application of AFCI protection. (Ord. 12-42 § 2, 2012)

15.04.530 Section AE608 Added – Severe Storm Safety Measures for Mobile and Modular Homes and Subdivisions. Section AE608 is hereby added to Appendix E of the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

SECTION AE608 SEVERE STORM SAFETY MEASURES FOR MOBILE AND MODULAR HOMES AND SUBDIVISIONS

AE608.1 Securing mobile homes to ground by approved devices: From April 1, 1997, any newly installed mobile home which is occupied or inhabited by a person as a dwelling, office or commercial space shall be secured to the ground by tie downs and ground anchors, of a type and mode of installation which at a minimum meet the requirements of KSA 75-1227 through and including 75-1233., unless such mobile home is secured to the ground on a permanent foundation.

AE608.2 Required storm sheltering for mobile home parks: From and after April 1, 1997, all newly-constructed mobile home parks or mobile home subdivisions are required to have storm shelters. Any mobile home park in existence prior to April 1, 1997, which is expanded to include additional acreage, will be required to construct approved storm shelters.

AE608.2.1 Construction of Storm Shelters: Storm shelters shall protect their inhabitants from physical injury by 260 mile per hour tornado winds and shall be constructed in accordance with the ICC/NSSA-500 Standard on the Design and Construction of Storm Shelters.

AE608.2.2 Total storm shelter space: Storm shelters shall provide at least 17.5 square feet of sheltered space for each mobile home lot.

AE608.2.3 Distance between shelters: A storm shelter must be within 600 feet walking distance of all mobile home park residents.

AE608.2.4 Multi-use of storm shelters: Storm shelters used as multi-purpose structures will be subject to all applicable building codes.

AE608.2.5 Dedicated storm shelters: Storm shelters dedicated to sheltering, used for no other purpose, and approved as such by the Building Code Division, shall be subject only to the special code requirements of dedicated storm shelters.

AE608.2.6 Provisions for persons with physical disabilities: Storm shelters shall be fully accessible to persons with physical disabilities in accordance with Accessible and Usable Buildings and Facilities (ICC/ANSI A117.1) as adopted by the City in accordance with Chapter 15.24 of the Olathe Municipal Code.

AE608.2.7 Ventilation: Shelters shall have adequate ventilation in accordance with the International Mechanical Code as adopted by the City in accordance with Chapter 15.10 of the Olathe Municipal Code.

AE608.2.8 Utilities: Shelters shall provide adequate lighting in accordance with the International Building Code as adopted by the City in accordance with Chapter 15.02 of the Olathe Municipal Code.

AE608.2.9 Exits: Shelters shall provide an adequate number of exits. in accordance with the International Building Code as adopted by the City in accordance with Chapter 15.02 of the Olathe Municipal Code.

AE608.2.10 Restroom facilities: Restroom facilities are optional, but if provided must meet the minimum requirements of the International Plumbing Code as adopted by the City in accordance with Chapter 15.08 of the Olathe Municipal Code.

AE608.2.11 Accessibility: Shelters must be accessible 24 hours a day. The mobile home park owner, or such owner's designated agent or representative, shall be responsible for making the storm shelter accessible and usable in times of need.

AE608.3 Disclosure: Mobile home parks which do not have approved storm sheltering must disclose orally and in writing in the sales or rental agreement that no sheltering is available in such park. Mobile home parks which do have approved storm sheltering must disclose orally and in writing in the sales or rental agreement that sheltering is available. A map showing the location of the shelter(s) and policies for use shall be supplied to the applicant as part of the sales or rental agreement.

AE608.4 Registration of existing shelters: Every owner or operator or any mobile home park required to have storm sheltering shall submit a site plan and a written statement setting out the number of mobile home spaces in such park and a description of the existing shelter. This submission will be made upon application for a building permit. (Ord. 12-42 § 2, 2012)

15.04.540 Conflicts. When conflicts between this code and the conditions of listing or the manufacturer's installation instructions occur, the Building Official shall make the final determination. (Ord. 12-42 § 2, 2012)

15.04.550 Liability. The requirement stated in this chapter shall not be construed as imposing upon the City, its officers, agents or employees any liability or responsibility for damages to any property or injury to any person due to defective construction or installation. The City or any official, employee or agent thereof shall not assume liability or responsibility whatsoever by reason of any inspection or approval of any installation. (Ord. 12-42 § 2, 2012)

15.04.560 Severability. If any part or parts of this chapter shall be held to be invalid such invalidity shall not affect the validity of the remaining parts of this chapter. The Governing Body hereby declares that it would have passed the remaining parts of this chapter if it had known that such part or parts thereof would be declared invalid. (Ord. 12-42 § 2, 2012)

Previous editions of the International Residential Code for One and Two-Family Dwellings and or revisions were adopted by the following ordinances. (Ord. 11-25 § 2, 2011; Ord. 11-25 § 1, 2011; Ord. 06-56 § 1, 2006; Ord. 01-86 § 1, 2001; Ord. 01-74 § 2, 2001; Ord. 99-67, 1999; Ord. 98-77, 1998; Ord. 97-23, 1997; Ord. 95-88, 1995; Ord. 93-25, 1993; Ord. 90-35, 1990.)

CHAPTER 15.06

EXISTING BUILDING CODE

Sections:

15.06.010	Code Adopted
15.06.020	Marked Copies of Code on File
15.06.030	Code Official
15.06.040	Section [A] 101.6 Amended – Appendices
15.06.050	Section [A] 101.8 Added – Administration
15.06.060	Section [A] 102.4 Amended – Referenced codes and standards
15.06.070	Sections [A] 103 through [A] 117 Deleted – Chapter 1 Part 2 – Administration and Enforcement
15.06.080	Conflicts
15.06.090	Liability
15.06.100	Severability

15.06.010 Code Adopted. The 2012 International Existing Building Code, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795 is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Sections 15.06.030 through and including 15.06.100. (Ord. 12-43 § 1, 2012)

15.06.020 Marked Copies of Code on File. There shall be not less than one (1) copy of the code adopted by reference in Section 15.06.010 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, and which shall be marked or stamped, “Official Copy as Incorporated by Ordinance No. 12-43” with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk and open to inspection and available to the public at all reasonable hours. The Fire Department, Municipal Judges and all administrative departments of the City charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the City, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient. (Ord. 12-43 § 1, 2012)

15.06.030 Code Official. The Chief Building Official or his or her designee will be known as the “Building Official, “Code Official” or “Administrative Authority” for the purposes of this chapter and will have the duty of enforcing provisions of this chapter. (Ord. 12-43 § 1, 2012)

15.06.040 Section [A] 101.6 Amended – Appendices. Section 101.6 of the International Existing Building Code is hereby amended to read as follows:

[A] 101.6 Appendices. Provisions in the appendices shall not apply unless specifically referenced in the adopting ordinance.

[A] 101.6.1 Appendices adopted. The following appendices are adopted as part of this code:

Appendix B – Supplementary Accessibility Requirements for Existing Buildings and Facilities

Appendix C – Guidelines for the Wind Retrofit of Existing Buildings (Ord. 12-43 § 1, 2012)

15.06.050 Section [A] 101.8 Added – Administration. Section [A] 101.8 is hereby added to the International Existing Building Code and shall read as follows:

[A] 101.8 Administration. The administrative and enforcement provisions for this code shall be those provisions of Chapter 1 of the 2012 International Building Code as adopted by the City in accordance with Chapter 15.02 of the Olathe Municipal Code. (Ord. 12-43 § 1, 2012)

15.06.060 Section [A] 102.4 Amended – Referenced codes and standards. Section [A] 102.4 of the International Existing Building Code is hereby amended to read as follows:

[A] 102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections [A] 102.4.1 and [A] 102.4.2.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall govern.

[A] 102.4.1 Differences. Where differences occur between provisions of this code and referenced codes and standards, the most restrictive provisions shall apply.

[A] 102.4.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the most restrictive provisions, as applicable, shall take precedence over all other provisions. (Ord. 12-43 § 1, 2012)

15.06.070 Sections [A] 103 through [A] 117 Deleted – Chapter 1 Part 2 – Administration and Enforcement. Sections [A] 103 through [A] 117 of the International Existing Building Code are hereby deleted. (Ord. 12-43 § 1, 2012)

15.06.080 Conflicts. When conflicts between this code and the conditions of listing or the manufacturer's installation instructions occur, the Building Official shall make the final determination. (Ord. 12-43 § 1, 2012)

15.06.090 Liability. The requirement stated in this chapter shall not be construed as imposing upon the City, its officers, agents or employees any liability or responsibility for damages to any property or injury to any person due to defective construction or installation. The City or any official, employee or agent thereof shall not assume liability or responsibility whatsoever by reason of any inspection or approval of any installation. (Ord. 12-43 § 1, 2012)

15.06.100 Severability. If any part or parts of this chapter shall be held to be invalid such invalidity shall not affect the validity of the remaining parts of this chapter. The Governing Body hereby declares that it would have passed the remaining parts of this chapter if it had known that such part or parts thereof would be declared invalid. (Ord. 12-43 § 1, 2012)

PLUMBERS. The Plumbers chapter of the Olathe Municipal Code was previously codified in Chapter 15.20 and repealed 12/4/01. (Ord. 01-113, 2001; Ord. 92-63, 1992; Ord. 89-95, 1989.)

CHAPTER 15.08

PLUMBING CODE

Sections:

15.08.010	Plumbing Code Adopted
15.08.020	Marked Copies of Code on File
15.08.030	Code Official
15.08.040	Section [A] 101.5 Added – Appendices
15.08.050	Section [A] 101.6 Added – Administration
15.08.060	Section [A] 102.8 Amended – Referenced codes and standards
15.08.070	Sections [A] 103 through [A] 110 Deleted – Chapter 1 Part 2 – Administration and Enforcement
15.08.080	Section 305.4.1 Amended – Sewer depth
15.08.090	Section 608.6 Amended – Cross Connection Control
15.08.100	Subsection 608.15.4 Exception Added – Protection by a Vacuum Breaker
15.08.110	Section 613.1 Amended – Temperature-actuated mixing valves
15.08.120	Section 703.1 Amended – Building sewer pipe near the water service
15.08.130	Section 703.2 Amended – Drainage pipe in filled ground
15.08.140	Section 703.3 Amended – Sanitary and storm sewers
15.08.150	Section 703.5 Amended – Cleanouts on building sewers
15.08.160	Subsection 708.3.2 Amended – Building sewers
15.08.170	Section 903.1 Amended – Roof extension
15.08.180	Section 1003.1 Amended – Where required
15.08.190	Subsection 1003.1.1 Added – Grease interceptors required
15.08.200	Subsection 1003.1.2 Added – Point of use grease interceptors 15.08.210 Subsection 1003.3.1 Amended – Grease interceptors
15.08.220	Subsection 1003.3.2 Amended – Food waste grinders
15.08.230	Subsection 1003.3.4 Amended – Grease interceptors and automatic grease removal devices
15.08.240	Subsection 1003.3.4.1 Amended – Large-capacity grease interceptor sizing
15.08.250	Subsection 1003.3.4.3 Added – Construction standards and inspections
15.08.260	Subsection 1003.3.4.4 Added – Pumping, cleaning and maintenance
15.08.270	Subsection 1003.3.4.5 Added – Recommended food service facility Best Management Practices (BMPs)
15.08.280	Section 1202.1 Amended – Nonflammable medical gases
15.08.290	Conflicts
15.08.300	Liability
15.08.310	Severability

15.08.010 Plumbing Code Adopted. The 2012 International Plumbing Code, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795 is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Sections 15.08.030 through and including 15.08.310. (Ord. 12-44 § 2, 2012)

15.08.020 Marked Copies of Code on File. There shall be not less than one (1) copy of the code adopted by reference in Section 15.08.010 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, and which shall be marked or stamped, “Official Copy as Incorporated by Ordinance No. 12-44” with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk and open to inspection and available to the public at all reasonable hours. The Fire Department, Municipal Judges and all administrative departments of the City charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the City, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient. (Ord. 12-44 § 2, 2012)

15.08.030 Code Official. The Chief Building Official or his or her designee will be known as the “Building Official, “Code Official” or “Administrative Authority” for the purposes of this chapter and will have the duty of enforcing provisions of this chapter. (Ord. 12-44 § 2, 2012)

15.08.040 Section [A] 101.5 Added – Appendices. Section [A] 101.5 is hereby added to the International Plumbing Code and shall read as follows:

[A] **101.5 Appendices.** Provisions in the appendices shall not apply unless specifically referenced in the adopting ordinance.

[A] **101.5.1 Appendices adopted.** The following appendices are adopted as part of this code:

Appendix C – Vacuum Drainage System

Appendix E – Sizing of Water Piping System

Appendix F – Structural Safety (Ord. 12-44 § 2, 2012)

15.08.050 Section [A] 101.6 Added – Administration. Section [A] 101.6 is hereby added to the International Plumbing Code and shall read as follows:

[A] **101.6 Administration.** The administrative and enforcement provisions for this code shall be those provisions of Chapter 1 of the 2012 International Building Code as adopted by the City in accordance with Chapter 15.02 of the Olathe Municipal Code. (Ord. 12-44 § 2, 2012)

15.08.060 Section [A] 102.8 Amended – Referenced codes and standards. Section [A] 102.8 of the International Plumbing Code is hereby amended to read as follows:

[A] **102.8 Referenced codes and standards.** The codes and standards referenced in this code shall be those that are listed in Chapter 14 and such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections [A] 102.8.1 and [A] 102.8.2.

[A] **102.8.1 Differences.** Where differences occur between provisions of this code and referenced codes and standards, the most restrictive provisions shall apply.

[A] **102.8.2 Provisions in referenced codes and standards.** Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the most restrictive provisions, as applicable, shall take precedence over all other provisions. (Ord. 12-44 § 2, 2012)

15.08.070 Sections [A] 103 through [A] 110 Deleted – Chapter 1 Part 2 – Administration and Enforcement. Sections [A] 103 through [A] 110 of the International Plumbing Code are hereby deleted. (Ord. 12-44 § 2, 2012)

15.08.080 Section 305.4.1 Amended – Sewer depth. Section 305.4.1 of the International Plumbing Code is hereby amended to read as follows:

305.4.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be installed not less than the depth required by the appropriate authority having jurisdiction. Building sewers shall be installed not less than the depth specified by the appropriate authority having jurisdiction. (Ord. 12-44 § 2, 2012)

15.08.090 Section 608.6 Amended – Cross Connection Control. Section 608.6 of the International Plumbing Code is hereby amended to read as follows:

608.6 Cross connection control.

- A. Cross connections shall be prohibited, except where approved protective devices are installed.
 - 1. Private Water Supplies. Cross connections between a private water supply and a potable public supply shall be prohibited.
- B. Water Delivery. The Administrative Authority is hereby authorized to refuse to deliver or terminate the delivery of water through pipes and mains to any premises when a condition exists which might lead to the contamination of the public water supply system and may continue to refuse the delivery of water to the premises until the condition is remedied.
- C. Testing. The premise owner or responsible person shall have the backflow prevention assembly tested by a certified backflow assembly tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter. Said backflow assembly tester shall complete and submit to the water purveyor annual test reports within fourteen (14) days of the annual test date. Failure to supply the required test reports may result in termination of water services or inspection and/or testing of said backflow prevention assembly by appropriately certified City personnel or a certified contractor authorized to conduct inspections and/or tests of backflow assemblies on behalf of the City.
- D. Fees. There is hereby established a testing fee for each test City personnel or a certified contractor conducts on behalf of the City pursuant to this section. The testing fee shall be adopted by the Governing Body of the City by resolution.
- E. Property Owner Assistance Program.
 - 1. Financial Assistance. For homes that were constructed before 1993 without a backflow prevention device, financial assistance in the form of partial reimbursement for the cost of installing a backflow prevention system shall be provided to property owners who comply with the procedure as set out in this section. Such reimbursement amount shall be in the amount and subject to the terms set out in this section.
 - 2. Procedure.
 - a. The property owner shall have the backflow prevention system installed by a plumber or other approved competent contractor, through self-help or other means at his/her discretion.
 - b. All work shall be done in a workmanlike manner and shall comply with the minimum standards of design for backflow prevention systems.
 - c. Certification of Installation. The plumber or other approved competent contractor or property owner shall provide written certification that the installation has been completed.

- d. After compliance with this chapter is verified upon receipt of the written installation certification and an invoice for the installation of the backflow prevention system, the City shall reimburse half (1/2) of the actual cost not to exceed the following maximum amount payable based on a valid invoice. If the property owner completes the work, only the cost of materials will be reimbursed.

Backflow Prevention System Property Owner Assistance Program

City Pays 50%	Property Owner Pays 50%	Maximum City Contribution \$500.00
------------------	----------------------------	---------------------------------------

- 3. Testing. Once the backflow prevention system is installed, it shall be tested annually as outlined in subsections C. and D. above.
- F. Interference. It shall be unlawful for any person to interfere with a public officer or agent of the City in performing his or her duties pursuant to this chapter whether investigating or abating violations.
- G. Penalty. Any person who interferes with an officer or agent of the City pursuant to this chapter may be punished as provided in Section 15.08.050 of this chapter.
- H. Any action of the Administrative Authority pursuant to this section is subject to review in accordance with Section 15.08.050 of this chapter. (Ord. 12-44 § 2, 2012)

15.08.100 Subsection 608.15.4 Exception Added – Protection by a Vacuum Breaker. Subsection 608.15.4 Exception is hereby added to the International Plumbing Code and shall read as follows:

608.15.4 Protection by a vacuum breaker.

Exception: If under the City of Olathe’s wastewater jurisdiction, openings and outlets shall be protected by atmospheric-type or pressure-type vacuum breakers. The critical level of the vacuum breaker shall be set a minimum of 12 inches above the flood level rim of the fixture or device. Fill valves shall be set in accordance with Section 425.3.1. Vacuum breakers shall not be installed under exhaust hoods or similar locations that will contain toxic fumes or vapors. Pipe-applied vacuum breakers shall be installed no less than 12 inches above the flood level rim of the fixture, receptor or device served. (Ord. 12-44 § 2, 2012)

15.08.110 Section 613.1 Amended – Temperature-actuated mixing valves. Section 613.1 of the International Plumbing Code is hereby amended to read as follows:

613.1 Temperature-actuated mixing valves. Temperature-actuated mixing valves, which are installed to reduce water temperature to defined limits, shall comply with ASSE 1017. (Ord. 12-44 § 2, 2012)

15.08.120 Section 703.1 Amended – Building sewer pipe near the water service. Section 703.1 of the International Plumbing Code is hereby amended to read as follows:

703.1 Building sewer pipe near the water service. Where the building sewer is installed within 5 feet (1,524 mm) of the water service, the installation shall comply with the provisions provided by the appropriate authority having jurisdiction (Ord. 12-44 § 2, 2012)

15.08.130 Section 703.2 Amended – Drainage pipe in filled ground. Section 703.2 of the International Plumbing Code is hereby amended to read as follows:

703.2 Drainage pipe in filled ground. Where a building drain is installed on filled or unstable ground, the drainage pipe shall conform to one of the standards for ABS plastic pipe, cast-iron pipe, copper or copper-ally tubing, or PVC plastic pipe listed in Table 702.3. (Ord. 12-44 § 2, 2012)

15.08.140 Section 703.3 Amended – Sanitary and storm sewers. Section 703.3 of the International Plumbing Code is hereby amended to read as follows:

703.3 Sanitary and storm sewers. Where separate systems of sanitary drainage and storm drainage are installed in the same property, the sanitary and storm building sewers or drains shall be permitted to be laid side by side in one trench if approved by the appropriate authority having jurisdiction. (Ord. 12-44 § 2, 2012)

15.08.150 Section 703.5 Amended – Cleanouts on building sewers. Section 703.5 of the International Plumbing Code is hereby amended to read as follows:

703.5 Cleanouts on building sewers. Cleanouts on building sewers shall be located as required by the appropriate authority having jurisdiction. (Ord. 12-44 § 2, 2012)

15.08.160 Subsection 708.3.2 Amended – Building sewers. Subsection 708.3.2 of the International Plumbing Code is hereby amended to read as follows:

708.3.2 Building sewers. Building sewers shall be provided with cleanouts located as required by the appropriate authority having jurisdiction. (Ord. 12-44 § 2, 2012)

15.08.170 Section 903.1 Amended – Roof extension. Section 903.1 of the International Plumbing Code is hereby amended to read as follows:

903.1 Roof Extension. All open vent pipes that extend through a roof shall be terminated at least six inches (6") above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least seven feet (7') above the roof. (Ord. 12-44 § 2, 2012)

15.08.180 Section 1003.1 Amended – Where Required. Section 1003.1 of the International Plumbing Code is hereby amended to read as follows:

1003.1 Where required. Interceptors and separators shall be provided, installed, inspected, and maintained as required by the appropriate authority having jurisdiction. (Ord. 12-44 § 2, 2012)

15.08.190 Subsection 1003.1.1 Added – Grease interceptors required. Subsection 1003.1.1 is hereby added to the International Plumbing Code and shall read as follows:

1003.1.1 Grease interceptors required. If under the City of Olathe's wastewater jurisdiction, new food service facilities that begin operation after February 15, 2010 must install an exterior, Large-Capacity Grease Interceptor that complies with the design requirements of Sections 1003.3.1 through 1003.3.5. Food service facilities in operation prior to February 15, 2010 shall be allowed to operate existing grease interceptors, provided they are maintained in compliance with the required pumping schedule outlined in Section 1003.3.4.3. However, if the facility is found to be contributing fats, oils or grease in quantities sufficient to necessitate increased maintenance of the sanitary sewer system to prevent line blockages, backups or overflows, existing grease interceptor(s) must be replaced. If it is deemed that those facilities that consist of Smaller, Point-of-Use Grease Interceptors cannot meet the sewer system requirements with improved maintenance, they must be replaced by the exterior Large-Capacity Grease Interceptors as outlined in Section 1003.3.4. (Ord. 12-44 § 2, 2012)

15.08.200 Subsection 1003.1.2 Added – Point of use grease interceptors. Subsection 1003.1.2 is hereby added to the International Plumbing Code and shall read as follows:

1003.1.2 Point of use grease interceptors. If under the City of Olathe’s wastewater jurisdiction, the Chief Building Official, or designee, may allow the use of Point of Use Grease Interceptors in the following cases:

- A. A food service facility retrofit of a building that did not previously include a food service facility.
- B. A new food service facility moving into space previously occupied by another food service facility.
- C. Low fats, oils and grease-producing food service facilities such as churches, day care, etc.

In order for a Point of Use Grease Interceptor to be considered, a formal Request for Code Modification must be submitted for review to the Chief Building Official or designee. All new food service facilities are subject to the same requirements to submit information per Section 15.08.250. When allowed, Point of Use Interceptors shall meet the following requirements: Made of light-weight, non-corrosive material; accessible solids screening basket; accessible, cleanable flow-control device; automatic skimmer, heat element; and a visible, easily removable grease collection container. (Ord. 12-44 § 2, 2012)

15.08.210 Subsection 1003.3.1 Amended – Grease interceptors. Subsection 1003.3.1 of the International Plumbing Code is hereby amended to read as follows:

1003.3.1 Grease interceptors. If under the City of Olathe’s wastewater jurisdiction, grease interceptors shall be attached to the building sewer line and shall be connected to all interior fixtures that may introduce grease into the sanitary sewer system. Interior fixtures to be piped to the grease interceptor shall include but are not limited to: Three-compartment sinks, mop sinks, dishwashers, floor drains in food preparation and storage areas, and any other fixture determined to be a potential source of grease. Dishwashing machines with a booster heater shall include a cold water solenoid-operated valve or similar device that mixes cold water with the discharged hot water from the machine. Wastewater from toilets, restroom sinks, and other similar fixtures shall not be piped to the grease interceptor under any circumstances. (Ord. 12-44 § 2, 2012)

15.08.220 Subsection 1003.3.2 Amended – Food waste grinders. Subsection 1003.3.2 of the International Plumbing Code is hereby amended to read as follows:

1003.3.2 Food waste grinders. If under the City of Olathe’s wastewater jurisdiction, food waste grinders are prohibited at new food service facilities. Food service facilities in operation prior to February 15, 2010 shall be allowed to operate existing food waste grinders pursuant to Olathe Municipal Code Section 14.10.010 pertaining to Waste Matter. (Ord. 12-44 § 2, 2012)

15.08.230 Subsection 1003.3.4 Amended – Grease interceptors and automatic grease removal devices. Subsection 1003.3.4 of the International Plumbing Code is hereby amended to read as follows:

1003.3.4 Grease interceptors and automatic grease removal devices. If under the City of Olathe’s wastewater jurisdiction, grease interceptors shall be installed below ground in a location outside the facility which is easily accessible for cleaning, inspection and sampling. The interceptor shall have a minimum of two compartments and shall be capable of separation and retention of grease and storage of settled solids. The interceptor shall have a manhole to surface grade over each compartment to facilitate inspection, cleaning and maintenance, including pumping. (Ord. 12-44 § 2, 2012)

15.08.240 Subsection 1003.3.4.1 Amended – Large-capacity grease interceptor sizing. Subsection 1003.3.4.1 of the International Plumbing Code is hereby amended to read as follows:

1003.3.4.1 Large-capacity grease interceptor sizing. If under the City of Olathe’s wastewater jurisdiction, external, Large-Capacity grease interceptor sizing must be sufficient to provide a 30-minute peak hydraulic detention time, calculated based on contributing plumbing fixture units. The professional engineer (licensed in the State of Kansas) responsible for the design of the grease interceptor shall submit signed and sealed calculations indicating the number of plumbing fixture units, the plumbing plan, the maximum contributing hydraulic flow rate of these fixtures, and the volume of tank required to provide the 30-minute detention. The minimum capacity of any single grease interceptor unit shall be one thousand (1,000) gallons and the maximum capacity shall be two thousand (2,000) gallons. Where sufficient capacity cannot be achieved with a single unit, installation of grease interceptors in series shall be required. Multiple connections to one external, Large-Capacity Grease Interceptor will be considered if the owner of each connecting contributors’ properties submits an acceptable maintenance agreement. (Ord. 12-44 § 2, 2012)

15.08.250 Subsection 1003.3.4.3 Added – Construction standards and inspections. Subsection 1003.3.4.3 is hereby added to the International Plumbing Code and shall read as follows:

1003.3.4.3 Construction standards and inspections. If under the City of Olathe’s wastewater jurisdiction, the connection of the building sewer to the interceptor shall conform to applicable plumbing codes as well as to the *Olathe Technical Specifications and Design Criteria for Public Improvements* manual as adopted in the Unified Development Ordinance. Interceptor and connections to the interceptor shall be made gas tight and water tight. Interceptor shall be acceptance tested in accordance with Section 3100 – Sanitary Sewer Manholes of the *Olathe Technical Specifications and Design Criteria for Public Improvements* manual. The applicant, or agent, for the sewer connection permit shall notify the Public Works Department of the City when the building sewer or any interceptor is installed or connected to the public sanitary sewer and is ready for inspection prior to back filling. Any deviation from the requirements of this subsection may result in the uncovering and inspection of the sewer line or any interceptor or other pretreatment equipment at the applicant’s expense. (Ord. 12-44 § 2, 2012)

15.08.260 Subsection 1003.3.4.4 Added – Pumping, cleaning and maintenance. Subsection 1003.3.4.4 is hereby added to the International Plumbing Code and shall read as follows:

1003.3.4.4 Pumping, cleaning and maintenance. If under the City of Olathe’s wastewater jurisdiction, each food service facility shall be responsible for pumping, cleaning and maintaining its grease interceptor(s) in good working condition. Each food service facility shall have its grease interceptor(s) pumped at least once every ninety (90) days, unless it is determined that a more frequent pumping schedule is needed. All food service facilities requiring a greater than 90-day frequency of hauling shall implement kitchen BMPs as defined in Section 1003.3.4.4. More frequent pumping may be required by the City based on the following criteria:

The grease interceptor must be pumped before the combined thickness of the floatable fats, oils and grease and settleable solids exceed 25% of the total liquid depth of the grease interceptor.

A sanitary disposal contractor, licensed in Johnson County, Kansas, must be used to provide pumping, cleaning and disposal services. Pumping shall include the removal of all contents from the interceptor, including grease, floating materials, gray water, bottom sludge and solids. Cleaning shall include removal of solids from the walls, floors, baffles and pipe work in the interceptor.

It shall be the responsibility of each food service facility to verify that the interceptor is properly cleaned out and that all fittings and fixtures inside the interceptor are in good working condition. The owner must maintain a written log of the pumping record that includes copies of any receipts for repairs or maintenance to the interceptor(s), including pumping and cleaning on site. This log and any receipts shall be made available upon request. (Ord. 12-44 § 2, 2012)

15.08.270 Subsection 1003.3.4.5 Added – Recommended food service facility Best Management Practices (BMPs). Subsection 1003.3.4.5 is hereby added to the International Plumbing Code and shall read as follows:

1003.3.4.5 Recommended food service facility Best Management Practices (BMPs). If under the City of Olathe’s wastewater jurisdiction, these BMPs are recommended for all food service facilities and shall be instituted in any food service facility where a greater than 90-day frequency of hauling is required:

- A. Do not discharge grease or greasy food particles into the drains. Scrape grease and greasy food particles off of plates, pots, cooking equipment and utensils before washing. Discard the waste into the trash.
- B. Recycle waste grease using a “yellow grease” recycling barrel or bin.
- C. Train food service facility workers and complete and update fats, oil and grease kitchen BMP training logs showing that employees are trained and are implementing the fats, oils and grease kitchen BMPs. (Ord. 12-44 § 2, 2012)

15.08.280 Section 1202.1 Amended – Nonflammable medical gases. Section 1201.1 of the International Plumbing Code is hereby amended to read as follows:

1202.1 Nonflammable Medical Gases.

1. On and after January 1, 2011, no person shall install, improve, repair, maintain or inspect a medical gas piping system within a county or city unless such person: (a) is licensed under the provisions of K.S.A. 12-1508 et seq., and amendments thereto; and (b) is certified under the appropriate professional qualifications standard or standards of ASSE Series 6000. All installers shall obtain a proper permit from the county or city in which the medical gas is being installed. All inspections shall be done by a third party agency certified under the appropriate professional qualifications standard or standards of ASSE Series 6000 for medical gas systems inspectors and all documentation of the inspections and certifications of installers and inspectors shall be provided to the county or city prior to any occupancy of the building or until of the building in which the medical gas piping has been installed until an occupancy permit is issued.
2. As used in this subsection, “medical gas piping” means the piping used solely to transport gasses used for medical purposes at a health care facility. (Ord. 12-44 § 2, 2012)

15.08.290 Conflicts. When conflicts between this code and the conditions of listing or the manufacturer’s installation instructions occur, the Chief Building Official shall make the final determination. (Ord. 12-44 § 2, 2012)

15.08.300 Liability. The requirement stated in this chapter shall not be construed as imposing upon the City, its officers, agents or employees any liability or responsibility for damages to any property or injury to any person due to defective installations. The City or any official, employee or agent thereof shall not assume liability or responsibility whatsoever by reason of any inspection or approval of any installation. (Ord. 12-44 § 2, 2012)

15.08.310 Severability. If any part or parts of this chapter shall be held to be invalid such invalidity shall not affect the validity of the remaining parts of this chapter. The Governing Body hereby declares that it would have passed the remaining parts of this chapter if it had known that such part or parts thereof would be declared invalid. (Ord. 12-44 § 2, 2012)

Previous editions of the Plumbing Code and or revisions were adopted by the following ordinances. Ord. 12-29, 2012; Ord. 11-28, 2011; Ord. 10-55, 2010; Ord. 10-12, 2010; Ord. 01-77, 2001; Ord. 98-79, 1998; Ord. 95-99, 1995; Ord. 95-26, 1995; Ord. 93-27, 1993; Ord. 90-33, 1990; Ord. 89-97, 1989; Ord. 86-128, 1986; Ord. 83-92, 1983; Ord. 82-111, 1982; Ord. 82-36, 1982; Ord. 82-12, 1982; Ord. 919 § 2 (part), 1979.

MECHANICAL CONTRACTORS. The Mechanical Contractors chapter of the Olathe Municipal Code was previously codified in Chapter 15.58 and repealed 12/4/01. (Ord. 01-114, 2001; 92-63, § 3, 1992; Ord. 92-63, § 3, 1992; Ord. 89-96 § 2, 1989; Ord. 83-94 § 1, 1983; Ord. 914 § 2 (part), 1979.)

CHAPTER 15.10

MECHANICAL CODE

Sections:

15.10.010	Code Adopted
15.10.020	Marked Copies of Code on File
15.10.030	Code Official
15.10.040	Section [A] 101.5 Added – Administration
15.10.050	Section [A] 102.8 Amended – Referenced codes and standards
15.10.060	Section [A] 102.12 Added – State Boiler Inspector
15.10.070	Sections 103 through 110 Deleted – Chapter 1 Part 2 – Administration and Enforcement
15.10.080	Section 401.2 Amended – Ventilation required
15.10.090	Conflicts
15.10.100	Liability
15.10.110	Severability

15.10.010 Code Adopted. The 2012 International Mechanical Code, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795 is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Sections 15.10.030 through and including 15.10.110. (Ord. 12-45§ 2, 2012)

15.10.020 Marked Copies of Code on File. There shall be not less than one (1) copy of the code adopted by reference in Section 15.10.010 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, and which shall be marked or stamped, “Official Copy as Incorporated by Ordinance No. 12-45” with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk and open to inspection and available to the public at all reasonable hours. The Fire Department, Municipal Judges and all administrative departments of the City charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the City, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient. (Ord. 12-45§ 2, 2012)

15.10.030 Code Official. The Chief Building Official or his or her designee will be known as the “Building Official, “Code Official” or “Administrative Authority” for the purposes of this chapter and will have the duty of enforcing provisions of this chapter. (Ord. 12-45§ 2, 2012)

15.10.040 Section [A] 101.5 Added – Administration. Section [A] 101.5 is hereby added to the International Mechanical Code and shall read as follows:

[A] 101.5 Administration. The administrative and enforcement provisions for this code shall be those provisions of Chapter 1 of the 2012 International Building Code as adopted by the City in accordance with Chapter 15.02 of the Olathe Municipal Code. (Ord. 12-45§ 2, 2012)

15.10.050 Section [A] 102.8 Amended – Referenced codes and standards. Section [A] 102.8 of the International Mechanical Code is hereby amended to read as follows:

[A] 102.8 Referenced codes and standards. The codes and standards referenced herein shall be those that are listed in Chapter 15 and such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.8.1 and 102.8.2.

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

[A] 102.8.1 Differences. Where differences occur between provisions of this code and referenced codes and standards, the most restrictive provisions shall apply.

[A] 102.8.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the most restrictive provisions, as applicable, shall take precedence over all other provisions. (Ord. 12-45§ 2, 2012)

15.10.060 Section [A] 102.12 Added – State Boiler Inspector. Section [A] 102.12 is hereby added to the International Mechanical Code and shall read as follows:

[A] 102.12 State Boiler Inspector. Where permits are issued and portions of the work require inspection and approval of boilers and pressure vessels by the state of Kansas, those portions of the work will comply with the state requirements in lieu of compliance with the technical provisions of this code. Contact the State Boiler Inspector at the Kansas Department of Human Resources for complete information regarding state requirements. State approval is generally required for all boilers that require permits.

Exceptions:

1. Boilers serving individual dwelling units and their accessory structures.
2. Boilers serving apartment houses with less than five (5) families.
3. Pressure vessels that do not exceed 15 cubic feet and 250 psi.

Or

Boilers which are equipped with pressure and temperature safety relief valves approved by the American Society of Mechanical Engineers or the National Board of Boiler and Pressure Vessel Inspectors, if none of the following limitations are exceeded:

1. A heat input of 200,000 BTUH.
2. With a water temperature of 210 degrees Fahrenheit.
3. A nominal water capacity less than 85 gallons. (Ord. 12-45§ 2, 2012)

15.10.070 Sections 103 through 110 Deleted – Chapter 1 Part 2 – Administration and Enforcement. Sections 103 through 110 of the International Mechanical Code are hereby deleted. (Ord. 12-45§ 2, 2012)

15.10.080 Section 401.2 Amended – Ventilation required. Section 401.2 of the International Mechanical Code is hereby amended to read as follows:

401.2 Ventilation required. Every occupied space shall be ventilated by natural means in accordance with Section 402 or by mechanical means in accordance with Section 403. Where the air infiltration rate in a dwelling unit is less than 3 air changes per hour when tested with a blower door at a pressure of 0.2-inch water column (50 Pa) in accordance with Section 402.4.1.2 of the International Energy Conservation Code, the dwelling unit shall be ventilated by mechanical means in accordance with Section 403. (Ord. 12-45§ 2, 2012)

15.10.090 Conflicts. When conflicts between this code and the conditions of listing or the manufacturer's installation instructions occur, the Building Official shall make the final determination. (Ord. 12-45§ 2, 2012)

15.10.100 Liability. The requirement stated in this chapter shall not be construed as imposing upon the City, its officers, agents or employees any liability or responsibility for damages to any property or injury to any person due to defective construction or installation. The City or any official, employee or agent thereof shall not assume liability or responsibility whatsoever by reason of any inspection or approval of any installation. (Ord. 12-45§ 2, 2012)

15.10.110 Severability. If any part or parts of this chapter shall be held to be invalid such invalidity shall not affect the validity of the remaining parts of this chapter. The Governing Body hereby declares that it would have passed the remaining parts of this chapter if it had known that such part or parts thereof would be declared invalid. (Ord. 12-45§ 2, 2012)

Previous editions of the Mechanical Code and or revisions were adopted by the following ordinances. Ord. 11-31, 2011; Ord. 01-78, 2001; Ord. 98-78, 1998; Ord. 95-99, 1995; Ord. 93-26, 1993; Ord. 90-32, 1990; Ord. 89-97, 1989; Ord. 86-126, 1986; Ord. 82-112, 1982; Ord. 915 § 2 (part), 1979.

CHAPTER 15.12

FUEL GAS CODE

Sections:

15.12.010	Code Adopted
15.12.020	Marked Copies of Code on File
15.12.030	Code Official
15.12.040	Section [A] 101.6 Added – Administration
15.12.050	Section [A] 102.8 Amended – Referenced codes and standards
15.12.060	Sections 103 through 110 Deleted – Chapter 1 Part 2 – Administration and Enforcement
15.12.070	Conflicts
15.12.080	Liability
15.12.090	Severability

15.12.010 Code Adopted. The 2012 International Fuel Gas Code, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795 is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Sections 15.12.030 through and including 15.12.090. (Ord. 12-48 § 2, 2012; Ord. 11-32 § 1, 2011; Ord. 01-79 § 1, 2001.)

15.12.020 Marked Copies of Code on File. There shall be not less than one (1) copy of the code adopted by reference in Section 15.12.010 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, and which shall be marked or stamped, “Official Copy as Incorporated by Ordinance No. 12-48” with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk and open to inspection and available to the public at all reasonable hours. The Fire Department, Municipal Judges and all administrative departments of the City charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the City, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient. (Ord. 12-48 § 2, 2012; Ord. 11-32 § 1, 2011; Ord. 01-79 § 1, 2001.)

15.12.030 Code Official. The Chief Building Official or his or her designee will be known as the “Building Official, “Code Official” or “Administrative Authority” for the purposes of this chapter and will have the duty of enforcing provisions of this chapter. (Ord. 12-48 § 2, 2012; Ord. 11-32 § 1, 2011; Ord. 01-79 § 1, 2001.)

15.12.040 Section [A] 101.6 Added – Administration. Section [A] 101.6 is hereby added to the International Fuel Gas Code and shall read as follows:

[A] 101.6 Administration. The administrative and enforcement provisions for this Code shall be those provisions of Chapter 1 of the 2012 International Building Code as adopted by the City in accordance with Chapter 15.02 of the Olathe Municipal Code. (Ord. 12-48 § 2, 2012; Ord. 11-32 § 1, 2011; Ord. 01-79 § 1, 2001.)

15.12.050 Section [A] 102.8 Amended – Referenced codes and standards. Section [A] 102.8 of the International Fuel Gas Code is hereby amended to read as follows:

[A] 102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections [A] 102.8.1 and [A] 102.8.2.

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

[A] 102.8.1 Differences. Where differences occur between provisions of this code and referenced codes and standards, the most restrictive provisions shall apply.

[A] 102.8.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the most restrictive provisions, as applicable, shall take precedence over all other provisions. (Ord. 12-48 § 2, 2012; Ord. 11-32 § 1, 2011; Ord. 01-79 § 1, 2001.)

15.12.060 Sections 103 through 110 Deleted – Chapter 1 Part 2 – Administration and Enforcement. Sections 103 through 110 of the International Fuel Gas Code are hereby deleted. (Ord. 12-48 § 2, 2012; Ord. 11-32 § 1, 2011; Ord. 01-79 § 1, 2001.)

15.12.070 Conflicts. When conflicts between this code and the conditions of listing or the manufacturer's installation instructions occur, the Chief Building Official shall make the final determination. (Ord. 12-48 § 2, 2012; Ord. 11-32 § 1, 2011; Ord. 01-79 § 1, 2001.)

15.12.080 Liability. The requirement stated in this chapter shall not be construed as imposing upon the City, its officers, agents or employees any liability or responsibility for damages to any property or injury to any person due to defective construction or installation. The City or any official, employee or agent thereof shall not assume liability or responsibility whatsoever by reason of any inspection or approval of any installation. (Ord. 12-48 § 2, 2012; Ord. 11-32 § 1, 2011; Ord. 01-79 § 1, 2001.)

15.12.090 Severability. If any part or parts of this chapter shall be held to be invalid such invalidity shall not affect the validity of the remaining parts of this chapter. The Governing Body hereby declares that it would have passed the remaining parts of this chapter if it had known that such part or parts thereof would be declared invalid. (Ord. 12-48 § 2, 2012; Ord. 11-32 § 1, 2011; Ord. 01-79 § 1, 2001.)

ELECTRICIANS. The Electricians chapter of the Olathe Municipal Code was previously codified in Chapter 15.13 and repealed 12/4/01. (Ord. 01-112, 2001; Ord. 92-63, 1992; Ord. 89-94, 1989; Ord. 83-91, 1983; Ord. 917, 1979.)

CHAPTER 15.14

ELECTRICAL CODE

Sections:

15.14.010	Code Adopted
15.14.020	Marked Copies of Code on File
15.14.030	Code Official
15.14.040	Section 90.4 (A) Added – Administration
15.14.050	Subsection 210.8 (A) (2) Exceptions 1 and 2 Added – GFCI protection for garage and accessory building receptacles
15.14.060	Subsection 210.8 (A) (5) Exceptions 2 and 3 Added – GFCI protection for garage and accessory building receptacles
15.14.070	Section 210.12 (A) Amended – Dwelling Units
15.14.080	Section 547.5 (E) Amended – Physical Protection
15.14.090	Section 625.23 Amended – Disconnecting Means
15.14.100	Conflicts
15.14.110	Liability
15.14.120	Severability

15.14.010 Code Adopted. NFPA 70, the National Electrical Code, 2011 Edition, published by the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts 02169-7471 is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Sections 15.14.040 through and including 15.14.120. (Ord. 12-46 § 2, 2012)

15.14.020 Marked Copies of Code on File. There shall be not less than one (1) copy of the code adopted by reference in Section 15.14.010 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, and which shall be marked or stamped, “Official Copy as Incorporated by Ordinance No. 12-46” with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk and open to inspection and available to the public at all reasonable hours. The Fire Department, Municipal Judges and all administrative departments of the City charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the City, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient. (Ord. 12-46 § 2, 2012)

15.14.030 Code Official. The Chief Building Official or his or her designee will be known as the “Building Official, “Code Official” or “Administrative Authority” for the purposes of this chapter and will have the duty of enforcing provisions of this chapter. (Ord. 12-46 § 2, 2012)

15.14.040 Section 90.4 (A) Added – Administration. Section 90.4 (A) is hereby added to the National Electrical Code and shall read as follows:

90.4 (A) Administration. The administrative and enforcement provisions for this code shall be those provisions of Chapter 1 of the 2012 International Building Code as adopted by the City in accordance with Chapter 15.02 of the Olathe Municipal Code. (Ord. 12-46 § 2, 2012)

15.14.050 Subsection 210.8 (A) (2) Exceptions 1 and 2 Added – GFCI protection for garage and accessory building receptacles. Subsection 210.8 (A) (2) Exceptions 1 and 2 are hereby added to the National Electrical Code and shall read as follows:

210.8 (A) (2) GFCI protection for garage and accessory building receptacles.

Exceptions:

1. Receptacles that are not readily accessible such as a ceiling mounted receptacle for a garage door opener.
2. A single receptacle supplied by a dedicated branch circuit that is located and identified for specific use by a cord- and plug-connected appliance such as a refrigerator or freezer. (Ord. 12-46 § 2, 2012)

15.14.060 Subsection 210.8 (A) (5) Exceptions 2 and 3 Added – GFCI protection for garage and accessory building receptacles. Subsection 210.8 (A) (5) Exceptions 2 and 3 are hereby added to the National Electrical Code and shall read as follows:

210.8 (A) (5) GFCI protection for unfinished basement receptacles.

Exceptions:

2. A single receptacle supplying a permanently installed sump pump.
3. A single receptacle supplied by a dedicated branch circuit that is located and identified for specific use by a cord- and plug-connected appliance such as a refrigerator or freezer. (Ord. 12-46 § 2, 2012)

15.14.070 Section 210.12 (A) Amended – Dwelling Units. Section 210.12 (A) of the National Electrical Code is hereby amended to read as follows:

210.12 (A) Dwelling Units. All 12-volt, single phase, 15- and 20-ampere branch circuits supplying outlets installed in dwelling unit family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, or similar rooms or areas shall be protected by a listed arc-fault circuit interrupter, combination type installed to provide protection of the branch circuit. For these purposes, a smoke alarm shall not be considered an outlet and shall not be included in the arc-fault circuit.

Informational Note Nos. 1, 2 and 3 apply.

Exception Nos. 1, 2, and 3 apply.

Exception No. 4: *This section will not apply where existing dwelling unit premises wiring circuits make the application of this section impracticable, as determined by the Building Official.*

Informational Note No. 4: Two examples of the application of this exception are where the existing dwelling unit has a multi-wire branch circuit or utilizes a listed panelboard for which there is no listed device for the application of AFCI protection. (Ord. 12-46 § 2, 2012)

15.14.080 Section 547.5 (E) Amended – Physical Protection. Section 547.5 (E) of the National Electrical Code is hereby amended to read as follows:

547.5 (E) Physical Protection. All electrical wiring and equipment subject to physical damage shall be protected. All electrical wiring and equipment subject to physical damage by livestock shall be protected to a minimum height of 8 feet. (Ord. 12-46 § 2, 2012)

15.14.090 Section 625.23 Amended – Disconnecting Means. Section 625.23 of the National Electrical Code is hereby amended to read as follows:

625.23 Disconnecting Means. For electric vehicle supply equipment rated more than 60 amperes or more than 150 volts to ground, the disconnecting means shall be provided and installed in a readily accessible location approved by the authority having jurisdiction. The disconnecting means shall be capable of being locked in the open position. The provision for locking or adding a lock to the disconnecting means shall be installed on or at the switch or circuit breaker used as the disconnecting means and shall remain in place with or without the lock installed. Portable means for adding a lock to the switch or circuit breaker shall not be permitted. (Ord. 12-46 § 2, 2012)

15.14.100 Conflicts. When conflicts between this code and the conditions of listing or the manufacturer's installation instructions occur, the Building Official shall make the final determination. (Ord. 12-46 § 2, 2012)

15.14.110 Liability. The requirement stated in this chapter shall not be construed as imposing upon the City, its officers, agents or employees any liability or responsibility for damages to any property or injury to any person due to defective construction or installation. The City or any official, employee or agent thereof shall not assume liability or responsibility whatsoever by reason of any inspection or approval of any installation. (Ord. 12-46 § 2, 2012)

15.14.120 Severability. If any part or parts of this chapter shall be held to be invalid such invalidity shall not affect the validity of the remaining parts of this chapter. The Governing Body hereby declares that it would have passed the remaining parts of this chapter if it had known that such part or parts thereof would be declared invalid. (Ord. 12-46 § 2, 2012)

Previous editions of the Electrical Code and or revisions were adopted by the following ordinances. Ord. 11-27, 2011; Ord. 01-76, 2001; Ord. 98-75, 1998; Ord. 93-29, 1993; Ord. 90-09, 1990; Ord. 89-97, 1989; Ord. 85-25, 1985; Ord. 82-114, 1982; Ord. 733 § 2, 1978.

CHAPTER 15.16

ENERGY CONSERVATION CODE

Sections:

15.16.010	Code Adopted
15.16.020	Marked Copies of Code on File
15.16.030	Code Official
15.16.040	Subsection C101.4.3 Exceptions Deleted – Additions, alterations, renovations or repairs
15.16.050	Section C101.6 Added – Administration
15.16.060	Section C104 Deleted – Inspections
15.16.070	Section C107 Deleted – Fees
15.16.080	Section C108 Deleted – Stop Work Order
15.16.090	Section C109 Deleted – Board of Appeals
15.16.100	Section C402.3 Amended – Fenestration (Prescriptive)
15.16.110	Subsection C402.3.2 Deleted – Minimum skylight fenestration area
15.16.120	Section C406 Deleted – Additional efficiency package options
15.16.130	Section C408 Deleted – System Commissioning
15.16.140	Section R101.2 Exception added – Scope
15.16.150	Subsection R101.4.3 Exception deleted – Additions, alterations, renovations or repairs
15.16.160	Section R101.6 Added – Administration
15.16.170	Section R103.2 Amended – Information on construction documents
15.16.180	Section R104 Deleted – Inspections
15.16.190	Section R107 Deleted – Fees
15.16.200	Section R 108 Deleted – Stop Work Order
15.16.210	Section R109 Deleted – Board of Appeals
15.16.220	Table R402.1.1 Amended – Insulation and Fenestration Requirements by Component
15.16.230	Subsection R402.2.8.1 Added – Concrete and masonry basement walls
15.16.240	Table R402.4.1.1 Amended – Air barrier and Insulation Installation
15.16.250	Subsection R402.4.1.2 Amended – Testing
15.16.260	Subsection R403.2.2 Amended – Sealing (Mandatory)
15.16.270	Subsection R403.2.3 Deleted – Building cavities (mandatory)
15.16.280	Subsection R403.4.2 Deleted – Hot water pipe insulation (Prescriptive)
15.16.290	Section R404.1 Amended – Lighting equipment (Mandatory)
15.16.300	Conflicts
15.16.310	Liability
15.16.320	Severability

15.16.010 Code Adopted. The 2012 International Energy Conservation Code, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795 is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Sections 15.16.030 through and including 15.16.320. (Ord. 12-47 § 1, 2012)

15.16.020 Marked Copies of Code on File. There shall be not less than one (1) copy of the code adopted by reference in Section 15.16.010 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, and which shall be marked or stamped, “Official Copy as Incorporated by Ordinance No. 12-47” with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk and open to inspection and available to the public at all reasonable hours. The Fire Department, Municipal Judges and all administrative departments of the City charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the City, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient. (Ord. 12-47 § 1, 2012)

15.16.030 Code Official. The Chief Building Official or his or her designee will be known as the “Building Official, “Code Official” or “Administrative Authority” for the purposes of this chapter and will have the duty of enforcing provisions of this chapter. (Ord. 12-47 § 1, 2012)

15.04.040 Subsection C101.4.3 Exceptions Deleted – Additions, alterations, renovations or repairs. All exceptions to Subsection C101.4.3 of the International Energy Conservation Code are hereby deleted. (Ord. 12-47 § 1, 2012)

15.16.050 Section C101.6 Added – Administration. Section C101.6 is hereby added to the International Energy Conservation Code and shall read as follows:

C101.6 Administration. The administrative and enforcement provisions for this code shall be those provisions of Chapter 1 of the International Building Code as adopted by the City in accordance with Chapter 15.02 of the Olathe Municipal Code. (Ord. 12-47 § 1, 2012)

15.16.060 Section C104 Deleted – Inspections. Section C104 of the International Energy Conservation Code is hereby deleted. (Ord. 12-47 § 1, 2012)

15.16.070 Section C107 Deleted – Fees. Section C107 of the International Energy Conservation Code is hereby deleted. (Ord. 12-47 § 1, 2012)

15.16.080 Section C108 Deleted – Stop Work Order. Section C108 of the International Energy Conservation Code is hereby deleted. (Ord. 12-47 § 1, 2012)

15.16.090 Section C109 Deleted – Board of Appeals. Section C109 of the International Energy Conservation Code is hereby deleted. (Ord. 12-47 § 1, 2012)

15.16.100 Section C402.3 Amended – Fenestration (Prescriptive). Section C402.3 of the International Energy Conservation Code is hereby amended to read as follows:

C402.3 Fenestration (prescriptive). Fenestration shall comply with Table C402.3. Automatic daylighting controls specified by this section shall comply with Section C405.2.2.3.2.

C402.3.1 Maximum area. The vertical fenestration area (not including opaque doors and opaque spandrel panels) shall not exceed forty percent (40%) of the gross above-grade wall area. The skylight area shall not exceed three percent (3%) of the gross roof area.

C402.3.2 Increased skylight area with daylighting controls. The skylight area shall be permitted to be a maximum of five percent (5%) of the roof area provided automatic daylighting controls are installed in daylight zones under skylights. (Ord. 12-47 § 1, 2012)

15.16.110 Subsection C402.3.2 Deleted – Minimum skylight fenestration area. Subsection 402.3.2 of the International Energy Conservation Code is hereby deleted. (Ord. 12-47 § 1, 2012)

15.16.120 Section C406 Deleted – Additional efficiency package options. Section C406 of the International Energy Conservation Code is hereby deleted. (Ord. 12-47 § 1, 2012)

15.16.130 Section C408 Deleted – System Commissioning. Section C408 of the International Energy Conservation Code is hereby deleted. (Ord. 12-47 § 1, 2012)

15.16.140 Section R101.2 Exception Added – Scope. Section R101.2 Exception is hereby added to the International Energy Conservation Code and shall read as follows:

R101.2 Scope.

Exception: Residential structures certified to meet or exceed the energy efficiency standards of the 2009 International Energy Conservation Code through a simulated energy performance analysis conducted by a nationally certified energy auditor (for example, a HERS rating of 85 or lower) shall be exempted from the requirements of 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 documentation from the auditor certifying 2009 International Energy Conservation Code performance compliance is submitted to and approved by the Building Official. (Ord. 12-47 § 1, 2012)

15.04.150 Subsection R101.4.3 Exceptions Deleted – Additions, alterations, renovations or repairs. All exceptions to Subsection R101.4.3 of the International Energy Conservation Code are hereby deleted. (Ord. 12-47 § 1, 2012)

15.16.160 Section R101.6 Added – Administration. Section R101.6 is hereby added to the International Energy Conservation Code and shall read as follows:

R101.6 Administration. The administrative and enforcement provisions for this code shall be those provisions of Chapter 1 of the 2012 International Building Code as adopted by the City in accordance with Chapter 15.02 of the Olathe Municipal Code. (Ord. 12-47 § 1, 2012)

15.16.170 Section R103.2 Amended – Information on construction documents. Section R103.2 of the International Energy Conservation Code is hereby amended to read as follows:

R103.2 Information on construction documents. Construction documents shall be drawn to scale upon suitable material. Electronic media documents are permitted to be submitted when approved by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in sufficient detail pertinent data and features of the building, systems and equipment as herein governed. Details shall include, but are not limited to, as applicable, insulation materials and their R-values; fenestration U-factors and SHGCs; area-weighted U-factor and SHGC calculations; mechanical system design criteria; mechanical and service water heating system and equipment types, sizes and efficiencies; economizer description; equipment and systems controls; fan motor horsepower (hp) and controls; duct sealing, duct and pipe insulation and location; and air sealing details. (Ord. 12-47 § 1, 2012)

15.16.180 Section R104 Deleted – Inspections. Section R104 of the International Energy Conservation Code is hereby deleted. (Ord. 12-47 § 1, 2012)

15.16.190 Section R107 Deleted – Fees. Section R107 of the International Energy Conservation Code is hereby deleted. (Ord. 12-47 § 1, 2012)

15.16.200 Section R108 Deleted – Stop Work Order. Section R108 of the International Energy Conservation Code is hereby deleted. (Ord. 12-47 § 1, 2012)

15.16.210 Section R109 Deleted – Board of Appeals. Section R109 of the International Energy Conservation Code is hereby deleted. (Ord. 12-47 § 1, 2012)

15.16.220 Table R402.1.1 Amended – Insulation and Fenestration Requirements by Component. Table R402.1.1 of the International Energy Conservation Code is hereby amended to read as follows:

**TABLE R402.1.1
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT^a**

CLIMATE ZONE	FENESTRATION U-FACTOR ^b	SKYLIGHT ^b U-FACTOR	GLAZED FENESTRATION SHGC ^b	CEILING ^g R-VALUE	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE ^f	FLOOR R-VALUE	BASEMENT WALL R-VALUE ^e	SLAB ^d R-VALUE & DEPTH	CRAWL SPACE ^c WALL R-VALUE
4	0.35	0.55	0.40	49	13	8/13	19	10/13	NR	10/13

For SI: 1 foot = 304.8 mm.

- 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. Or insulation sufficient to fill the framing cavity, R-19 minimum.
- f. The second R-value applies when more than half the insulation is on the interior of the mass wall.
- g. Loose-fill insulation shall be installed at the rate recommended by the manufacturer's statement "so many bags per 1,000 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 R402.2.

(Ord. 12-47 § 1, 2012)

15.16.230 Subsection R402.2.8.1 Added – Concrete and masonry basement walls. Subsection R402.2.8.1 is hereby added to the International Energy Conservation Code and shall read as follows:

R402.2.8.1 Concrete and masonry basement walls. Insulation is not required for concrete or masonry portions of basement walls of one- and two-family dwellings which are not adjacent to nor form a common wall with finished space and are more than 50 percent (50%) below grade. Such common walls shall be insulated whenever the adjacent interior space is finished. (Ord. 12-47 § 1, 2012)

15.16.240 Table R402.4.1.1 Amended – Air barrier and Insulation Installation. Table R402.4.1.1 of the International Energy Conservation Code is hereby amended to read as follows:

**TABLE R402.4.1.1
AIR BARRIER AND INSULATION INSTALLATION**

COMPONENT	CRITERIA
Air barrier and thermal barrier	A continuous air barrier shall be installed in the building envelope. Exterior thermal envelope contains a continuous air barrier. Breaks or joints in the air barrier shall be sealed. Air-permeable insulation shall not be used as sealing material.
Ceiling/attic	The air barrier in any dropped ceiling/soffit shall be aligned with the insulation and any gaps in the air barrier sealed. Access opening, drop down stair or knee wall doors to unconditioned attic spaces shall be sealed.
Walls	Corners and the junction of the foundation and sill plate shall be sealed. Exterior thermal envelope insulation for framed walls shall be installed in substantial contact and continuous alignment with the air barrier. Knee walls shall be sealed.
Windows, skylights and doors	The space between window/door jambs and framing and skylights and framing shall be sealed.
Rim joists	Rim shall be sealed to prevent air leakage.
Floors (including above-garage and cantilevered floors)	Insulation shall be installed to maintain permanent contact with underside of subfloor decking. The air barrier shall be installed at any exposed edge of insulation.
Crawl space walls	Where provided in lieu of floor insulation, insulation shall be permanently attached to the crawlspace walls. Exposed earth in unvented crawl spaces shall be covered with a Class I vapor retarder with overlapping joints taped.
Shafts, penetrations	Duct shafts, utility penetrations, and flue shafts opening to exterior or unconditioned space shall be sealed.
Narrow cavities	Batts in narrow cavities shall be cut to fit, or narrow cavities shall be filled by insulation that on installation readily conforms to the available cavity space.
Garage separation	Air sealing shall be provided between the garage and conditioned spaces.
Recessed lighting	Recessed light fixtures installed in the building thermal envelope shall be air tight, IC rated, and sealed to the drywall.
Plumbing and wiring	Batt insulation shall be cut neatly to fit around wiring and plumbing in exterior walls, or insulation that on installation readily conforms to available space shall extend behind piping and wiring.
Shower/tub on exterior wall	Exterior walls adjacent to showers and tubs shall be insulated and the air barrier installed separating them from the showers and tubs.
Electrical/phone box on exterior walls	The air barrier shall be installed behind electrical or communication boxes or air-sealed boxes shall be installed.
HVAC register boots	HVAC register boots that penetrate building thermal envelope shall be sealed to the sub floor or drywall.
Fireplace	An air barrier shall be installed on fireplace walls.

(Ord. 12-47 § 1, 2012)

15.16.250 Subsection R402.4.1.2 Amended – Testing. Subsection R402.4.1.2 of the International Energy Conservation Code is hereby amended to read as follows:

R402.4.1.2 Testing. Where required by the Building Official, the building or dwelling unit shall be tested and verified as having an air leakage rate of 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 Building 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 Building Official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope. (Ord. 12-47 § 1, 2012)

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weatherstripping 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; and
6. Supply and return registers, if installed at the time of the test, shall be fully open. (Ord. 12-47 § 1, 2012)

15.16.260 Subsection R403.2.2 Amended – Sealing (Mandatory). Subsection R403.2.2 of the International Energy Conservation Code is hereby amended to read as follows:

R403.2.2 Sealing (Mandatory). Ducts, air handlers, and filter boxes shall be sealed. Joints and seams shall comply with Section M1601.4.1 of the International Residential Code for One- and Two-Family Dwellings, as adopted by the City in accordance with Chapter 15.04 of the Olathe Municipal 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 pressures less than two inches (2") of water column (500 Pa) pressure classification shall not require additional closure systems.

Where required by the Code Official, duct tightness shall be verified by either of the following:

1. Postconstruction test: Total leakage shall be less than or equal to 4 cfm (113.3L/min) per 100 square feet (9.29 m²) 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 (113.3 L/min) per 100 *ft*² *square feet* (9.29 m²) 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 (85 L/min) per 100 square feet (9.29m²) 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 postconstruction 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 area. (Ord. 12-47 § 1, 2012)

15.16.270 Subsection R403.2.3 Deleted – Building cavities (mandatory). Subsection R403.2.3 of the International Energy Conservation Code is hereby deleted. (Ord. 12-47 § 1, 2012)

15.16.280 Subsection R403.4.2 Deleted – Hot water pipe insulation (Prescriptive). Subsection R403.4.2 of the International Energy Conservation Code is hereby deleted. (Ord. 12-47 § 1, 2012)

15.16.290 Section R404.1 Amended – Lighting equipment (Mandatory). Section R404.1 of the International Energy Conservation Code is hereby amended to read as follows:

R404.1 Lighting equipment (mandatory). Fuel gas lighting systems shall not have continuously burning pilot lights. (Ord. 12-47 § 1, 2012)

15.16.300 Conflicts. When conflicts between this code and the conditions of listing or the manufacturer’s installation instructions occur, the Building Official shall make the final determination. (Ord. 12-47 § 1, 2012)

15.16.310 Liability. The requirement stated in this chapter shall not be construed as imposing upon the City, its officers, agents or employees any liability or responsibility for damages to any property or injury to any person due to defective construction or installation. The City or any official, employee or agent thereof shall not assume liability or responsibility whatsoever by reason of any inspection or approval of any installation. (Ord. 12-47 § 1, 2012)

15.16.320 Severability. If any part or parts of this chapter shall be held to be invalid such invalidity shall not affect the validity of the remaining parts of this chapter. The Governing Body hereby declares that it would have passed the remaining parts of this chapter if it had known that such part or parts thereof would be declared invalid. (Ord. 12-47 § 1, 2012)

CHAPTER 15.18

ENVIRONMENTAL SANITARY CODE

Sections:

15.18.010	Code Adopted.
15.18.020	Marked Copies of Code on File.
15.18.030	Section 1, Article 4, Chapter II, Amended
15.18.040	Section 4, Article 8, Chapter II, Amended
15.18.050	Section 3, Article 9, Chapter II, Amended
15.18.060	Administration and Prosecution.

15.18.010 Code Adopted. The Johnson County, Kansas Environmental Sanitary Code, 2004 Edition, as published by the Board of County Commissioners of Johnson County, Kansas, 111 South Cherry Street, Olathe, Kansas 66061, is hereby adopted by reference and made a part of this Chapter as though fully set forth herein. (Ord. 04-36 § 1, 2004; Ord. 95-27 § 1, 1995.)

15.18.020 Marked Copies on File. There shall not be less than three (3) copies of the Code adopted by reference in Section 15.18.010 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, which shall be marked or stamped. Official Copies as Incorporated by Ordinance No. 04-36, with all sections or portions thereof intended to be omitted clearly marked to show any deletion or change and available to the public at all reasonable hours. The police department, municipal judge(s) and all administrative departments of the City charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the City, such number of official copies of the standard ordinance similarly marked, deleted and changed as may be deemed expedient. (Ord. 04-36 § 2, 2004; Ord. 95-27 § 1, 1995.)

15.18.030 Section 1, Article 4, Chapter II, Amended. Section 1 of Article 4 of Chapter II of the Johnson County, Kansas Environmental Code is hereby amended and shall read as follows:

Section 1. Permits Required. It shall be unlawful for any person, firm, or corporation to erect, construct or perform any structurally significant alteration, remove, convert or demolish any septic tank system regulated by this Code, without first obtaining a septic system permit from the Johnson County Environmental Department. Permits issued under this Article shall be subject to the following qualifications:

(A) Property Use: Permits may be issued under this Article only for single-family residences or duplexes, where each unit is occupied as a residence and where each unit shall be served by a separate septic tank and system.

(B) Minimum Lot Size: Unless a waiver or rule exception is granted pursuant to Article 1 of this Chapter, a minimum lot or tract size of three (3) acres per living unit shall be required for any permit issued under this Article.

(C) Term and Renewals: A permit issued under this Article shall be valid for a period of twelve (12) months following the date of issuance and may be renewed annually by order of the Director of the Environmental Department.

(D) Transfer: A permit issued under this Article shall not be transferrable.

(E) Standards: No permit shall be issued to any person, property or establishment which does not comply with and satisfy the specified requirements of all applicable sections of this Article. (Ord. 95-27 § 1, 1995.)

15.18.040 Section 4, Article 8, Chapter II, Amended. Section 4 of Article 8 of Chapter II of the Johnson County, Kansas Environmental Code is hereby amended to read as follows:

Section 4. Permit Qualifications. Any permit authorized under this Article shall be issued subject to the qualifications specified in this Section.

(A) Term and Renewal: Permits for holding tanks used for commercial, domestic or industrial wastes are valid for twelve (12) months from the date of issuance and are renewable annually. Applications for renewals shall be submitted no later than thirty (30) days prior to permit expiration with the applicable fee. Upon receipt of the application and fee, a permit will be issued for the following year.

(B) Minimum Lot Size: Unless a waiver or rule exception is granted pursuant to Article 1 of this Chapter, a minimum lot or tract size of three (3) acres per occupied unit shall be required for the use, operation or permittance of any holding tank for any property usage under this Article.

(C) Standards: No permit shall be issued to any person, property or establishment which does not comply with and satisfy the standards prescribed in this Article and all applicable terms, conditions and requirements of this Code.

(D) Transfer: Permits are not transferrable. (Ord. 95-27 § 1, 1995.)

15.18.050 Section 3, Article 9, Chapter II, Amended. Section 3 of Article 9 of Chapter II of the Johnson County, Kansas Environmental Code is hereby amended to read as follows:

Section 3. Permit Qualifications. Any permit or approval authorized under this Article shall be issued subject to the qualifications specified in this Section.

(A) Land Use: Permits may be issued under this Article only for single-family residences or duplexes, where each unit is occupied as a residence and where each unit shall be served by a separate system.

(B) Minimum Lot Size: Unless a waiver or rule exception is granted pursuant to Article 1 of this Chapter, a minimum lot or tract size of three (3) acres per living unit shall be required for any permit issued under this Article.

(C) Standards: No permit shall be issued to any person, property or establishment which does not comply with and satisfy standards prescribed for the alternative system by the Director of the Environmental Department, or his designee, consistent with standards imposed for the systems designated in this Chapter, and all applicable terms, conditions and requirements of this Code. (Ord. 95-27 § 1, 1995.)

15.18.060 Administration and Prosecution.

(A) The Director of the Johnson County, Kansas Environmental Department, and/or his designees, shall have the primary authority and responsibility for the administration and enforcement of this Code.

(B) The Johnson County, Kansas County Counselor, and/or his designee, shall have the authority to prosecute any and all violations of this Code. Prosecution shall be in accordance with the Johnson County, Kansas Code of Regulations for Procedure and Enforcement, Resolution No. 116-88, or any amendments or subsequent enactments, and shall be commenced in the County Codes Section of the District Court of Johnson County, Kansas. (Ord. 95-27 § 1, 1995.)

CHAPTER 15.20

SWIMMING POOL AND SPA CODE

Sections:

15.20.010	Code Adopted
15.20.020	Marked Copies of Code on File
15.20.030	Code Official
15.20.040	Section 101.5 Added – Administration
15.20.050	Sections 103 through 108 Deleted – Chapter 1 Part 2 – Administration and Enforcement
15.20.060	Subsection 305.2.1 Amended – Barrier height and clearances
15.20.070	Subsection 321.1.1 Added – Maintenance or operation
15.20.080	Section 401.1 Amended – Public swimming pools
15.20.090	Conflicts
15.20.100	Liability
15.20.110	Severability

15.20.010 Code Adopted. The 2012 International Swimming Pool and Spa Code, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795 is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Sections 15.20.030 through and including 15.20.110. (Ord. 12-49 § 2, 2012.)

15.20.020 Marked Copies of Code on File. There shall be not less than one (1) copy of the code adopted by reference in Section 15.20.010 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, and which shall be marked or stamped, “Official Copy as Incorporated by Ordinance No. 12-49” with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk and open to inspection and available to the public at all reasonable hours. The Fire Department, Municipal Judges and all administrative departments of the City charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the City, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient. (Ord. 12-49 § 2, 2012.)

15.20.030 Code Official. The Chief Building Official or his or her designee will be known as the “Building Official, “Code Official” or “Administrative Authority” for the purposes of this chapter and will have the duty of enforcing provisions of this chapter. (Ord. 12-49 § 2, 2012.)

15.20.040 Section 101.5 Added – Administration. Section 101.5 is hereby added to the International Swimming Pool and Spa Code and shall read as follows:

101.5 Administration. The administrative and enforcement provisions for this code shall be those provisions of Chapter 1 of the 2012 International Building Code as adopted by the City in accordance with Chapter 15.02 of the Olathe Municipal Code. (Ord. 12-49 § 2, 2012.)

15.20.050 Sections 103 through 108 Deleted – Chapter 1 Part 2 – Administration and Enforcement. Sections 103 through 108 of the International Swimming Pool and Spa Code are hereby deleted. (Ord. 12-49 § 2, 2012.)

15.20.060 Subsection 305.2.1 Amended – Barrier height and clearances. Subsection 305.2.1 of the International Swimming Pool and Spa Code is hereby amended to read as follows:

305.2.1 Barrier heights and clearances. Barrier heights and clearances shall be in accordance with all of the following:

1. Every semi-public or public swimming pool built shall be surrounded by a fence at least six (6) feet height. The type of fence material and the location of the fence shall be approved by the Building Official.
2. The top of the *barrier* for pools constructed on lots of buildings governed by the International Residential Code shall be not less than 48 inches above grade. All other *barriers* shall be not less than 72 inches above grade where measured on the side of the *barrier* that faces away from the *aquatic vessel*. Such height shall exist around the entire perimeter of the vessel and for a distance of 3 feet where measured horizontally from the required *barrier*.
3. The vertical clearance between grade and the bottom of the *barrier* shall not exceed 2 inches (51 mm) for grade surfaces that are not solid, such as grass or gravel, where measured on the side of the barrier that faces away from the vessel.
4. The vertical clearance between a surface below the barrier to a solid surface, such as concrete, and the bottom of the required *barrier* shall not exceed 4 inches (102 mm) where measured on the side of the required barrier that faces away from the vessel.
5. Where the top of the vessel structure is above grade, the *barrier* shall be installed on grade or shall be mounted on top of the vessel structure. Where the *barrier* is mounted on the top of the vessel, the vertical clearance between the top of the vessel and the bottom of the *barrier* shall not exceed 4 inches (102 mm). (Ord. 12-49 § 2, 2012.)

15.20.070 Subsection 321.1.1 Added – Maintenance or operation. Subsection 321.1.1 is hereby added to the International Swimming Pool and Spa Code and shall read as follows:

321.1.1 Maintenance or operation. No artificial lighting shall be maintained or operated in connection with any swimming pool herein authorized in such manner as to be a nuisance or annoyance to the neighboring properties. (Ord. 12-49 § 2, 2012.)

15.20.080 Section 401.1 Amended – Public swimming pools. Section 401.1 of the International Swimming Pool and Spa Code is hereby amended to read as follows:

401.1 Public swimming pools. The provisions of this chapter shall apply to *public swimming pools*. Public swimming pools covered in this chapter include *Class A, Class B, Class C, and Class E* pools.

401.1.1 Lifeguard required. All semi-public or public pools which make a charge for membership, admission, season ticket or for training shall provide a sufficiently skilled individual to act as lifeguard and supervisor at all times.

401.1.2 Hours of operation. All semi-public or public swimming pools shall not operate or be used between the hours of 10:30 PM and 6:00 AM.

401.1.3 Operation as a nuisance prohibited. All swimming pools herein authorized shall be used, maintained and operated in a manner that shall not constitute a public nuisance in the neighborhood where operated, and any continued infringement thereof or unreasonable noises shall constitute a public nuisance.

401.1.4 Safety equipment – inspection. Each pool, whether private, semi-public or public shall furnish safety equipment as may be required by the State Board of Health or the Code Official. All pools may be inspected by the City. (Ord. 12-49 § 2, 2012.)

15.20.090 Conflicts. When conflicts between this code and the conditions of listing or the manufacturer's installation instructions occur, the Building Official shall make the final determination. (Ord. 12-49 § 2, 2012.)

15.20.100 Liability. The requirement stated in this chapter shall not be construed as imposing upon the City, its officers, agents or employees any liability or responsibility for damages to any property or injury to any person due to defective construction or installation. The City or any official, employee or agent thereof shall not assume liability or responsibility whatsoever by reason of any inspection or approval of any installation. (Ord. 12-49 § 2, 2012.)

15.20.110 Severability. If any part or parts of this chapter shall be held to be invalid such invalidity shall not affect the validity of the remaining parts of this chapter. The Governing Body hereby declares that it would have passed the remaining parts of this chapter if it had known that such part or parts thereof would be declared invalid. (Ord. 12-49 § 2, 2012.)

Previous Swimming Pool Code was codified with the following ordinances. (Ord. 08-89, 2008; Ord. 01-82, 2001; Ord. 98-81, 1998; Ord. 93-23, 1993; Prior code § 4-1102 thru 1109.)

CHAPTER 15.22

PROPERTY MAINTENANCE CODE

Sections:

15.22.010	Code Adopted
15.22.020	Marked Copies of Code on File
15.22.030	Code Official
15.22.040	Section 103 Deleted – Department of Property Maintenance Inspection
15.22.050	Section 106 Amended – Violations
15.22.060	Section 107.5 Amended – Penalties
15.22.070	Section 111 Amended – Means of Appeal
15.22.080	Section 302 Deleted – Exterior Property Areas
15.22.090	Section 303 Deleted – Swimming Pools, Spas and Hot Tubs
15.22.100	Section 304 Deleted – Exterior Structure
15.22.110	Section 306 Deleted – Component Serviceability
15.22.120	Section 308 Deleted – Rubbish and Garbage
15.22.125	Section 606 Amended – Elevators, Escalators And Dumbwaiters.
15.22.130	Liability
15.22.140	Severability

15.22.010 Code Adopted. The 2012 International Property Maintenance Code, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795 is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Sections 15.22.030 through and including 5.22.140. (Ord. 12-50 § 2, 2012.)

15.22.020 Marked Copies of Code on File. There shall be not less than one (1) copy of the code adopted by reference in Section 15.22.010 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, and which shall be marked or stamped, “Official Copy as Incorporated by Ordinance No. 12-50” with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk and open to inspection and available to the public at all reasonable hours. The Fire Department, Municipal Judges and all administrative departments of the City charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the City, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient. (Ord. 12-50 § 2, 2012.)

15.22.030 Code Official. The Chief Building Official or his or her designee will be known as the “Building Official, “Code Official” or “Administrative Authority” for the purposes of this chapter and will have the duty of enforcing provisions of this chapter. (Ord. 12-50 § 2, 2012.)

15.22.040 Section 103 Deleted – Department of Property Maintenance Inspection. Section 103 of the International Property Maintenance Code is hereby deleted. (Ord. 12-50 § 2, 2012.)

15.22.050 Section 106 Amended – Violations. Section 106 of the International Property Maintenance Code is hereby amended to read as follows:

SECTION 106 VIOLATIONS

106.1 Unlawful acts. It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sublessee, or occupant, to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this code or any order issued by the Building Official hereunder. Any person violating the provisions of this section shall be guilty of a misdemeanor for each day such violation continues and shall be punished as provided in Section 1.16.010 of the Olathe Municipal Code. (Ord. 12-50 § 2, 2012.)

15.22.060 Section 107.5 Amended – Penalties. Section 107.5 of the International Property Maintenance Code is hereby amended to read as follows:

107.5 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 1.16.010 of the Olathe Municipal Code. (Ord. 12-50 § 2, 2012.)

15.22.070 Section 111 Amended – Means of Appeal. Section 111 of the International Property Maintenance Code is hereby amended to read as follows:

SECTION 111 MEANS OF APPEAL

111.1 Board of Code Review. A Board of Code Review shall be created and empowered to act as an appeals board in order to provide reasonable interpretation of the provisions of this code, to mitigate specific provisions of this code which creates practical difficulties in their enforcement, and to hear appeals provided for hereunder. Copies of all rules of procedures adopted by the board shall be delivered to the Chief Building Official, who shall make them accessible to the public.

111.2 Procedures for Conduct of Hearing Appeals.

- A. **Hearing.** The board shall conduct all hearings.
- B. **Record.** A record of the entire proceedings shall be made by audio recording, or by any other means of permanent recording determined to be appropriate by the board.
- C. **Continuances.** The board may grant continuances for good cause shown.
- D. **Oaths.** In any proceedings under this chapter, the board, or any board member, has the power to administer oaths and affirmations to certify to official acts.
- E. **Reasonable Dispatch.** The board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

111.3 Form of Notice of Hearing. The notice to appellant shall be substantially in the following form, but may include other information:

You are hereby notified that a hearing will be held before the Board of Code Review at _____, on the day of _____, 20 ____, at the hour of _____, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you.

111.4 Conduct of Hearing.

- A. **Rules.** Hearings need not be conducted according to the technical rules relating to evidence and witnesses.
- B. **Hearsay Evidence.** Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.
- C. **Admissibility of Evidence.** Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.
- D. **Exclusion of Evidence.** Irrelevant and unduly repetitious evidence shall be excluded.

- E. **Rights of Parties.** Each party shall have these rights, among others:
1. To call and examine witnesses on any matter relevant to the issues of the hearing;
 2. To introduce documentary and physical evidence;
 3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 4. To impeach any witness regardless of which party first called him/her to testify;
 5. To rebut the evidence against him/her;
 6. To represent himself/herself or to be represented by anyone of his/her choice who is lawfully permitted to do so.
- F. **Official Notice.**
1. **What may be noticed.** In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the board or departments and ordinances of the City or rules and regulations of the board.
 2. **Parties to be notified.** Parties at the hearing shall be informed of the matters to be noticed, and these matters shall be noted on the record, referred to therein, or appended thereto.
 3. **Opportunity to refute.** Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the board.
 4. **Inspection of the premises.** The board may inspect any building or premises involved in the appeal during the course of the hearing, provided that
 - a. notice of inspection shall be given to the parties before the inspection is made,
 - b. the parties are given an opportunity to be present during the inspection, and
 - c. the board shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the board or hearing examiner.

111.5 Method and Form of Decision.

- A. **Hearing Before the Board.** When a contested case is heard before the board, no member thereof who did not hear the evidence or has not read the entire record of the proceedings shall vote on or take part in the decision.
- B. **Form of Decision.** The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent to him by certified mail, postage prepaid, return receipt requested.
- C. **Effective Date of Decision.** The effective date of the decision shall be as stated therein. (Ord. 12-50 § 2, 2012.)

15.22.080 Section 302 Deleted – Exterior Property Areas. Section 302 of the International Property Maintenance Code is hereby deleted. (Ord. 12-50 § 2, 2012.)

15.22.090 Section 303 Deleted – Swimming Pools, Spas and Hot Tubs. Section 303 of the International Property Maintenance Code is hereby deleted. (Ord. 12-50 § 2, 2012.)

15.22.100 Section 304 Deleted – Exterior Structure. Section 304 of the International Property Maintenance Code is hereby deleted. (Ord. 12-50 § 2, 2012.)

15.22.110 Section 306 Deleted – Component Serviceability. Section 306 of the International Property Maintenance Code is hereby deleted. (Ord. 12-50 § 2, 2012.)

15.22.120 Section 308 Deleted – Rubbish and Garbage. Section 308 of the International Property Maintenance Code is hereby deleted. (Ord. 12-50 § 2, 2012.)

15.22.125 Section 606 Amended – Elevators, Escalators And Dumbwaiters. Section 606 of the International Property Maintenance Code is hereby amended to read as follows:

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A 17.1. The most current Certificate of Inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter or be available for public inspection in the office of the building operator. The effective date of this Section is January 1, 2017.

606.1.1. Certificate of Inspection. The Certificate of Inspection shall be issued by the Building Official to the property owner after receiving the required test report and elevator certification fee. Failure to supply the required test report and elevator certification fee shall result in a declaration by the Building Official that the elevator, escalator, or dumbwaiter is unfit for operation and further operation of the elevator, escalator, or dumbwaiter is prohibited and unlawful.

606.1.2. Testing. The property owner shall have each elevator, escalator, and dumbwaiter on the property tested by a certified elevator tester at the time of installation, repair, or remodel and at least on an annual schedule thereafter. Said elevator tester shall complete and submit to the Building Official the annual test report and elevator certification fee within fourteen (14) days of the annual test date. Failure to supply the annual test report and elevator certification fee within fourteen (14) days of the annual test date shall subject the property owner to an investigation/enforcement fee that shall be in addition to the required elevator certification fee. The investigation/enforcement fee shall be adopted by the Governing Body of the City by resolution. The payment of such investigation/enforcement fee shall not exempt any person from compliance with all other provisions of either this code or the technical codes nor from any penalty prescribed by law.

Exception: Elevators, escalators, and dumbwaiters installed in an owner-occupied one- and two-family dwelling unit are exempt from the annual testing requirement. The owner-occupant of a one- or two-family dwelling unit shall have each elevator, escalator, and dumbwaiter within their dwelling unit tested by a certified elevator tester at the time of installation, repair, or remodel only.

606.1.3. Elevator Certification Fee. There is hereby established a fee for issuance of a Certificate of Inspection for an elevator, escalator, or dumbwaiter that has been inspected and tested by a certified elevator tester on behalf of the City pursuant to this Section. The testing fee shall be adopted by the Governing Body of the City by resolution.

606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing. (Ord. 15-53 § 1, 2015.)

15.22.130 Liability. The requirement stated in this chapter shall not be construed as imposing upon the City, its officers, agents or employees any liability or responsibility for damages to any property or injury to any person due to defective construction or installation. The City or any official, employee or agent thereof shall not assume liability or responsibility whatsoever by reason of any inspection or approval of any installation. (Ord. 12-50 § 2, 2012.)

15.22.140 Severability. If any part or parts of this chapter shall be held to be invalid such invalidity shall not affect the validity of the remaining parts of this chapter. The Governing Body hereby declares that it would have passed the remaining parts of this chapter if it had known that such part or parts thereof would be declared invalid. (Ord. 12-50 § 2, 2012.)

Previous Property Maintenance Code codified as the Housing Code was codified with the following ordinances. (Ord. 11-29, 2011; Ord. 01-81, 2001; Ord. 98-76, 1998; Ord. 93-28, 1993; Ord. 90-34, 1990; Ord 89-97, 1989; Ord. 86-127, 1986; Ord. 82-108, 1982; Ord. 920, 1979.)

CHAPTER 15.24

ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES

Sections:

15.24.010	Code Adopted
15.24.020	Marked Copies of Code on File
15.24.030	Code Official
15.24.040	Conflicts
15.24.050	Liability
15.24.060	Severability

15.24.010 Code Adopted. Accessible and Usable Buildings and Facilities (ICC A117.1-2009), published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795 is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Sections 15.24.030 through and including 15.24.060. (Ord. 12-51 §1, 2012.)

15.24.020 Marked Copies of Code on File. There shall be not less than one (1) copy of the code adopted by reference in Section 15.24.010 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, and which shall be marked or stamped, “Official Copy as Incorporated by Ordinance No. 12-51” with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk and open to inspection and available to the public at all reasonable hours. The Fire Department, Municipal Judges and all administrative departments of the City charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the City, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient. (Ord. 12-51 §1, 2012.)

15.24.030 Code Official. The Chief Building Official or his or her designee will be known as the “Building Official, “Code Official” or “Administrative Authority” for the purposes of this chapter and will have the duty of enforcing provisions of this chapter. (Ord. 12-51 §1, 2012.)

15.24.040 Conflicts. When conflicts between this code and the conditions of listing or the manufacturer’s installation instructions occur, the Chief Building Official shall make the final determination. (Ord. 12-51 §1, 2012.)

15.24.050 Liability. The requirement stated in this chapter shall not be construed as imposing upon the City, its officers, agents or employees any liability or responsibility for damages to any property or injury to any person due to defective construction or installation. The City or any official, employee or agent thereof shall not assume liability or responsibility whatsoever by reason of any inspection or approval of any installation. (Ord. 12-51 §1, 2012.)

15.24.060 Severability. If any part or parts of this chapter shall be held to be invalid such invalidity shall not affect the validity of the remaining parts of this chapter. The Governing Body hereby declares that it would have passed the remaining parts of this chapter if it had known that such part or parts thereof would be declared invalid. (Ord. 12-51 §1, 2012.)

CHAPTER 15.32 WATER CONDITIONING CONTROL. Repealed 8/20/13. (Ord. 13-44 § 1, 2013; Ord. 02-148 § 1, 2002; Ord. 131 § 1-4, 1972; prior code § 4-601-604.)

CHAPTER 15.36 DANGEROUS STRUCTURES.* Repealed 8/20/13. (Ord. 13-45 § 1, 2013; Ord. 345 § 1, 1975; Ord. 339 § 2-9, 1975.) *For statutory provisions pertaining to dangerous structures, see K.S.A. 12-1750 and the sections that follow.

CHAPTER 15.38

BUILDING AND PROPERTY MAINTENANCE

Sections:

15.38.010	Legislative Findings.
15.38.020	Scope.
15.38.030	Definitions.
15.38.040	Public Officer.
15.38.050	Responsibility.
15.38.060	Corporations; Responsibility.
15.38.070	Individual Liability for Corporate Violations.
15.38.080	Right of Entry; Unlawful Interference; Penalty.
15.38.090	Foundation.
15.38.100	Exterior Wall Surface.
15.38.110	Trim.
15.38.120	Windows and Doors.
15.38.130	Roofing and Guttering.
15.38.140	Attached Structures.
15.38.150	Fences.
15.38.160	Pools of Water.
15.38.170	Animal Sanitation.
15.38.180	Unsanitary Premises.
15.38.190	Land Maintenances.
15.38.200	Detached Sheds, Garages, or Other Out Buildings.
15.38.210	Hard Surfaces, Walkways and Driveways.
15.38.220	Outdoor Storage - One and Two-Family Dwellings.
15.38.230	Outdoor Storage - Other Property.
15.38.240	Maintenance after Casualty Damage.
15.38.250	Notice of Violation.
15.38.260	Penalty.
15.38.270	Appeals.

15.38.010 Legislative Findings. The Governing Body finds that there exists structures and lands within the City which have a blighting influence on surrounding properties and neighborhoods. These structures and lands cause blight because walls, sidings or exteriors are not painted or properly maintained; there is inadequate maintenance of building trim, windows, doors roofing, guttering foundations and detached structures; and there exists unsightly stored or parked material, equipment, supplies, machinery, inoperable trucks or automobiles, or parts thereof, upon the property. The Governing Body further deems it necessary to require or cause such structures and lands to be adequately maintained. (Ord. 97-24 § 1, 1997.)

15.38.020 Scope. The provisions of this chapter shall apply to residential and nonresidential structures, to residential and nonresidential lands and to vacant lots. (Ord. 97-24 § 1, 1997.)

15.38.030 Definitions. The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section unless otherwise defined in the text of the section:

(a) 'Chapter' or 'this chapter' shall mean Chapter 15.38 of the Olathe Municipal Code.

(b) 'Code' or 'this code' shall mean the Olathe Municipal Code.

(c) 'Land,' except where specifically limited, or where the context would require limitation, the use of the terms 'land' or 'real property' shall refer to residential land, nonresidential land and vacant lots.

(d) 'Nonresidential land' shall mean the real property on which nonresidential structures are situated.

(e) 'Nonresidential structure' shall mean any structure which is used for other than residential purposes, or a part of such structure, or a structure a part of which is used for other than residential purposes and, where applicable, the premises on which such structures are situated.

(f) 'Occupant' shall mean any person (including an owner) having actual possession and use of a residential or nonresidential structure or land.

(g) 'Owner' shall mean any person, partnership or corporation who alone or jointly or severally with others has legal title to residential or nonresidential land and/or structures or vacant lots or any person, partnership or corporation who is trustee or guardian of the estate or person of the title holder.

(h) 'Person' shall mean an individual, firm, corporation, association, or partnership.

(i) 'Public officer' shall mean a Code Enforcement Officer, a Police Officer, or any other individual designated as a public officer by the City Manager.

(j) 'Residential land' shall mean the real property on which residential structures are situated.

(k) 'Residential structure' shall mean any building or structure or part thereof, used and occupied for human habitation, or intended to be so used if unoccupied and includes any appurtenances belonging thereto or usually enjoyed therewith.

(l) 'Sales inventory' shall mean all equipment, vehicles and products which are displayed or available for sale or temporarily stored on the premises for repair or service.

(m) 'Section' shall mean the stated section of the Olathe Municipal Code.

(n) 'Structure' except where specifically limited, or where the context would require limitation, the use of the word 'structure' within this chapter shall refer to both residential and nonresidential structures.

(o) 'Trim' shall mean all finish elements to the exterior of the structure including but not limited to finish elements surrounding windows, doors and other openings, ornamental features and fascia board.

(p) 'Vacant lot' shall mean any real property on which there is situated no residential or nonresidential structure. (Ord. 97-24 § 1, 1997.)

15.38.040 Public Officer. The Code Enforcement Director is hereby designated the public officer to exercise the powers prescribed by this chapter. In addition to the authority which may be specifically provided in this chapter, the public officer may exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter. The public officer may appoint and fix the duties of such officers, agents and employees as the public officer deems necessary to carry out the purposes of this chapter and may delegate any of the aforementioned functions or powers to such officer, agents and employees. (Ord. 97-24 § 1, 1997.)

15.38.050 Responsibility. Every person, either as owner or occupant of any land or structure described in this chapter, shall maintain such land or structure in compliance with the requirements of this chapter. (Ord. 97-24 § 1, 1997.)

15.38.060 Corporations; Responsibility.

(a) A corporation is responsible under this chapter for acts committed by its agents when acting within the scope or their authority.

(b) 'Agent' means any director, officer, servant, employee or other person who is authorized to act on behalf of the corporation. (Ord. 97-24 § 1, 1997.)

15.38.070 Individual Liability for Corporate Violation.

(a) An individual who violates any provision of this chapter, or causes such violations to exist, in the name of or on behalf of a corporation is legally responsible to the same extent as if such violations were in his or her own name or on his or her own behalf.

(b) An individual who has been convicted of a violation of this chapter based on conduct performed by him or her for and on behalf of a corporation is subject to punishment as an individual upon conviction of such violation. (Ord. 97-24 § 1, 1997.)

15.38.080 Right of Entry; Unlawful Interference; Penalty.

(a) Any authorized officer or agent of the City, pursuant to this chapter, shall be allowed to enter onto any land within the City Limits to investigate violations of this chapter, provided that such entries shall be made in such a manner as to cause the least possible inconvenience to the persons in possession and said officer or agent shall obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

(b) Any authorized officer or agent of the City pursuant to this chapter shall be allowed to enter onto any land within the City Limits to abate violations of this chapter.

(c) It shall be unlawful for any person to interfere with a public officer or agent of the City in performing his or her duties pursuant to this chapter whether investigating or abating violations.

(d) Any person who interferes with an officer or agent of the City pursuant to this chapter shall be punished as provided in Section 15.38.260 of this chapter. (Ord. 97-24 § 1, 1997.)

15.38.090 Foundation.

(a) The foundation of a structure shall be maintained higher than the adjacent ground level and have no openings, except for necessary ventilation holes. If ventilation holes are needed, the holes shall be adequately screened to prevent animals from entering under the structure.

(b) The foundation elements shall support the structure at all points.

(c) Any repair or replacement necessitated by this section shall be accomplished with materials that are compatible with the remaining foundation. (Ord. 97-24 § 1, 1997.)

15.38.100 Exterior Wall Surface. Exterior wall surfaces, including screened-off areas, doors and windows, shall be free of holes or breaks, loose or damaged construction materials and any other conditions which might admit rain, insects or animals to the interior portions of the walls or occupied spaces of the structure. Cracks in mortar between bricks or stone in excess of one-fourth (1/4) of an inch in size shall be sealed. All exterior wall surfaces shall be maintained and kept in repair using materials compatible with the remaining undamaged wall surfaces and recognized as acceptable pursuant to City building code. Where an existing painted wall surface has areas of chipping, peeling, scaling or missing paint greater than twenty-five percent (25%) of the painted area, then such surface shall be repainted or stripped of all paint and given a water-resistant coating if necessary. (Ord. 97-24 § 1, 1997.)

15.38.110 Trim. All trim shall be maintained in sound condition free of holes, breaks or loose or damaged construction materials. Areas that are damaged as described herein shall be repaired or replaced with material compatible with the remaining undamaged trim. Where trim has been previously painted and any trim surface contains areas of chipping, peeling, scaling or missing paint greater than twenty-five percent (25%) of the trim surface, then such surface shall be repainted or stripped of all paint and given a water-resistant coating if necessary. (Ord. 97-24 § 1, 1997.)

15.38.120 Windows and Doors.

(a) Every exterior opening shall be fitted with a window, door, basement hatchway cover or crawl space cover, as appropriate. Every doorway which gives access from a habitable room or area to the exterior of the structure shall be fitted with a door, equipped with hardware capable of ensuring security and privacy to the occupants of such habitable room or structure.

(b) Every window shall be in good condition and fit tightly within its frame. All windows shall be fully supplied with glass windowpanes without open cracks or holes. Windowpanes may only be repaired using a means specifically designed for glass repair and approved by the public officer, or another materials may be substituted for the glass if it is similar in appearance and form to glass and is approved by the public officer. An entire window unit may be replaced with a building material suitable for exterior use and finished to match the adjacent wall surfaces. If screens, frames for screens or storm windows are provided, the entire assembly shall be maintained in good effective working condition and repair. When present, awnings are to be kept in good repair. Every other opening located within four (4) feet of the ground level shall be protected against the possible entry of insets and rodents.

(c) Every exterior door shall be maintained in good condition and when closed shall fit well within its frame. Every door hinge and door latch shall be maintained in effective working condition. Every door available as an exit shall be capable of being easily opened from the inside. Where a door has been previously painted and any door surface contains areas of chipping, peeling, scaling or missing paint greater than twenty-five percent (25%) of the door surface, then such surface shall be repainted or stripped of all paint and given a water-resistant coating if necessary. (Ord. 97-24 § 1, 1997.)

15.38.130 Roofing and Guttering. The roof, eave and soffit shall be structurally sound, tight and shall not admit rain. Any roof surface that will allow water to enter the structure will be repaired at the point (s) of leaks by materials that are compatible with the existing roof material. If the roof has deteriorated and has lost its water repellent characteristics, the affected area will be replaced with materials compatible with the unaffected portions of the roof. Any guttering or downspouts that have been broken, rusted or damaged shall be repaired or replaced with materials that are compatible with the undamaged guttering and downspouts. Where guttering or downspouts have been previously painted and any surface contains areas of chipping, peeling, scaling or missing paint greater than twenty-five percent (25%) of the guttering or downspout surface, then such surface shall be repainted or stripped of all paint and given a water-resistant coating if necessary. (Ord. 97-24 § 1, 1997.)

15.38.140 Attached Structures. Porches, landings, fire escapes, decks, railing and exterior stairs shall be maintained in a safe and functional condition and kept in good repair. Any repair or replacement work required pursuant to this section shall be accomplished with materials that are compatible to the undamaged portions of the structure. (Ord. 97-24 § 1, 1997.)

15.38.150 Fences. All fencing (except agricultural fencing), including gates, shall be maintained in sound condition free of damage, breaks or missing structural members. Areas that are leaning, buckling, sagging or deteriorating shall be repaired or replaced with materials compatible with the undamaged portions of the fence or removed. Where fencing has been previously painted and there are areas of chipping, peeling, scaling or missing paint greater than twenty-five percent (25%) of the fence surface, then such surface shall be repainted or stripped of all paint and given a water-resistant coating if necessary. (Ord. 97-24 § 1, 1997.)

15.38.160 Pools of Water. Ponds, reservoirs, swimming pools or other receptacles of water shall be maintained free of trash, debris, garbage or other effluvia, and shall not serve as breeding ground for insects or other vectors. Fencing or other protective barriers around swimming pools shall be maintained to serve the intended purpose of restricting entry of small children. Holes in or under barriers shall be fixed or repaired. Malfunctioning self-closing, self-latching devices and locking materials on gates shall be repaired or replaced. (Ord. 97-24 § 1, 1997.)

15.38.170 Animal Sanitation. No excessive accumulation of animal waste shall be permitted on any property. Animal wastes shall not be disposed of in an open ditch or storm drain. Property owners or occupants of land shall be responsible for the proper burial or disposal of dead animals. (Ord. 97-24 § 1, 1997.)

15.38.180 Unsanitary Premises. No owner, occupant or other person shall allow the accumulation of garbage or refuse on any land which causes or creates a foul, unhealthy or offensive smell, or in which disease-carrying insects, rodents or other vermin may breed, or may reasonably be expected to breed. For the purposes of this section the word “garbage” shall mean animal and vegetable waste resulting from the handling, preparation, cooking, storage, or consumption of food. The word “refuse” shall mean all putrescible and nonputrescible solid wastes, including garbage, rubbish, debris, ashes, street cleanings, dead animals, abandoned or inoperable automobiles, abandoned or inoperable household appliances, movable furniture not designed for or modified to withstand the elements and outdoor use, and industrial wastes. (Ord. 97-24 § 1, 1997.)

15.38.190 Land Maintenance. Land, whether vacant or occupied by structures, shall be maintained in such manner to be free of conditions that constitute health and safety hazards, encourage abuse and trespassing by others, create a blighting effect in the neighborhood or otherwise adversely affect adjacent properties. (Ord. 97-24 § 1, 1997.)

15.38.200 Detached Sheds, Garages or Other Out Building. Detached sheds, garages or other out buildings shall be maintained in the same manner as provided in Sections 15.38.090 through 15.38.140 or removed. Provided, however, that out buildings on agriculturally zoned property and used for agricultural purposes shall be exempt from the requirements of this section. (Ord. 97-24 § 1, 1997.)

15.38.210 Hard Surfaces, Walkways and Driveways. Hard surfaces, parking lots, walkways and driveways on private property shall not be allowed to deteriorate to the extent they constitute a safety hazard. For the purposes of this section, the term ‘safety hazard’ shall include but not be limited to a paved surface which is broken, buckled, heaved, collapsed or missing to the degree that vehicles using the surface are at risk of being damaged or pedestrians walking on the surface are at risk of falling or tripping. (Ord. 97-24 § 1, 1997.)

15.38.220 Outdoor Storage - One and Two-Family Dwellings. No property owner or resident shall allow the placement, storage, installation or construction of any item, object or structure on any property zoned or used for a single-family or two-family residence except as specifically and explicitly permitted by this section. The following items, objects or structures are permitted:

(a) Any item, object or structure permitted under the applicable provisions of the Unified Development Ordinance and Municipal Code, in full compliance with the authorizing provision. The intent of this subsection is to permit only those items specifically permitted under the applicable zoning district regulations or the applicable accessory use regulations.

(b) Authorized trash containers stored and maintained in compliance with the requirements of Chapter 6.04 of the Olathe Municipal Code.

(c) Firewood, neatly stacked, provided that such storage shall not occur at any location on the property that is closer to a street than the nearest primary wall surface of the residence. For the purposes of this section, 'primary wall surface' shall mean any exterior wall surface of the residence that is visible from the street and not perpendicular to the street, but excluding porches, carports and minor building projections such as fireplaces or bay windows.

All other items. Any item, object or structure not specifically authorized in subsections (a), (b) or (c) must be located within a fully enclosed structure, or within the back yard and substantially screened from view from any adjacent property.

The Director of Planning may approve mature landscape materials as an acceptable screen if he/she determines that it provides the substantial equivalent of approved fence or wall materials. Materials for a fence or wall shall be of a type, material and quality compatible with the immediate neighborhood, as determined by the Director of Planning. Such screening shall be constructed and maintained in accordance with applicable City codes and shall be adequate to prevent substantial viewing of the enclosed objects from any place within the adjacent property or any structure located on that property.

Notwithstanding any other applicable provisions, permitted items, objects or structures shall occupy no more than twenty percent (20%) of the allowable outside storage area. In measuring the area occupied by such items, objects or structures to determine if the permitted twenty percent (20%) is exceeded, a rectangle shall be constructed to include all points where any such item, object or structure is located, and the area shall be calculated to include all that area within the rectangle. This method of calculating area shall not apply to those items specifically authorized in subsections (a), (b) or (c) above. (Ord. 97-24 § 1, 1997.)

15.38.230 Outdoor Storage - Other Property. No property owner or occupant shall allow the placement, storage, installation or construction of any item, sales inventory, object or structure on any property other than that property zoned or used for a single-family or two-family residence except as specifically and explicitly permitted by this section. The following items, objects or structures are permitted:

(a) Any item, sales inventory, object or structure permitted under the applicable provisions of the Unified Development Ordinance and Municipal Code, in full compliance with the authorizing provision. The intent of this subsection is to permit only those items specifically permitted under the applicable zoning district regulations or the applicable accessory use regulations.

(b) Authorized trash containers stored and maintained in compliance with the requirements of Chapter 6.04 of the Olathe Municipal Code. (Ord. 97-24 § 1, 1997.)

15.38.240 Maintenance after Casualty Damage. Within a period of ninety (90) days after casualty damage to any premises, the owner and operator shall take the following steps.

(a) Contract for the repair and restoration of damage areas and removal of debris.

(b) Contract for the demolition and removal of any part of the premises not to be repaired and restored and for the removal of debris in connection therewith.

Should an adjustment of insurance claims take longer than ninety (90) days, the Director of Code Enforcement may grant an extension in the period of time needed to comply with this section. (Ord. 97-24 § 1, 1997.)

15.38.250 Notice of Violation. Whenever the public officer shall find a violation of this Chapter, such officer shall issue a notice and order to the owner thereof of such violation. Such notice and order shall contain:

(a) The street address and a legal description sufficient for identification of the owner's property.

(b) A statement by the public officer that such officer has found the owner's property to be in violation of this chapter and a detailed description of the conditions of the property giving rise to the violation or violations.

(c) (1) For violations of sections 15.38.090, 15.38.100, 15.38.110, 15.38.120, 15.38.130, 15.38.140, 15.38.150, 15.38.200, and 15.38.210 a statement by the public officer that such officer has determined that the property must be repaired or properly maintained and an order requiring that all required permits be secured therefore and the work physically commenced within sixty (60) days, weather permitting, from the date of the notice and order and completed within such time as the public officer shall determine is reasonable under all of the circumstances. (2) For Violations of sections 15.38.160, 15.38.170, 15.38.180, 15.38.190, 15.38.220, 15.38.230, and 15.38.240, a statement by the public officer that such officer has determined the violation must be corrected within (10) days from the date of the notice and order.

(d) An information sheet listing the programs available to the public to help defray the costs of remedying a violation.

(e) A statement detailing the right to appeal a notice and order and the appeal procedures.

The notice and order shall be given or served upon the owner, operator, occupant or other person responsible for the condition or violation either by personal service, or by delivering the same to and leaving it with some person of suitable age and discretion upon the premises; or, if no person is found on the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises and by mailing a copy thereof to such person by registered or certified mail to his last known address. (Ord. 97-24 § 1, 1997.)

15.38.260 Penalty. Any person, firm or corporation violating Section 15.38.080 or with any notice or order issued under Section 15.38.250 shall be punished for the first conviction by a fine of not more than Two Hundred Fifty Dollars (\$250.00); for a second conviction within two (2) years thereafter such person shall be punished by a fine of not more than Five Hundred Dollars (\$500.00); and upon a third or subsequent conviction within two (2) years after the first conviction such person shall be punished by a fine of not more than One Thousand Dollars (\$1000.00). (Ord. 97-24 § 1, 1997.)

15.38.270 Appeal. Until January 1, 1998, any owner may appeal a notice and order issued under Section 15.38.250 to the City Council. From and after January 1, 1998, the appeal shall be made to the Property Maintenance Appeal Board. An appeal shall be initiated by submitting an appeal request to the City Clerk within ten (10) days of the date of the service of the notice and order, unless the tenth day falls upon a Saturday, Sunday or holiday, in which case the tenth day shall be the next business day. No precise form of appeal is required, but the City shall provide forms to assist those who want to use them. The City Clerk upon receiving the appeal report shall schedule the appeal and notify in writing the person taking the appeal, and any other person who asks in writing for notice. In considering the appeal, the Board may affirm, modify, extend or overrule the decision in a manner that is consistent with the provisions of this chapter. All decisions of the Board shall be in writing and the decision rendered shall be a final administrative decision. (Ord. 97-24 § 1, 1997.)

CHAPTER 15.40 MOVING BUILDINGS. Repealed 8/20/13. (Ord. 11-30 § 1, 2011; Ord. 02-149 § 1, 2002; Ord. 87-171 § 1, 1987; Ord. 84-14 § 2, 1984; Ord. 109 § 1, 1972; Ordinance 328-C, 1970; prior code & 4-901.)

CHAPTER 15.52

MOBILE HOMES

Sections:

15.52.010	Definitions.
15.52.020	Mobile Homes--Where Permitted.
15.52.030	Trailers--Where Permitted.
15.52.040	Mobile Homes and Trailers as Nonresidential Structures.
15.52.050	Mobile Home Parks--Minimum Standards.
15.52.060	Mobile Home Park--Plan Approval.
15.52.070	Mobile Home Subdivisions.
15.52.080	Mobile Homes--Structural Quality (Repealed).
15.52.090	Mobile Home Park or Subdivision--Management.
15.52.100	Mobile Home Park--License Required--Fee.
15.52.110	Nonconformance--License Cancellation.

15.52.010 Definitions.

(a) "Drive" means a right-of-way which affords principal means of vehicular access to or through a mobile home or trailer park, and which is owned and maintained by the owner or operator of the park.

(b) "Mobile home" means a residential structure, assembled in total or in not more than three sections at a factory, and transported over the road by truck or temporary wheel carriage to its destination.

(c) "Mobile home, double wide" means a mobile home, as defined above, and having been built in two sections at the factory, which two sections are transported over the road separately, with assembly into one structure of a width of not less than twenty feet occurring at the destination.

(d) "Mobile or modular home subdivision" means an area of land containing not less than sixty lots, and the public streets necessary to serve such lots, the purpose of which is to convey in fee the individual lots for the location of mobile homes or modular homes in a permanent fashion.

(e) "Mobile home park" means a tract of land containing suitable drives, utilities and other supporting elements, and devoted to the sole purpose of accommodating mobile homes on a permanent or semipermanent basis.

(f) "Mobile home, single wide" means a mobile home, as defined above, and being of a width of not more than twelve feet, measured between the permanent sidewalls thereof.

(g) "Mobile home space" means that area of land within a mobile home park set aside for use as a site for one mobile home, including the open spaces around the mobile home, as are required in this chapter.

(h) "Modular home" means a residential structure, assembled in total or in several sections at a factory, and transported over the road by truck to its destination. A modular home, as distinct from a mobile home, shall have exterior building materials and appearance similar to the customary single family structures in the neighborhood, and shall be permanently situated on a concrete slab or foundation.

(i) "Street" means a right-of-way which affords principal means of vehicular access to or through a mobile home or trailer park, and which is held in fee by the public or a governmental unit thereof.

(j) "Trailer" means a vehicle equipped with wheels, and normally towed over the road behind an automobile or light truck.

(k) "Trailer, advertising" means a trailer, as defined above, but carrying, or having attached thereto, a sign, billboard, or other media for advertising purposes, such advertising being the prime purpose and use of the trailer.

(l) "Trailer, camping" means a trailer, as defined above, and equipped with an enclosure for sleeping while on vacation or other trips of short duration. Such camping trailers may also contain cooking, bath and sanitary equipment. Size and furnishing of such camping trailers may vary widely, but in no case shall they be considered structures for residential use of a temporary or permanent nature, for purposes of this chapter.

(m) "Trailer, hauling" means a trailer, as defined above, and designed and normally used for over-the-road transportation of belongings, equipment, merchandise, livestock and other objects, but not equipped for human habitation.

(n) "Trailer park" means a tract of land containing sites for the overnight or short term parking of camping trailers. (Ord. 347-C § 1, 1970.)

15.52.020 Mobile Homes--Where Permitted.

(a) Within the corporate limits of the City of Olathe, a single-wide mobile home may be permitted only in an approved mobile homes park. A double-wide mobile home may be permitted in an approved mobile homes park or on a permanent slab or foundation on a lot which complies with all the regulations of the zoning and subdivision ordinances of the City of Olathe. Such double-wide structure to be located outside an approved park shall first be submitted to the Planning Commission for review as to architectural conformity with the surrounding neighborhood, based upon the following:

- (1) The physical condition of the structure is sound, well maintained and of neat appearance;
- (2) The proposed site of the structure is not in a neighborhood which contains homes of size and value sufficiently higher than will result from the establishment of the double-wide mobile home such that the contrast in appearance will depress property values in the neighborhood.

(b) A mobile home may also be permitted by the Governing Body, after public hearing, for the purposes of temporary relief from a local disaster, such as fire, wind, or flood damage, provided such mobile home shall be removed from the premises within six months of its original placement.

(c) A mobile home shall not be temporarily or permanently parked or located on any public street or alley, nor on any lot containing a residential or business structure, except when in complete conformity with the zoning and other ordinance of the City of Olathe. (Ord. 87-30 § 32, 1987; Ord. 347-C § 2, 1970.)

15.52.030 Trailers--Where Permitted.

(a) **CAMPING TRAILERS.** Camping trailers may be parked in a campground or trailer park, provided such camp area is in conformance with the zoning and other ordinances of the City of Olathe. No such camping trailer shall be used for permanent or semi-permanent residential purposes. Nothing in this chapter shall prohibit the use of tents, pick-up campers, and other such equipment from also utilizing an approved campground or camper park.

Camping trailers may also be stored, on the basis of one per family, in private garages, or in the side or rear yards of private homes, business or industrial areas, provided no such trailer shall be used for residential purposes.

(b) **ADVERTISING TRAILERS.** Advertising trailers may be permitted only on property zoned District C-2 to M-2, inclusive, and such trailers shall be off the public street, and conform to the setback height and area regulations for other signs in that district.

(c) HAULING TRAILERS. Hauling trailers, as defined herein, may be stored or rented in a District C-2 to M-2, inclusive. Hauling trailers, customarily towed behind passenger cars, and not exceeding eight feet of box length, may also be kept or stored, on the basis of one per family, in private garages, or in the side or rear yard of private homes. (Ord. 347-C § 3, 1970.)

15.52.040 Mobile Homes and Trailers as Nonresidential Structures. A mobile home may be used for the following nonresidential uses:

(a) Temporary office or storage room on the site of a construction project;

(b) Temporary classrooms in connection with public schools or private schools with equivalent curriculums;

(c) Sales office on the site of a mobile homes sales yard or as a leasing or management office in a mobile homes park. An enclosed trailer may be used as a temporary office for sales of trailers and similar equipment, provided such trailer is located on the premises of a sales yard containing equipment to be sold. Any mobile home and trailer use as referred to in this section as temporary shall be permitted for not more than one year, except that a longer period may be allowed by special use permit. All mobile homes and trailers to be used as set out in this section shall be clean, in good condition, have the necessary sanitary facilities, parking areas and landscaping as determined by the building inspector. (Ord. 74 § 1, 1972; Ord. 347-C § 4, 1970.)

15.52.050 Mobile Home Parks--Minimum Standards.

(a) MINIMUM PARK SIZE. No mobile home park shall have a site smaller than will accommodate sixty mobile homes, or comprising less than ten acres.

(b) MINIMUM SPACE SIZE. Each mobile home space shall have dimensions of at least forty-five feet in width and ninety feet in depth. The maximum density for mobile homes parks shall be six mobile homes per acre of land after public street rights-of-way have been deducted,

(c) STANDS AND SKIRTS. Each mobile home space shall contain a Portland cement or asphaltic concrete stand upon which the mobile home will be situated and each home shall be equipped with skirts on all sides, such skirts to be of material harmonious to the mobile home structure.

(d) STREETS AND DRIVES. All public streets within the park shall be improved to city standards for residential streets. All private drives shall be not less than twenty-two feet in width, have Portland cement curbs, and be surfaced with at least six inches of compacted stone base with two inches of hot mix bituminous concrete as the surface course.

(e) PARKING. At least two parking spaces for each mobile home shall be provided within sixty feet of the mobile home. Such parking spaces shall be off the public street or private drive, and each shall be not less than nine feet by twenty feet in size, and shall be surfaced to at least the standard set out above for drives.

(f) PARK AND PLAYGROUND SPACE. Park and playground space shall be provided for occupants of the mobile homes park, on the basis of three hundred square feet for each space in the park. Such playground space shall be separate and aside from the open space provided on each mobile home space, and shall be equipped and maintained for the use of the residents of the park.

(g) OPEN SPACE. Each mobile home shall be located on the mobile home space so that no part of one mobile home structure, including canopies, awnings, carports and other protrusions, is closer than twelve feet to another mobile home, or to the edge of the surface of a drive. No mobile home shall be located closer than thirty feet to the boundary line of the mobile home park or to a public street.

(h) UTILITIES. All liquid waste shall be disposed of through a sanitary sewer system and treatment facility, the plans of which shall be approved by the city engineer prior to construction. All solid wastes shall be disposed of by accumulation in tight containers, and removed at regular intervals by methods to be approved by the city engineer. All power and telephone lines shall be underground, and shall be in compliance with standards of the utility corporation involved. All water supply and distribution shall be approved by the city engineer prior to construction.

The site of the park shall be graded so that surface water will not accumulate, but will run off in a manner that will not adversely affect the residential character of the park or adjacent property. The proposed drainage systems shall be approved by the city engineer prior to construction of streets or other portions of the park. (Ord. 74 § 2, 1972; Ord. 347-C § 5, 1970.)

15.52.060 Mobile Home Park--Plan Approval.

(a) Construction of a mobile home park within the City of Olathe shall begin only after a special use permit has been granted by the Governing Body, in compliance with the zoning ordinance. No such permit shall be granted, however, until a development plan for the proposed mobile homes park has been prepared and submitted by the developer to the Planning Commission, and found satisfactory by the Governing Body, and further submitted to the Governing Body with a recommendation for approval.

(b) Such plan shall be accurately drawn, at a scale acceptable to the city engineer, and shall show the following:

- (1) Proposed street and drive pattern;
- (2) Proposed mobile homes spaces and their approximate dimensions;
- (3) Any existing streets in or abutting the property;
- (4) Location and size of parking spaces;
- (5) Location and size of park and playground area;
- (6) Screening and landscaping;
- (7) Legal description of the tract;
- (8) Name of the developer and the firm preparing the plan;
- (9) North point, scale and date.

(c) The Planning Commission shall, upon submission of three copies of the plan and an application for a special use permit, publish notice and hold a hearing on the proposal, in conformance with the zoning ordinance. The decision of the commission to recommend approval or denial of the proposed mobile home park shall be based upon the following criteria:

- (1) The proposed property will be in harmony, in general, with the Comprehensive Plan of the City of Olathe;
- (2) Safe and efficient ingress and egress of vehicular and pedestrian traffic and an adequate level of utility and other services is assured;
- (3) A safe and healthful living environment will exist for the occupants of the park.

(d) Upon hearing and consideration of the project, the commission shall, within reasonable time, submit its recommendation and an endorsed copy of the plans to the Governing Body for final action. (Ord. 87-30 § 33, 1987; Ord. 48 § 1 1982; Ord. 8 § 1, 1972; Ord. 347-C § 6, 1970.)

15.52.070 Mobile Home Subdivisions. A subdivision for the purpose of selling individual lots in fee for the purpose of mobile home sites may be permitted under the subdivision ordinance of the City of Olathe. Only double wide or larger mobile homes or modular homes, or customary single family dwellings shall be permitted in a mobile homes subdivision. Such structures shall be located in compliance with the yard and lot area requirements of District R-1 of the zoning ordinance, and shall be attached to a permanent concrete foundation or slab. Off-street parking spaces shall be provided in compliance with the zoning ordinance. (Ord. 347-C § 7, 1970.)

15.52.080 Mobile Homes (Repealed). (Ord. 87-169 § 1, 1987; Ord. 347-C § 8, 1970.)

15.52.090 Mobile Home Park or Subdivision--Management. Each mobile home park or subdivision shall be operated in a sanitary, orderly and efficient manner, and shall maintain a neat appearance at all times. No damage or deteriorated remain, and suitable and effective rules for regulating the outside storage or equipment, the removal of wheels and installation of skirting, the collection of trash and garbage, and the attachment of appurtenances to the mobile homes shall be continually enforced.

A map shall be placed at the main entrance to the park, clearly showing the location of each space, and the name and address of the occupant. Such map shall be illuminated at all times, and be enclosed in a weatherproof case, within full view of persons entering the park. All drives, playground area and equipment, lawn and trees, and any recreation or accessory buildings shall be maintained at a level at least equal to the average residential neighborhood in the city. All portions of the mobile home park shall be open and accessible to fire, police and other emergency and protective vehicles and personnel, including city, county and state inspectors. (Ord. 347-C § 9, 1970.)

15.52.100 Mobile Home Park--License Required--Fee. All mobile home parks shall be subject to an annual license, which may be issued by the Governing Body. Compliance with this chapter and all other codes and ordinances of the city shall be necessary prior to the issuance or renewal of the license. A license fee shall be paid by the owner of the Mobile Home Park, upon establishing the park. Thereafter, an annual renewal fee shall be paid for each space occupied on the date of expiration of the previous license. The license fee and annual renewal fee shall be adopted by the Governing Body of the City by resolution. (Ord. 02-150 § 1, 2002; Ord. 87-30 § 34, 1987; Ord. 347-C § 10, 1970.)

15.52.110 Nonconformance--License Cancellation. The owner and/or operator of the mobile home park shall be responsible for conformance to all plans, codes and ordinances and any conditions set out in the special use permit, and any deviation or nonperformance or the occurrence of any nuisance or unhealthful or unsanitary condition, or the termination of a park operation for one year or more, shall constitute grounds for the cancellation of a license or special use permit, or refusal to renew a license on the part of the Governing Body. In addition, the city shall have all remedial and corrective powers conveyed by statutes of the state. (Ord. 87-30 § 35, 1987; Ord. 347-C § 11, 1970.)

CHAPTER 15.53

INSPECTION OF MOBILE HOMES

Sections:

15.53.010 Fees.

15.53.010 Fees. There is hereby established permit fees for each manufactured home installation. The permit fee shall be adopted by the Governing Body of the City by resolution. (Ord. 13-47 § 2, 2013; Ord. 02-151 § 1, 2002; Ord. 87-170 § 1, 1987.)

CHAPTER 15.54 SEVERE STORM SAFETY MEASURES FOR MOBILE AND MODULAR HOMES AND SUBDIVISIONS. Repealed 8/20/13. (Ord. 13-48 § 1, 2013; Ord. 97-44 § 1, 1997.)

CHAPTER 15.60

CONTRACTOR LICENSING AND PERMITS

Section:

15.60.010	County Contractor License – Required
15.60.020	Permit Requirements
15.60.030	License Display
15.60.040	Liability
15.60.050	Separability

15.60.010 County contractor License. It shall be unlawful for any person, firm, corporation, association, or combination thereof to engage in work as a contractor in the city without first having received a contractor license issued by Johnson County, Kansas in conformance with the Contractor Licensing Regulations and Johnson County Resolution 058-01. (Ord. 01-115, § 1, 2001.)

15.60.020 Permit Requirements. Any person, firm, corporation, co-partnership, association or combination thereof seeking any city of Olathe permit required by Title 15, Building Construction shall be required to be licensed by Johnson County, Kansas in accordance with the Contractor Licensing Regulations and Johnson County Resolution 058-01 prior to issuance of a city permit. (Ord. 01-115, § 1, 2001.)

15.60.030 License – Display. Every person, firm corporation, co-partnership, association or combination thereof doing any work in the city as a contractor shall, upon request of any officer of the city show or produce his/her county contractor license. (Ord. 01-115, § 1, 2001.)

15.60.040 Liability. The requirements stated in the chapter shall not be construed as imposing upon the city, its officers, agents or employees any liability or responsibility for damages to any property or injury to any person due to defective construction or installation. The city or any official, employee, or agent thereof shall not assume liability or responsibility whatsoever by reason of any inspection or approval of any installation. (Ord. 01-115, § 1, 2001.)

15.60.050 Separability. If any part or parts of this chapter shall be held to be invalid such invalidity shall not effect the vailidity of the remaining parts of this chapter. The Governing Body hereby delcares that it would have passed the remaining parts of this chapter if it had known that such part or parts thereof would be declared invalid. (Ord. 01-115, § 1, 2001.)

NOTE: Chapter 15.60 previously existed as Underground Utilities and was repealed 10/20/92. (Ord. 92-52, § 3, 1992; Ord. 82-120 § 1, 1982; Ord. 81-06 § 1 (part), 1981.)

CHAPTER 15.61

OLATHE STREET NAMING AND NUMBERING ORDINANCE

Sections:

15.61.010	Definitions
15.61.020	Assignment of Street Names to New or Unnamed Streets
15.61.030	Assignment of Primary Address Numbers to New or Unnamed Streets
15.61.040	Changes to Existing Primary Address Numbers
15.61.050	Changes to Existing Street Names
15.61.060	Official Street File

15.61.010 Definitions.

DIRECTIONAL means any of the four basic compass directions, abbreviated as follows: N, S, E, or W. If a predirectional is used, it is the first element of a street name.

PRIMARY ADDRESS NUMBER means the number assigned to a particular structure of property.

ROOT STREET NAME means all parts of a street name except the street type and, where applicable, the directional. Components of the root street name, including compass directions and street types that are part of the root, are never abbreviated. Numeric root names are an exception; they are always presented as numeric abbreviations except when they must be spelled out to be distinguished from nearby streets with duplicate names.

SECONDARY ADDRESS UNIT means a designation of a particular subunit within a structure identified by a primary address number and street name. The secondary address unit consists of a designator presented as a standard abbreviation followed by a secondary address range of alphanumeric characters.

SITE ADDRESS means all elements necessary to identify a location in a given city; a site address consists of a primary address number, a street name and, in some cases, a secondary address unit.

STREET NAME means the full name of a street, which includes the following elements: a root street name, a street type, and, in some cases, a directional.

STREET TYPE means a road or street type presented as a standard abbreviation following the root street name. The street type is the last element of the street name. Street types that occur in any other position are actually components of the root street name.

15.61.020 Assignment of Street Names to New or Unnamed Streets. The City of Olathe Addressing Technician shall review all site plans prior to approval by the Olathe Planning Commission and shall review all plats prior to their being recorded. Street names are critical elements of site plans and plats; street names on approved site plans and plats may not be changed in any way without the written approval of the City of Olathe Addressing Technician. Site plans and plats must contain all proposed street names (including directionals and street type) and should conform to the City of Olathe Addressing Guidelines, which are on file at the GIS Division and are hereby adopted for use in the City of Olathe.

A. For the area designated as the Historic Olathe Addressing Grid:

1. The Historic Olathe Addressing Grid is hereby bounded by North/South Lakeshore Drive on the west, West 159th Street on the south, and South Renner Road and North/South Mur-Len Road on the east, and on the north by West 127th Street between North Lakeshore Drive and North K-7, West Harold Street between North K-7 and Northgate Street, Northgate Street between West Harold Street and West 119th Street, and West 119th Street between Northgate Street and South Renner Road.

2. The street name, if it is contained within the area known as the Historic Olathe Addressing Grid, must conform to the established name in the Historic Olathe Hundred Block Street Name Index.

B. For the area outside of the Historic Olathe Addressing Grid:

1. The street name, if it is outside of the area known as the Historic Olathe Addressing Grid, must conform to the established name in the Johnson County Hundred Block Street Name Index.

C. For street names deviating from the Johnson County Hundred Block Street Name Index:

1. The GIS Division shall approve only those street names that meet the following guidelines for clarity and uniqueness. The root street name is spelled and pronounced differently than any other street name in any part of Johnson County, Kansas. The City of Olathe Addressing Technician may submit written proposals of new street names to the Johnson County AIMS Division, which may assist the City of Olathe Addressing Technician in determining uniqueness. Immediately prior to determining the uniqueness of a street name, the City of Olathe Addressing Technician shall request a recent copy of reserved street names from the Johnson County AIMS Department. The City of Olathe Addressing Technician shall forward all newly assigned street names to the Johnson County AIMS Department so that they can be added to the list of reserved street names.

15.61.030 Assignment of Primary Address Numbers to New or Unnumbered Streets. New primary address numbers shall be assigned by the City of Olathe Addressing Technician. The City of Olathe Addressing Technician shall assign numbers according to the City of Olathe Addressing Guidelines. All site plans must include such dimensions and references to section lines as are necessary to calculate primary address numbers in accordance with the City of Olathe Addressing Guidelines.

15.61.040 Changes to Existing Primary Address Numbers. As far as possible, changes to primary address numbers shall be consistent with the City of Olathe Addressing Guidelines, which are on file at the GIS Division. Changes to primary address numbers will be considered should any of the following conditions exist:

A. The existing range of numbers overlaps an address range on a street in Johnson County, Kansas that has an identical or phonetically similar name.

B. Old primary address numbers are no longer applicable because the topography has changed due to redevelopment.

C. The existing numbers hinder the ability to locate the property or structure based on the assigned address.

The City of Olathe shall give written notice of a change in primary address numbers to the owners or occupants of the affected properties or buildings. Said notice shall contain the new primary address numbers and shall direct the owners or occupants to post the newly assigned numbers in a manner that complies with the provisions of the City of Olathe Building and Fire Codes. Said notice shall contain an explanation of the importance of displaying accurate primary address numbers and shall inform the owners that they have a grace period of ninety (90) days to post the newly assigned numbers. Failure to post newly assigned numbers within said ninety (90) day grace period shall constitute a violation of the City of Olathe Building and Fire Codes and shall be punishable according to the provisions therein.

15.61.050 Changes to Existing Street Names. Applications for street name changes may be submitted by the City of Olathe Addressing Technician or by anyone owning property on the street involved to the GIS Manager. An application for a street name change must contain:

A. A survey showing the exact location of the street/easement;

B. A map showing the locations and correct names of all streets within a five (5) mile radius of the proposed change;

C. An explanation, based on this Section of this Ordinance, of why the change should be considered; and

D. Verification of the uniqueness of the proposed new name, according to the guidelines in Section 15.61.040, by the City of Olathe Addressing Technician or the Johnson County AIMS Department.

Applications made by property owners must also contain either:

A. An endorsement by the City of Olathe Addressing Technician; or

B. A petition or other demonstrative form of approval by all other property owners on the street/easement.

The GIS Manager shall consider applications for changes to street names based on one or more conditions:

A. A street is unnamed.

B. A street name is identical or phonetically similar to one or more other street names within Johnson County, Kansas and the ranges of address numbers on these streets overlap or are likely to overlap with continued growth, and the elimination of these overlaps through renumbering is impractical or infeasible.

C. A street name is identical or phonetically similar to one or more other street names within Johnson County, Kansas, and unique ranges of address numbers are insufficient to mitigate the negative impacts on public health, safety, general welfare and convenience.

D. A contiguous street bears more than one name along its course.

E. The proposed change is demonstrated to be in the best interest of the community.

Changes to existing street names must be adopted by ordinance and approved by the City Council.

15.61.060 Official Street File. The GIS Division will maintain a Master Address database, which is hereby adopted as the official street and address file for the City of Olathe. Changes to street names, address ranges and addresses shall become official upon being posted to the Master Address database. (Ord. 03-75 § 1, 2003.)