

CHAPTER IV. BUILDINGS AND CONSTRUCTION

ARTICLE 1. ADMINISTRATION

SECTIONS

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4-101. TITLE. These regulations, found in Chapter IV, shall be known as the Building Code of the City of Leawood, Kansas, hereinafter ["Leawood Building Code"].

(Ord. 2290C; 02-04-08)
(Ord. 1282C; 03-02-92)
(Ord. 1929C; 01-22-02)

4-102. SCOPE. Article 1 of the Leawood Building Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures, as regulated by Articles 2 through 12 of the Leawood Building Code and shall be used to administer each such article.

(Ord. 2290C; 02-04-08)
(Ord. 1282C; 03-02-92)
(Ord. 1929C; 01-22-02)

4-103.

ISSUANCE OF PERMITS TO LICENSED OR REGISTERED CRAFTSMEN.

Permits shall be issued only to individuals or persons responsible to a company or organization that possesses a valid contractor's license issued by Johnson County, Kansas and a valid occupation license in the City of Leawood. Sub-contractor permits will normally be issued as part of general contractor permits provided that such sub-contractors are also appropriately licensed. All licenses must remain current throughout the period of construction. Questionable certification documents or licensing questions shall be referred to the Codes Administrator for review and resolution. All permit holders must maintain general liability insurance coverage as required by Johnson County, Kansas.

EXCEPTIONS:

- (a) Permits may be issued to a homeowner who will occupy or who is personally occupying and undertaking construction, alteration, repair or maintenance of such homeowner's single-family residence or an accessory structure thereto who does not possess a valid contractor's license and required insurance. Homeowners, however, must certify that they are capable and will personally participate in the permitted work. Further, any contractor or sub-contractor hired by the homeowner must meet all requirements and maintain all licenses required by this section prior to commencing any permitted work. Notwithstanding the foregoing, any homeowner who undertakes the construction of a new residence for his/her personal occupancy more than three times in any five (5) year period must have the required licenses for the third residential construction project and for any future construction projects.

For purposes of this exception, the terms "contractor" and "sub-contractor" shall be defined to mean "one who performs for and takes from the homeowner a specific part of the labor or material requirements of the permitted work."

- (b) Permits may be issued for fence construction to persons who do not possess a valid contractor's license or the required insurance.
- (c) Employees or agents working for and under the supervision of a licensed contractor firm as set forth in the Johnson County Contractor Licensing Regulations need not be individually licensed or insured to participate in the permitted work.

(Ord. 2290C; 02-04-08)
(Ord. 1282C; 03-02-92)
(Ord. 1929C; 01-22-02)

4-104. SANITARY SEWER CONSTRUCTION AND CONNECTION, PERMIT/APPROVALS REQUIRED. No building permit for any building to be located within a legally created sewer district in the City of Leawood, in which sanitary sewage will, or may originate, shall be issued until and unless the applicant, or his or her agent, has previously applied for and received from the sewer district an outside sanitary sewer construction and connection permit or a waiver letter as required by the rules and regulations of the Wastewater District. The building official may waive this requirement when the project is (a) a residential remodel not including the addition of new plumbing fixtures; (b) a tenant finish project that does not include alterations to existing plumbing; (c) a residential remodel not encroaching on a platted sewer easement and not impacting the capacity of sewage lines; or (d) footing or foundation work as a part of a phased approval process otherwise authorized under the Leawood Building Code. Provided, however, all private sewage disposal systems shall be approved by the Johnson County Wastewater District and the Governing Body of the City of Leawood, Kansas.

(Ord. 2290C; 02-04-08)
(Ord. 1282C; 03-02-92)
(Ord. 1929C; 01-22-02)

4-105. BUILDING AND FIRE CODE BOARD OF APPEALS. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the Leawood Building Code, there shall be and is hereby created a Building and Fire Board of Code Appeals. The Building and Fire Board of Code Appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business.

(Ord. 2290C; 02-04-08)
(Ord. 1282C; 03-02-92)
(Ord. 1929C; 01-22-02)

4-106. LIMITATIONS ON AUTHORITY. An application for appeal shall be based on a claim that the true intent of the Leawood Building Code or the rules legally adopted thereunder has been incorrectly interpreted, the provisions of the Leawood Building Code do not fully apply, or an equally good or better form of construction is proposed. The Building and Fire Board of Code Appeals shall have no authority to waive requirements of the Leawood Building Code.

(Ord. 2290C; 02-04-08)
(Ord. 1282C; 03-02-92)
(Ord. 1929C; 01-22-02)

4-107. QUALIFICATIONS. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

(Ord. 2290C; 02-04-08)

(Ord. 1282C; 03-02-92)

(Ord. 1929C; 01-22-02)

4-108. CIVIL ACTIONS. Notwithstanding any other provisions of this chapter, decisions of the building official, or such assistant or assistants as he or she may appoint, or decisions by the board of appeals reviewing decisions of the building official or his or her assistants shall be enforceable in the District Court of Johnson County, Kansas or any other court of competent territorial jurisdiction upon action brought by the city attorney, assistant city attorney, special attorney, or other legal counsel authorized to maintain such action for the enforcement of the provisions of the code of the City of Leawood, Kansas.

(Ord. 2290C; 02-04-08)

(Ord. 1282C; 03-02-92)

(Ord. 1929C; 01-22-02)

4-109. VIOLATION, PENALTIES. Any person who violates a provision of this Article or fails to comply with any of the requirements thereof is guilty of a public offense, punishable by a fine of not more than \$500 or by imprisonment not exceeding 30 days or both such fine and imprisonment. Each day that the violation continues shall be deemed a separate offense.

(Ord. 2290C; 02-04-08)

(Ord. 1282C; 03-02-92)

(Ord. 1929C; 01-22-02)