

ORDINANCE NO.

ORDINANCE AMENDING CHAPTER 4, ARTICLE 6 OF THE CODE OF THE CITY OF LEAWOOD, 2000, INCORPORATING THE INTERNATIONAL FUEL GAS CODE, 2012, SAVE AND EXCEPT SUCH ARTICLES, SECTIONS, PARTS OR PORTIONS WHICH ARE OMITTED, DELETED, MODIFIED OR CHANGED, AND MAKING ADDITIONS THERETO, AND REPEALING EXISTING ARTICLE 6, AND OTHER SECTIONS IN CONFLICT HEREWITH.

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

SECTION ONE: That Section 4-601 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

ARTICLE 6. FUEL GAS CODE

4-601. INTERNATIONAL FUEL GAS CODE ADOPTED. There is hereby incorporated by reference that certain code known as the International Fuel Gas Code, 20~~12~~⁰⁶ edition, prepared and published in book form by the International Code Council, Inc., including appendices A, B and C, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed or added thereto, such incorporation being authorized by K.S.A. §12-3009 through 12-3012, as amended. No fewer than three copies of said Code shall be marked or stamped "Official copy as incorporated by Ordinance No. _____," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

(Ord. 2295C; 02-04-08)

(Ord. 1934C; 01-22-02)

SECTION TWO: That Section 4-602 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-602. INTERNATIONAL FUEL GAS CODE AMENDED; SECTION 101.1. TITLE. Section 101.1 is hereby amended to read as follows: **Title:** This code shall be known as the *Fuel Gas Code* of the City of Leawood, Kansas, and shall be cited as such. It is referred to herein as this code or this *Fuel Gas Code* of the City of Leawood, Kansas.

(Ord. 2295C; 02-04-08)

(Ord. 1934C; 01-22-02)

SECTION THREE: That Section 4-603 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-603. INTERNATIONAL FUEL GAS CODE AMENDED; SECTION 106.3. APPLICATION FOR PERMIT. Section 106.3 is hereby amended to read as follows: **Application for Permit.** Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or an authorized agent. The permit application shall indicate the proposed

occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official. An application for a permit for any proposed work shall be deemed to have been abandoned one hundred eighty (180) days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding ninety (90) days each. The extension shall be requested in writing and justifiable cause demonstrated.

(Ord. 2295C; 02-04-08)

(Ord. 1934C; 01-22-02)

SECTION FOUR: That Section 4-604 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-604. INTERNATIONAL FUEL GAS CODE AMENDED; SECTION 106.54.3. EXPIRATION. Section 106.54.3 is hereby amended to read as follows: **Expiration.** ~~Permits shall expire as provided in Article 2 of this Chapter. Every permit issued by the code official under the provisions of this code shall expire by limitation and become null and void one hundred eighty (180) days after issuance. The permit may be extended as provided for in Section 106.4.4. However, if an extension cannot be granted, the permit shall expire. Before such work recommences, the permit must be re-instated and appropriate fees paid as indicated in the City of Leawood Fee Schedule. If changes have been made to the construction documents or the abandonment of the project has been in excess of one year, the project is subject to the requirements of a new building permit.~~

(Ord. 2295C; 02-04-08)

(Ord. 1934C; 01-22-02)

SECTION FIVE: That Section 4-605 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-605. INTERNATIONAL FUEL GAS CODE AMENDED; SECTION 106.54.4. EXTENSIONS. Section 106.54.4 is hereby amended to read as follows: **Extensions.** ~~The code official is authorized to grant extensions as provided in Article 2 of this Chapter. , in writing, one extensions of time, for a period not more than one hundred eighty (180) days. The extension shall be requested in writing prior to expiration of the term of the permit and justifiable cause demonstrated. The code official may only grant an extension upon finding that substantial progress has been made toward completion. Substantial progress means that the project is over fifty (50) percent complete and, the project applicant has demonstrated the capability to finish the work permitted within one time period extension.~~

(Ord. 2295C; 02-04-08)

(Ord. 1934C; 01-22-02)

SECTION SIX: That Section 4-606 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-606. INTERNATIONAL FUEL GAS CODE AMENDED; SECTION 106.65.1. WORK COMMENCING BEFORE PERMIT ISSUANCE. Section 106.65.1 is hereby amended to read as follows: **Work commencing before permit issuance.** Any person who commences work on an installation before obtaining the necessary

permits shall be subject to an additional fee established by the City of Leawood Fee Schedule that shall be in addition to the required permit fees.

(Ord. 2295C; 02-04-08)

SECTION SEVEN: That Section 4-607 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-607. INTERNATIONAL FUEL GAS CODE AMENDED; SECTION 106.65.2. FEE SCHEDULE. Section 106.65.2 is hereby amended to read as follows: **Fee schedule.** The fees for work shall be as indicated in the City of Leawood Fee Schedule.

(Ord. 2295C; 02-04-08)

SECTION EIGHT: That Section 4-608 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-608. INTERNATIONAL FUEL GAS CODE AMENDED; SECTION 106.65.3. FEE REFUNDS. Section 106.65.3 is hereby amended to read as follows: **Fee Refunds.** Unless specifically set forth herein, all fees paid are non-refundable. The code official may authorize refunding of any fee paid hereunder, which was erroneously paid or collected. The code official shall upon request authorize refunding of not more than eighty (80) percent of the permit fee paid when no work has been done under a permit issued in accordance with this code. The code official shall upon request authorize refunding of not more than eighty (80) percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done. The code official shall not authorize refunding of any fee paid except on written application filed by the original permit holder not later than one hundred eighty (180) days after the date of fee payment.

(Ord. 2295C; 02-04-08)

SECTION NINE: That Section 4-609 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-609. INTERNATIONAL FUEL GAS CODE AMENDED; SECTION 106.76. PLACEMENT OF PERMIT, ADDED. New Section 106.75-3 is hereby added to read as follows: **Placement of Permit.** All permits shall be posted to be visible from the street and kept on the site of the work until the completion of the project.

(Ord. 2295C; 02-04-08)

SECTION TEN: That Section 4-610 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-610. INTERNATIONAL FUEL GAS CODE AMENDED; SECTION 108.4. VIOLATION, PENALTIES. Section 108.4 is hereby amended to read as follows: **Violation, Penalties.** Any person who violates a provision of this Article or this code or fails to comply with any of the requirements thereof is guilty of a public offense, punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment not exceeding thirty (30) days or both such fine and imprisonment. Each day that the violation continues shall be deemed a separate offense.

(Ord. 2295C; 02-04-08)

SECTION ELEVEN: That Section 4-611 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-611. INTERNATIONAL FUEL GAS CODE AMENDED; SECTION 108.5. STOP WORK ORDERSNOTICES. Section 108.5 is hereby amended to read as follows: **Stop Work OrdersNotices.** Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Any violation of a stop work order will constitute a violation of this code.
(Ord. 2295C; 02-04-08)

SECTION TWELVE: That Section 4-612 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-612. INTERNATIONAL FUEL GAS CODE AMENDED; SECTION 109. MEANS OF APPEAL. Section 109 is hereby deleted in its entirety.
See Section 4-105
(Ord. 2295C; 02-04-08)

SECTION THIRTEEN: That Section 4-613 of the Code of the City of Leawood, Kansas, 2000, is hereby repealed.

4-613. Repealed. INTERNATIONAL FUEL GAS CODE AMENDED; SECTION 201.3. TERMS DEFINED IN OTHER CODES. Section 201.3 is hereby amended to read as follows: ~~Terms defined in other codes. Where terms are not defined in this code and are defined in the NFPA 70 National Electrical Code, 2005, International Building Code, International Fire Code, International Mechanical Code or International Plumbing Code, such terms shall have meanings ascribed to them as in those codes.~~
(Ord. 2295C; 02-04-08)

SECTION FOURTEEN: That Section 4-614 of the Code of the City of Leawood, Kansas, 2000, is hereby repealed.

4-614. Repealed. INTERNATIONAL FUEL GAS CODE AMENDED; SECTION 306.3.1. ELECTRICAL REQUIREMENTS. Section 306.3.1 is hereby amended to read as follows: ~~Electrical requirements. A luminaire controlled by a switch located at the required passageway opening and a receptacle outlet shall be provided at or near the equipment location in accordance with the NFPA 70 National Electrical Code, 2005.~~
(Ord. 2295C; 02-04-08)

SECTION FIFTEEN: That Section 4-615 of the Code of the City of Leawood, Kansas, 2000, is hereby repealed.

4-615. Repealed. INTERNATIONAL FUEL GAS CODE AMENDED; SECTION 306.4.1. ELECTRICAL REQUIREMENTS. Section 306.4.1 is hereby amended to read as follows: ~~Electrical Requirements. A luminaire controlled by a switch located at the~~

~~required passageway opening and a receptacle outlet shall be provided at or near the equipment location in accordance with the NFPA 70 National Electrical Code, 2005.~~

(Ord. 2295C; 02-04-08)

SECTION SIXTEEN: That Section 4-616 of the Code of the City of Leawood, Kansas, 2000, is hereby repealed.

4-616. ~~Repealed. INTERNATIONAL FUEL GAS CODE AMENDED; SECTION 306.5.2. ELECTRICAL REQUIREMENTS.~~ Section 306.5.2 is hereby amended to read as follows: **Electrical Requirements.** A receptacle outlet shall be provided at or near the equipment location in accordance with the *NFPA 70 National Electrical Code, 2005.*

(Ord. 2295C; 02-04-08)

SECTION SEVENTEEN: That Section 4-617 of the Code of the City of Leawood, Kansas, 2000, is hereby repealed.

4-617. ~~Repealed. INTERNATIONAL FUEL GAS CODE AMENDED; SECTION 309.2. CONNECTIONS.~~ Section 309.2 is hereby amended to read as follows: **Connections.** Electrical connections between equipment and the building wiring, including the grounding of the equipment, shall conform to the *NFPA 70 National Electrical Code, 2005.*

(Ord. 2295C; 02-04-08)

SECTION EIGHTEEN: That Section 4-618 of the Code of the City of Leawood, Kansas, 2000, is hereby repealed.

4-618. ~~Repealed. INTERNATIONAL FUEL GAS CODE AMENDED; SECTION 413.9.2.4. GROUNDING AND BONDING.~~ Section 413.9.2.4 is hereby amended to read as follows: **Grounding and Bonding.** The structure or appurtenance used for supporting the cylinder shall be grounded in accordance with the *NFPA 70 National Electrical Code, 2005.* The cylinder valve shall be bonded prior to the commencement of venting operations.

(Ord. 2295C; 02-04-08)

SECTION NINETEEN: That Section 4-619 of the Code of the City of Leawood, Kansas, 2000, is hereby repealed.

4-619. ~~Repealed. INTERNATIONAL FUEL GAS CODE AMENDED; SECTION 703.6. ELECTRICAL WIRING AND EQUIPMENT.~~ Section 703.6 is hereby amended to read as follows: **Electrical Wiring and Equipment.** Electrical wiring and equipment shall comply with the *NFPA 70 National Electrical Code, 2005.*

(Ord. 2295C; 02-04-08)

SECTION TWENTY: This ordinance shall be construed as follows:

A. Liberal Construction. The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience.

B. Savings Clause. The repeal of articles and sections, as provided herein below shall not affect any rights acquired, fees, fines, penalties, forfeitures or liabilities incurred there under, or actions involving any of the provisions of said Ordinances or parts thereof. Said Ordinance repealed is hereby continued in force and effect after the passage, approval, and publications of this Ordinance for the purposes of such rights, fees, fines, penalties, forfeitures, liabilities and actions therefore.

C. Invalidity. If for any reason any chapter, article, section, subsection, sentence, portion or part of this proposed Ordinance set out herein, or the application thereof to any person or circumstances is declared to be unconstitutional or invalid, such decision will not affect the validity of the remaining portions of this Code or other Ordinances.

SECTION TWENTY-ONE: That existing Article 6 of Chapter IV and any provisions in conflict herewith are hereby repealed.

SECTION TWENTY-TWO: This ordinance shall take effect and be in force from and after April 1, 2013 and its publication in accordance with K.S.A. 12-3007 and amendments thereto.

PASSED by the Governing Body this 3rd day of December, 2012.

APPROVED by the Mayor this 3rd day of December, 2012.

[SEAL]

Peggy J. Dunn, Mayor

ATTEST:

Debra Harper, City Clerk, CMC

APPROVED AS TO FORM:

Patricia A. Bennett, City Attorney