

ORDINANCE NO.

ORDINANCE AMENDING CHAPTER 4, ARTICLE 5 OF THE CODE OF THE CITY OF LEAWOOD, 2000, INCORPORATING THE INTERNATIONAL MECHANICAL 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 5, 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 4-501 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

**ARTICLE 5. MECHANICAL CODE**

**4-501. INTERNATIONAL MECHANICAL CODE ADOPTED.** There is hereby incorporated by reference that certain code known as the International Mechanical Code, 20~~12~~<sup>1206</sup> edition, prepared and published in book form by the International Code Council, Inc., including appendix A 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. 2294C; 02-04-08)  
(Ord. 1933C; 01-22-02)  
(Code 2000)  
(Ord. 1629C; 11-04-96)

SECTION TWO: That Section 4-502 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

**4-502. INTERNATIONAL MECHANICAL CODE AMENDED; SECTION 101.1. TITLE.** Section 101.1 is hereby amended to read as follows: **Title.** These regulations shall be known as the *Mechanical Code* of the City of Leawood, Kansas, hereinafter referred to as this code or this *Mechanical Code* of the City of Leawood.

(Ord. 2294C; 02-04-08)  
(Ord. 1933C; 01-22-02)  
(Code 2000)  
(Ord. 1629C; 11-04-96)

SECTION THREE: That Section 4-503 of the Code of the City of Leawood, Kansas, 2000, is hereby repealed.

4-503. ~~**Repealed. INTERNATIONAL MECHANICAL CODE AMENDED; SECTION 106.2. PERMITS NOT REQUIRED.** Section 106.2 is hereby amended to read as follows: **Permits Not Required.** Permits shall not be required for the following:~~

- ~~(a) Portable heating appliances;~~
- ~~(b) Portable ventilation appliances and equipment;~~
- ~~(c) Portable cooling units;~~
- ~~(d) Steam, hot water or chilled water piping within any heating or cooling equipment or appliances regulated by this code;~~
- ~~(e) The replacement of any minor part that does not alter the approval of equipment or an appliance or make such equipment or appliance unsafe;~~
- ~~(f) Portable evaporative coolers; and~~
- ~~(g) Self-contained refrigeration systems that contain ten (10) pounds (4.5 kg) or less of refrigerant, or that are actuated by motors of one (1) horsepower (0.75 kW) or less.~~

(Ord. 2294C; 02-04-08)  
(Ord. 1933C; 01-22-02)

SECTION FOUR: That Section 4-504 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-504. **INTERNATIONAL MECHANICAL 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. 2294C; 02-04-08)  
(Ord. 1933C; 01-22-02)

SECTION FIVE: That Section 4-505 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-505. **INTERNATIONAL MECHANICAL CODE AMENDED; SECTION 106.4.3. EXPIRATION.** Section 106.4.3 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. 2294C; 02-04-08)  
(Ord. 1933C; 01-22-02)

SECTION SIX: That Section 4-506 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

**4-506. INTERNATIONAL MECHANICAL CODE AMENDED; SECTION 106.4.4. EXTENSIONS.** Section 106.4.4 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 extension 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. 2294C; 02-04-08)

SECTION SEVEN: That Section 4-507 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

**4-507. INTERNATIONAL MECHANICAL CODE AMENDED; SECTION 106.5.1. WORK COMMENCING BEFORE PERMIT ISSUANCE.** Section 106.5.1 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. 2294C; 02-04-08)

SECTION EIGHT: That Section 4-508 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

**4-508. INTERNATIONAL MECHANICAL CODE AMENDED; SECTION 106.5.2. FEE SCHEDULE.** Section 106.5.2 is hereby amended to read as follows: **Fee schedule.** The fees for mechanical work shall be as indicated in the City of Leawood Fee Schedule.

(Ord. 2294C; 02-04-08)

SECTION NINE: That Section 4-509 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

**4-509. INTERNATIONAL MECHANICAL CODE AMENDED; SECTION 106.5.3. FEE REFUNDS.** Section 106.5.3 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. 2294C; 02-04-08)

SECTION TEN: That Section 4-510 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

**4-510. INTERNATIONAL MECHANICAL CODE SECTION ADDED; NEW SECTION 106.6. PLACEMENT OF PERMIT.** Section 106.6 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. 2294C; 02-04-08)

SECTION ELEVEN: That Section 4-511 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

**4-511. INTERNATIONAL MECHANICAL 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. 2294C; 02-04-08)

SECTION TWELVE: That Section 4-512 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

**4-512. INTERNATIONAL MECHANICAL 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. 2294C; 02-04-08)

SECTION THIRTEEN: That Section 4-513 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

**4-513. INTERNATIONAL MECHANICAL CODE AMENDED; SECTION 109, MEANS OF APPEAL, DELETED.** Section 109 is hereby deleted in its entirety.

See Section 4-105  
(Ord. 2294C; 02-04-08)

SECTION FOURTEEN: That Section 4-514 of the Code of the City of Leawood, Kansas, 2000, is hereby repealed.

4-514. **Repealed. INTERNATIONAL MECHANICAL CODE AMENDED; SECTION 301.7. ELECTRICAL.** Section 301.7 is hereby amended to read as follows: **Electrical.** Electrical wiring, controls and connections to equipment and appliances regulated by this code shall be in accordance with the *NFPA 70 National Electrical Code, 2005.*  
(Ord. 2294C; 02-04-08)

SECTION FIFTEEN: That Section 4-515 of the Code of the City of Leawood, Kansas, 2000, is hereby repealed.

4-515. **Repealed. INTERNATIONAL MECHANICAL 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 appliance location in accordance with the *NFPA 70 National Electrical Code, 2005.*  
(Ord. 2294C; 02-04-08)

SECTION SIXTEEN: That Section 4-516 of the Code of the City of Leawood, Kansas, 2000, is hereby repealed.

4-516. **Repealed. INTERNATIONAL MECHANICAL 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 appliance location in accordance with the *NFPA 70 National Electrical Code, 2005.*  
(Ord. 2294C; 02-04-08)

SECTION SEVENTEEN: That Section 4-517 of the Code of the City of Leawood, Kansas, 2000, is hereby repealed.

4-517. **Repealed. INTERNATIONAL MECHANICAL 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. 2294C; 02-04-08)

SECTION EIGHTEEN: That Section 4-518 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-518. **INTERNATIONAL MECHANICAL CODE AMENDED; SECTION 401.2, VENTILATION REQUIRED.** Section 401.2 is hereby amended to read as follows: **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.

~~**SECTION 511.1.1. COLLECTORS AND SEPARATORS.** Section 511.1.1 is hereby amended to read as follows: **Collectors and Separators.** Collectors and separators involving such systems as centrifugal separators, bag filter systems and similar devices, and associated supports shall be constructed of noncombustible materials and shall be located on the exterior of the building or structure. A collector or separator shall not be located nearer than ten (10) feet (3048 mm) to combustible construction or to an unprotected wall or floor opening, unless the collector is provided with a metal vent pipe that extends above the highest part of any roof with a distance of thirty (30) feet (9144 mm).~~

**Exceptions:**

~~1. Collectors such as "Point of Use" collectors, close extraction weld fume collectors, spray finishing booths, stationary grinding tables, sanding booths, and integrated or machine-mounted collectors shall be permitted to be installed indoors provided the installation is in accordance with the *International Fire Code* and the *NFPA 70 National Electrical Code, 2005*.~~

~~2. Collectors in independent exhaust systems handling combustible dusts shall be permitted to be installed indoors provided that such collectors are installed in compliance with the *International Fire Code* and the *NFPA 70 National Electrical Code, 2005*.~~

(Ord. 2294C; 02-04-08)

SECTION NINETEEN: That Section 4-519 of the Code of the City of Leawood, Kansas, 2000, is hereby repealed.

**4-519. Repealed. INTERNATIONAL MECHANICAL CODE AMENDED; SECTION 513.11, POWER SYSTEMS.** Section 513.11 is hereby amended to read as follows: **Power Systems.** The smoke control system shall be supplied with two sources of power. Primary power shall be the normal building power systems.

~~Secondary power shall be from an approved standby source complying with the *NFPA 70 National Electrical Code, 2005*. The standby power source and its transfer switches shall be in a separate room from the normal power transformers and switch gear and shall be enclosed in a room constructed of not less than 1-hour fire-resistance-rated fire barriers, ventilated directly to and from the exterior. Power distribution from the two sources shall be by independent routes. Transfer to full standby power shall be automatic and within sixty (60) seconds of failure of the primary power. The systems shall comply with the *NFPA 70 National Electrical Code, 2005*.~~

(Ord. 2294C; 02-04-08)

SECTION TWENTY: That Section 4-520 of the Code of the City of Leawood, Kansas, 2000, is hereby repealed.

**4-520. Repealed. INTERNATIONAL MECHANICAL CODE AMENDED; SECTION 513.12.1. WIRING.** Section 513.12.1 is hereby amended to read as follows: **Wiring.** In addition to meeting the requirements of the *NFPA 70 National Electrical Code, 2005*, all wiring, regardless of voltage, shall be fully enclosed within continuous raceways.

(Ord. 2294C; 02-04-08)

SECTION TWENTY-ONE: That Section 4-521 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

**4-521. INTERNATIONAL MECHANICAL CODE AMENDED; SECTION 606.2.1. RETURN AIR SYSTEMS.** Section 606.2.1 is hereby amended to read as follows: **Return air systems.** Smoke detectors shall be installed in return air systems with a design capacity greater than 4,000 cfm (0.9 m<sup>3</sup>/s), in the return air duct or plenum upstream of any filters, exhaust air connections, outdoor air connections, or decontamination equipment and appliances.

**EXCEPTION:** Smoke detectors are not required in the return air system where all portions of the building served by the air distribution system are protected by area smoke detectors connected to a fire alarm system in accordance with the International Fire Code. The area smoke detection system shall comply with Section 606.4.

~~**INTERNATIONAL MECHANICAL CODE AMENDED; SECTION 602.2.1.1. WIRING.** Section 602.2.1.1 is hereby amended to read as follows: **Wiring.** Combustible electrical or electronic wiring methods and materials, optical fiber cable, and optical fiber raceway exposed within a plenum shall have a peak optical density not greater than 0.50, an average optical density not greater than 0.15, and a flame spread not greater than 5 feet (1524 mm) when tested in accordance with NFPA 262. Only type OFNP (plenum rated nonconductive optical fiber cable) shall be installed in plenum-rated optical fiber raceways. Wiring, cable, and raceways addressed in this section shall be listed and labeled as plenum rated and shall be installed in accordance with the *NFPA 70 National Electrical Code, 2005.*~~

(Ord. 2294C; 02-04-08)

SECTION TWENTY-TWO: That Section 4-522 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

**4-522. INTERNATIONAL MECHANICAL CODE AMENDED; SECTION 606.2.2. COMMON SUPPLY AND RETURN AIR SYSTEMS.** Section 606.2.2 is hereby amended to read as follows: **Common supply and return air systems.** Where multiple air-handling systems share common supply or return air ducts or plenums with a combined design capacity greater than 4,000 cfm (1.88 m<sup>3</sup>/s), the return air system shall be provided with smoke detectors in accordance with Section 606.2.1.

**EXCEPTION:** Individual smoke detectors shall not be required for each fan-powered terminal unit, provided that such units do not have an individual design capacity greater than 2,000 cfm (0.9 m<sup>3</sup>/s) and will be shut down by activation of one of the following:

1. Smoke detectors required by Sections 606.2.1 and 606.2.3.
2. An approved area smoke detector system located in the return air plenum serving such units.
3. An area smoke detector system as prescribed in the exception to Section 606.2.1.

In all cases, the smoke detectors shall comply with Sections 606.4 and 606.4.1.

(Ord. 2294C; 02-04-08)

SECTION TWENTY-THREE: That Section 4-523 of the Code of the City of Leawood, Kansas, 2000, is hereby repealed.

**4-523. ~~Repealed. INTERNATIONAL MECHANICAL CODE AMENDED; SECTION 1106.3. AMMONIA ROOM VENTILATION.~~** Section 1106.3 is hereby amended to read as follows: **Ventilation.** Ventilation systems in ammonia machinery rooms shall be operated continuously at the emergency ventilation rate determined in accordance with Section 1105.6.4.

**EXCEPTIONS:**

1. Machinery rooms equipped with a vapor detector that will automatically start the ventilation system at the emergency rate determined in accordance with Section 1105.6.4, and that will actuate an alarm at a detection level not to exceed 1,000 ppm; or
2. Machinery rooms conforming to the Class 1, Division 2, hazardous location classification requirements of the *NFPA 70 National Electrical Code, 2005.*

(Ord. 2294C; 02-04-08)

SECTION TWENTY-FOUR: That Section 4-524 of the Code of the City of Leawood, Kansas, 2000, is hereby repealed.

**4-524. ~~Repealed. INTERNATIONAL MECHANICAL CODE AMENDED; SECTION 1106.4. FLAMMABLE REFRIGERANTS.~~** Section 1106.4 is hereby amended to read as follows: **Flammable Refrigerants.** Where refrigerants of Groups A2, A3, B2 and B3 are used, the machinery room shall conform to the Class 1, Division 2, hazardous location classification requirements of the *NFPA 70 National Electrical Code, 2005.*  
**EXCEPTION:** Ammonia machinery rooms.

(Ord. 2294C; 02-04-08)

SECTION TWENTY-FIVE: 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-SIX: That existing Article 5 of Chapter IV and any provisions in conflict herewith are hereby repealed.

SECTION TWENTY-SEVEN: 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 3<sup>rd</sup> day of December, 2012.

APPROVED by the Mayor this 3<sup>rd</sup> day of December, 2012.

**[SEAL]**

\_\_\_\_\_  
Peggy J. Dunn, Mayor

ATTEST:

\_\_\_\_\_  
Debra Harper, City Clerk, CMC

APPROVED AS TO FORM:

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Patricia A. Bennett, City Attorney