CITY OF LEAWOOD GOVERNING BODY MEETING AGENDA

Tuesday, January 21, 2020
Council Chamber
4800 Town Center Drive
Leawood, KS 66211
7:00 P.M.

JANUARY 2020

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12	13	14	15	16	17	18
19	20	21	22	23	24	25
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FEBRUARY 2020

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AGENDA

(This agenda is subject to changes, additions or deletions at the discretion of the City Council)

Mayor Peggy Dunn

Councilmembers

Ward One	Ward Two	Ward Three	Ward Four
Debra Filla	Jim Rawlings	Chuck Sipple	Julie Cain
Andrew Osman	Mary Larson	Lisa Harrison	James Azeltine

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

3. CITIZEN COMMENTS

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda. It is not appropriate to use profanity or comment on pending litigation, municipal court matters or personnel issues. Comments about items that appear on the action agenda will be taken as each item is considered. CITIZENS ARE REQUESTED TO KEEP THEIR COMMENTS UNDER 5 MINUTES.

4. PROCLAMATIONS

5. OATHS OF OFFICE ADMINISTERED TO MAYOR-ELECT PEGGY DUNN; COUNCILMEMBERS-ELECT JIM RAWLINGS, JAMES AZELTINE, LISA HARRISON, AND ANDREW OSMAN [TERMS EXPIRE 2024]

6. ROLL CALL OF MAYOR AND COUNCILMEMBERS

7. CONSENT AGENDA

Consent agenda items have been studied by the Governing Body and determined to be routine enough to be acted upon in a single motion. If a Councilmember requests a separate discussion on an item, it can be removed from the consent agenda for further consideration.

A. Accept Appropriation Ordinance Nos. 2019-52; 2019-53 and 2020-1
B. Accept Minutes of the January 6, 2020 Governing Body Meeting
C. Accept Minutes of the December 10, 2019 Parks and Recreation Advisory Board Meeting

D. Approve renewal of Cereal Malt Beverage (CMB) License for Hen House, located at 11721 Roe Avenue (CC)

E. Resolution approving and authorizing the Mayor to execute a Fiduciary Engagement Letter with Stifel, Nicolaus & Company to provide financial advisory services (F)

F. Approve payment in the amount of $19,656.19 to Halbrook Farms Single Family Residence Community Association for LED Lighting Reimbursement, in connection with street light electricity savings from 2019 invoices (PW)

G. Approve payment in the amount of $888.10 to Siena Homes Association, Inc. for LED Lighting Reimbursement, in connection with street light electricity savings from 2019 invoices (PW)

H. Resolution approving and authorizing the Mayor to execute an Engineering Services Agreement between the City and Burns & McDonnell Engineering, Inc., in the amount of $965,700.00 for design services for Mission Road, from 133rd Street to 143rd Street [#80175] (PW)

I. Resolution approving and adopting a Revised Emergency Operations Plan [EOP] for the City of Leawood, Kansas (LFD)

J. Resolution approving and adopting a Revised Region L Multi-Jurisdictional Hazard Mitigation Plan (LFD)

K. Approve payment in the amount of $19,538.40 to Johnson County for reimbursement of Police Academy expenses (LPD)

L. Police Department Monthly Report

M. Fire Department Monthly Report

N. Municipal Court Monthly Report

8. MAYOR'S REPORT

9. COUNCILMEMBERS' REPORT

Councilmember Filla- Climate Action Playbook Review

10. CITY ADMINISTRATOR REPORT

11. STAFF REPORT

COMMITTEE RECOMMENDATIONS

12. PLANNING COMMISSION

[from the October 22, 2019 Planning Commission Meeting]

Ordinance amending Section 16-2-10.3 of the Leawood Development Ordinance entitled "Materials and Colors" and repealing existing Section 16-2-10.3 and other sections in conflict herewith. (PC Case 39-19) **[ROLL CALL VOTE]** ***[continued from December 2, 2019] In light of the discussion item on this agenda under "Other Business," staff requests that the Governing Body continue this case to March 2, 2020.***

13. OLD BUSINESS

14. OTHER BUSINESS

Richard Coleman- Manufactured Stone and Masonry Veneers

15. NEW BUSINESS

A. Ordinance amending Chapter 1, Article 8 of the Code of the City of Leawood, 2000, by adding new Sections 1-862 through 1-865, establishing a new Leawood Ranch Mart North Community Improvement District Special Revenue Fund. **[ROLL CALL VOTE]** (F)

B. Ordinance amending Sections 4-105 and 4-109 of the Code of the City of Leawood, 2000, pertaining to administration of the Building Code and repealing existing Sections 4-105 and 4-109, and other Sections in conflict herewith. **[ROLL CALL VOTE]** (CD)

C. Ordinance amending Chapter 4, Article 2 of the Code of the City of Leawood, 2000, incorporating by reference the International Building Code, 2018 Edition, save and except such Articles, Sections, parts or portions which are omitted, deleted, modified, changed, or added, and repealing existing Article 2, and other Sections in conflict herewith. **[ROLL CALL VOTE]** (CD)

D. Ordinance amending Chapter 4, Article 3 of the Code of the City of Leawood, 2000, incorporating by reference the National Electrical Code, 2018 Edition, save and except such Articles, Sections, parts or portions which are omitted, deleted, modified, changed, or added, and repealing existing Article 3, and other Sections in conflict herewith. **[ROLL CALL VOTE]** (CD)

E. Ordinance amending Chapter 4, Article 4 of the Code of the City of Leawood, 2000, incorporating by reference the International Plumbing Code, 2018 Edition, save and except such Articles, Sections, parts or portions which are omitted, deleted, modified, changed, or added, and repealing existing Article 4, and other Sections in conflict herewith. **[ROLL CALL VOTE]** (CD)

F. Ordinance amending Chapter 4, Article 5 of the Code of the City of Leawood, 2000, incorporating by reference the International Mechanical Code, 2018 Edition, save and except such Articles, Sections, parts or portions which are omitted, deleted, modified, changed, or added, and repealing existing Article 5, and other Sections in conflict herewith. **[ROLL CALL VOTE]** (CD)

G. Ordinance amending Chapter 4, Article 6 of the Code of the City of Leawood, 2000, incorporating by reference the International Fuel Gas Code, 2018 Edition, save and except such Articles, Sections, parts or portions which are omitted, deleted, modified, changed, or added, and repealing existing Article 6, and other Sections in conflict herewith. **[ROLL CALL VOTE]** (CD)

H. Ordinance adding a new Article 7 of Chapter 4 of the Code of the City of Leawood, 2000, incorporating by reference the International Existing Building Code, 2018 Edition, save and except such Articles, Sections, parts or portions which are omitted, deleted, modified, changed, or added, and repealing Sections in conflict herewith. **[ROLL CALL VOTE]** (CD)

I. Ordinance amending Chapter 4, Article 8 of the Code of the City of Leawood, 2000, incorporating by reference the International Energy Conservation Code, 2018 Edition, save and except such Articles, Sections, parts or portions which are omitted, deleted, modified, changed, or added, and repealing existing Article 8, and other Sections in conflict herewith. **[ROLL CALL VOTE]** (CD)

J. Ordinance amending Chapter 4, Article 9 of the Code of the City of Leawood, 2000, incorporating by reference the International Residential Code, 2018 Edition, save and except such Articles, Sections, parts or portions which are omitted, deleted, modified, changed, or added, and repealing existing Article 9, and other Sections in conflict herewith. **[ROLL CALL VOTE]** (CD)

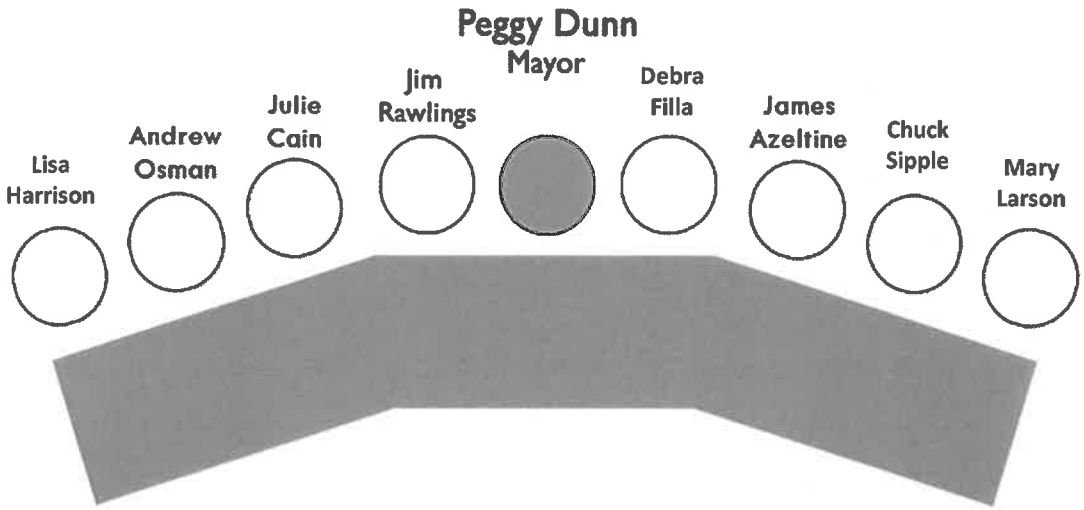
K. Ordinance amending Chapter 4, Article 10 of the Code of the City of Leawood, 2000, incorporating by reference the International Swimming Pool and Spa Code, 2018 Edition, save and except such Articles, Sections, parts or portions which are omitted, deleted, modified, changed, or added, and repealing existing Article 10, and other Sections in conflict herewith. **[ROLL CALL VOTE]** (CD)

L. Ordinance amending Chapter 7, Article 2 of the Code of the City of Leawood, 2000, incorporating by reference the International Fire Code, 2018 Edition, save and except such Articles, Sections, parts or portions which are omitted, deleted, modified, changed, or added, and repealing existing Article 2, and other Sections in conflict herewith. **[ROLL CALL VOTE]** (CD)

M. Ordinance amending Chapter 8, Article 5 of the Code of the City of Leawood, 2000, incorporating by reference the International Property Maintenance Code, 2018 Edition, save and except such Articles, Sections, parts or portions which are omitted, deleted, modified, changed, or added, and repealing existing Article 5, and other Sections in conflict herewith. **[ROLL CALL VOTE]** (CD)

ADJOURN

Mayor and City Council



Leawood operates under a Council/Mayor form of government, with a separately elected mayor and 8 council persons. Council members are elected on a non-partisan basis from 4 wards. The Council develops policies and provides direction for the professional city administration. Regular meetings of the Leawood City Council are held the first and third Mondays of each month. Copies of the agenda are available at the Office of the City Clerk on the Friday prior to the meeting.

Number of Votes Required:
Non-zoning Ordinances: Majority of the members-elect of the City Council **[5]**
Charter Ordinances: 2/3 of members-elect of Governing Body **[6]**
Zoning Ordinances and other Planning Commission Recommendations:

- **Passage of Ordinances Subject to Protest Petition**: ¾ majority of members of Governing Body **[7]**
- **Approving Planning Commission Recommendation**: Majority of the members-elect of the City Council **[5]**
- **Remanding to Planning Commission**: Majority of the members-elect of the City Council **[5]**
- **Approving, Overriding, Amending or Revising Recommendation after Remand:** Majority of the members-elect of the City Council **[5]**
- **Overriding, Amending or Revising Recommendation:** 2/3 majority of membership of Governing Body **[6]**

Note: Mayor may cast deciding vote when vote is one less than required.

DATE	TIME	SUBJECT	LOCATION
January 27	6:00 PM	Governing Body Short, Near & Long-Term Goals	Main Conf. Room
April 6	6:00 PM	2021-2025 C.I.P. Presentation Budget Model Assumptions	Main Conf. Room
June 8	6:00 PM	Budget & Finance Committee	Main Conf. Room
June 9	6:00 PM	Budget & Finance Committee	Main Conf. Room
June 10	*Tentative*	Budget & Finance Committee	Main Conf. Room

The next regular meeting of the Leawood Governing Body will be
Monday, February 3, 2020

7. A.

CITY OF LEAWOOD
Check Date 01/08/2020
Ordinance 2019-52

Final Check List

Check #	Vendor	Description	Amount Paid	Check Total
104940	KAYSTAR	LEAWOOD FOUNDATION BROCHURES	526.00	**526.00**
104941	KISSICK CONSTRUCTION CO	2018-2019 LW CITY PARK POND RESTORATION	60,755.60	**60,755.60**
104942	435 MAGAZINE	THE WEEKENDER - ADVERTISING	1,000.00	**1,000.00**
104943	ACUSHNET CO - TITLEIST	PROSHOP MERCHANDISE	1,155.31	
		PROSHOP MERCHANDISE	-759.80	
		PROSHOP MERCHANDISE	675.00	
		PROSHOP MERCHANDISE	862.15	
		PROSHOP MERCHANDISE	559.70	**2,492.36**
104944	ALL CITY MANAGEMENT SERVICES	CROSSING GUARD SERVICES FOR 2019	3,455.07	**3,455.07**
104945	ALPINE LITHO-GRAPHICS INC	WINDOW ENVELOPES	259.00	**259.00**
104946	AMERICAN SENTRY ELECTRONIC SYS	EXPENDABLE EQUIP - POE SWITCH ONE DOOR	706.75	**706.75**
104947	AT&T INTERNET	CABLE	106.46	**106.46**
104948	BERNIE ELECTRIC WHOLESALE INC	BUILDING SUPPLIES	130.78	**130.78**
104949	CHETS LOCK & KEY	LOCKS AND REKEYING	179.68	
		MATERIALS & SUPPLIES	31.73	**211.41**
104950	CLARKS TOOL	U-JOINT PULLER	249.00	**249.00**
104951	CLERK OF THE SUPREME COURT	MISSOURI BAR FEES - M.KNIGHT	325.00	
		MISSOURI BAR FEES - P.BENNETT	100.00	**425.00**
104952	CONRAD FIRE EQUIPMENT INC	VEHICLE MAINT.	320.96	**320.96**
104953	CORE & MAIN LP	SUPPLIES	205.30	**205.30**

Check #	Vendor	Description	Amount Paid	Check Total
104954	CORPORATE HEALTH KU MEDWEST	POST ACCIDENT/EXPOSURE	153.00	
		DOT RANDOM/HEP B	585.00	**738.00**
104955	DOG WASTE DEPOT	34 10 ROLL CASE	1,480.67	**1,480.67**
104956	DREXEL TECHNOLOGIES	DEMO OF HOUSE TOWER TANK	28.00	
		ROE AVE WALL REPLACEMENT PROJ 720888	17.98	**45.98**
104957	E EDWARDS WORK WEAR INC	UNIFORM/CLOTHING	322.16	
		UNIFORMS	117.00	**439.16**
104958	EMPLOYEE DATA FORMS LLC	EMP. DATA CALENDARS	24.00	**24.00**
104959	FACTORY MOTOR PARTS CO	VEHICLE PARTS	101.44	
		VEHICLE PARTS	125.13	
		VEHILCE MAINT	269.52	**496.09**
104960	FEDEX	SHIPPING	357.85	**357.85**
104961	FORCE AMERICA LLC	E-STOP SWITCHES	59.91	
		5MB FLAT DATA PLAN US WITH NAF	75.00	
		TILT SWITCH W/BRACKET, REV.B	802.25	**937.16**
104962	GAILS HARLEY DAVIDSON	MOTORCYCLE REPAIRS~	230.92	**230.92**
104963	GALLS LLC	UNIFORMS	40.48	
		UNIFORMS	139.40	**179.88**
104964	GALLS LLC	UNIFORM PANTS	99.98	**99.98**
104965	GEAR FOR SPORTS	UNIFORM/CLOTHING	586.25	
		UNIFORM/CLOTHING	33.01	
		UNIFORM PANTS	158.08	
		UNIFORM PANTS	98.05	**875.39**
104966	GOLFNOW LLC	AUG19 BILLING ERROR	-465.62	
		COMMISSIONS	634.24	**168.62**
104967	GRAINGER INC	LED LINEAR STRIP LIGHT	528.40	
		BUILDING MAINTENANCE SUPPLIES	589.70	**1,118.10**

Check #	Vendor	Description	Amount Paid	Check Total
104968	GUNTER PEST MANAGEMENT INC	PEST CONTROL	60.00	**60.00**
104969	H2O WINDOW CLEANING LLC	WINDOW CLEANING	137.00	**137.00**
104970	IPROMOTEU INC	2019 Employee Gifts	5,587.81	**5,587.81**
104971	JO CO WASTEWATER	WASTEWATER SERVICE	65.28	
		WASTEWATER SERVICE	93.73	
		WASTEWATER SERVICE	125.30	**284.31**
104972	JOHN A MARSHALL CO	CHAIRS FOR ENGINEERING DESIGN ITEM	4,418.65	
		WORK CHAIR	857.99	**5,276.64**
104973	KA COMM INC	HARRIS MOBILE RADIOS (3)	12,397.81	**12,397.81**
104974	KANSAS GOLF & TURF INC	EQUIPMENT PARTS	170.52	**170.52**
104975	KAT NURSERIES	SPRUCE, PURPLE CONE	600.00	**600.00**
104976	KITCHEN SOLUTIONS, FILTA ENVIRONMEI	FILTA FRY SERVICE	45.00	
		FILTA FRY SERVICE	45.00	**90.00**
104977	KLINE, AARON	TRAINING	85.00	**85.00**
104978	LASER CYCLE INC	LEXMARK T640 ONSITE WORK	120.00	**120.00**
104979	LEXINGTON PLUMBING & HEATING	INSPECTED GATE VALVE, REPLACED GAT	1,500.00	**1,500.00**
104980	LOWES	HARDWARE SUPPLIES	605.05	**605.05**
104981	MAHER OIL CO	UNLEADED FUEL	537.33	
		DIESEL FUEL	604.38	**1,141.71**
104982	MICRO CENTER AR	IPSG USB2.0 C TO A CABLE, 1M	8.99	
		ANKER POWERDRIVES, EAR BUDS, VERBATIM	116.88	
		APPLE IP PRO 12.9 256G GRY	979.99	
		10 IPSG 32GB USB 3.0	39.90	
		1 HP LASERJET PRO M404N	189.99	
		OFFICE SUPPLIES	46.99	**1,382.74**

Check #	Vendor	Description	Amount Paid	Check Total
104983	MILES EXCAVATING INC	2019 143RD ST. PROJECT: WINDSOR TO OVREB	386,319.87	**386,319.87**
104984	MURPHY, KALVIN	DMV REIMBURSEMENT	42.25	**42.25**
104985	NAVIA BENEFIT SOLUTIONS	DEC 2019 SEC 125 PARTICIPANT FEES	148.75	**148.75**
104986	O'REILLY AUTO PARTS	OIL FILTER	8.60	
		NITRILE GLV	72.12	
		U-JOINT	91.66	
		ADAPTER	19.99	
		FUEL ADDITIVE	8.99	
		TRIM CLEANER/SOCKET SET	14.48	
		CARGO STRAPS, CYCLE COVER	207.92	**423.76**
104987	PHILLIPS 66-CONOCO-76	TRAINING TRAVEL	75.79	**75.79**
104988	PHILLIPS PINEWOOD MULCH INC	5 LOADS OF KIDDIE KUSHION	2,010.00	**2,010.00**
104989	POMP'S TIRE SERVICE INC	VEHICLE OPERATIONS/MAINT.	150.00	**150.00**
104990	PROFESSIONAL TURF PRODUCTS	SUPPLIES	265.37	
		WORKMAN HDX-4WD	28,238.18	**28,503.55**
104991	Q4 INDUSTRIES LLC	FACILITY SUPPLIES	433.98	**433.98**
104992	REGIONAL JUSTICE INFORMATION	LEWEB SUBSCRIPTION FEE	87.01	**87.01**
104993	ROB SIGHT FORD	VEHICLE MAINT	38.36	**38.36**
104994	SCHNEIDER, GRETTA	TRAVEL ADVANCE	296.00	**296.00**
104995	SCHUTTE LUMBER CO	MILLWORK/MILL CHARGE	467.85	**467.85**
104996	SHERWIN WILLIAMS CO	MATERIALS & SUPPLIES	704.73	
		MATERIALS & SUPPLIES	913.12	**1,617.85**
104997	SIPPLE, KAY L	PAYMENT FOR 2019 YOGA CLASSES	1,842.75	**1,842.75**
104998	SITEONE LANDSCAPE SUPPLY LLC	COURSE SUPPLIES	222.44	**222.44**

Check #	Vendor	Description	Amount Paid	Check Total
104999	STAPLES BUSINESS ADVANTAGE	INK ROLLER CANON CP12 PURP	8.34	
		MATERIALS & SUPPLIES	65.64	
		OCEAN VIEW 2020 CALENDAR	14.24	
		SHEET PROTECT POLY EC 11X8.5 CL	23.74	
		TAKE ME THERE WALL CALENDAR 2020	14.24	
		CREDIT MEMO	-14.24	
		MATERIALS & SUPPLIES	79.09	
		MATERIALS & SUPPLIES	30.95	
		OFFICE SUPPLIES	65.90	
		RETURNED OFFICE SUPPLIES	-65.90	
		OFFICE SUPPLIES	61.25	
		OFFICE SUPPLIES	17.68	**300.93**
105000	SUBURBAN LAWN & GARDEN INC	YARD WASTE TIP FEE	35.00	
		YARD WASTE TIP FEE	35.00	
		YARD WASTE TIP FEE	24.00	**94.00**
105001	SUMMIT TRUCK GROUP	VEHICLE MAINT	309.24	**309.24**
105002	TIME WARNER CABLE	INTERNET	294.98	**294.98**
105003	TOMPKINS INDUSTRIES INC	SUPPLIES	11.55	**11.55**
105004	TROON GOLF LLC	TRAVEL EXP-THOMASSON	683.30	**683.30**
105005	UNIFIRST CORPORATION	MAT CLEANING	104.71	**104.71**
105006	VAN-WALL EQUIPMENT INC	FAN	26.45	
		KEYS	28.83	**55.28**
105007	VERMEER SALES & SERVICE INC	COURSE SUPPLIES	219.97	
		COURSE SUPPLIES	46.60	
		EQUIP. MAINT. SUPPLIES	144.45	**411.02**
105008	WARREN MOORE PAINTING LLC	PROPOSAL FOR CITY HALL WALL	11,400.00	
		ADDL WORK AT CITY HALL-SOUTH & EAST	7,400.00	**18,800.00**

Check #	Vendor	Description	Amount Paid	Check Total
105009	WASTE MANAGEMENT OF KANSAS INC	TRASH DISPOSAL	312.40	
		TRASH DISPOSAL	345.96	
		TRASH DISPOSAL	333.68	**992.04**
105010	WATER DISTRICT 1 JO CO	WATER SERVICE	48.25	
		WATER SERVICE	15.05	
		WATER SERVICE	27.68	
		WATER SERVICE	113.95	
		WATER SERVICE	74.50	
		WATER SERVICE	75.66	
		WATER SERVICE	95.67	
		WATER SERVICE	180.01	
		WATER SERVICE	14.20	
		WATER SERVICE	112.26	
		WATER SERVICE	173.57	
		WATER SERVICE	25.10	
		WATER SERVICE	17.80	
		WATER SERVICE	44.20	
		WATER SERVICE	66.01	
		WATER SERVICE	64.90	
		WATER SERVICE	211.34	**1,360.15**
105011	WCA WASTE SYSTEMS INC	RECYCLING SERVICE	105.84	**105.84**
105012	WESTLAKE HARDWARE	BATTERIES	7.99	
		TOOLS	82.97	**90.96**
105013	WORLD FUEL SERVICES INC	BLANKET PO FOR 2019 FUEL EXPENSES:	16,588.12	**16,588.12**
105014	ZOLL MEDICAL CORPORATION	EXPENDABLE EQUIPMENT	371.26	**371.26**
380120	KC POWER & LIGHT CO	POWER SERVICE	400.79	**400.79**
610120	KC POWER & LIGHT CO	POWER SERVICE	37.49	**37.49**

Check #	Vendor	Description	Amount Paid	Check Total
1102020	COMMERCE BANK			
	A TO Z THEATRICAL SUPPLY & SVC	SANTA SUIT RENTAL/BREAKFAST WITH SANTA	100.00	
	ACROSS THE STREET PRODUCTIONS, BL	ON-LINE TRAINING SUBSCRIPTION-SULLIVAN	385.00	
	ACROSS THE STREET PRODUCTIONS, BL	ON-LINE TRAINING SUBSCRIPTION-NEWMAN	385.00	
	ACROSS THE STREET PRODUCTIONS, BL	ON-LINE TRAINING SUBSCRIPTION-GURSKE	385.00	
	ALLEN MARKING PRODUCTS INC	DESK NAME PLATE/VARNER	42.82	
	AMAZON.COM	GLOVES - TESTING FOR HONOR GUARD	25.00	
	AMAZON.COM	CARDS-VARIOUS OCCATIONS	9.95	
	AMAZON.COM	UWAY GIFT CARDS	940.00	
	AMAZON.COM	CASTER WHEELS	23.95	
	AMAZON.COM	CAMERA-INVESTIGATIONS	569.00	
	AMAZON.COM	DISPLAY PORT TO HDMI, 4K HDMI CABLE	25.97	
	AMAZON.COM	WAVLINK MICRO SD CARD READER	115.90	
	AMAZON.COM	REPLACEMENT LAPTOP BATTERY	62.99	
	AMAZON.COM	RETURNED POST-IT NOTES	-26.44	
	AMAZON.COM	USB, CABLE	26.98	
	AMAZON.COM	BASICS DYI TO HDMI CABLE	175.10	
	AMAZON.COM	MONTHLY PLANNER	17.46	
	AMAZON.COM	MULTI FOLD TOWELS	65.19	
	AMAZON.COM	PLASTIC BOTTOM CANVAS BUCKET	37.50	
	AMAZON.COM	MULTI FOLD TOWELS	44.76	
	AMAZON.COM	MONTHLY PLANNER	33.90	
	AMAZON.COM	GROOMSMAN TRIMMER	45.76	
	AMAZON.COM	LAMINATING POUCHES FOR SNOW MAP BOOKS	119.95	
	AMAZON.COM	SLEDGEHAMMER	48.99	
	AMAZON.COM	POST-IT NOTES/BATTERIES	94.31	
	AMAZON.COM	BINDERS FOR CAREER DEVELOPMENT	109.90	
	AMAZON.COM	MOUSEPADS	23.97	
	AMAZON.COM	QUICK RELEASE BUCKLES	11.98	
	AMAZON.COM	EMERGENCY LOCKOUT KIT/INVESTIGATIONS	74.99	
	AMAZON.COM	WIRELESS BLUETOOTH HEADSET-3	108.96	
	AMC THEATERS	DOCENT GIFTS	240.00	
	APPLE STORE	APPLE PENCIL 2ND GEN-AME	129.00	
	APPLE STORE	IPHONE CASE,BELKIN	58.95	
	APPLE/ITUNES	CLOUD STORAGE	2.99	

Check #	Vendor	Description	Amount Paid	Check Total
	APPLE/ITUNES	CLOUD STORAGE	0.99	
	APPLE/ITUNES	CLOUD STORAGE	2.99	
	APPLE/ITUNES	CLOUD STORAGE	2.99	
	APPLE/ITUNES	OFFICE 365 MONTHLY SUBSCRIPTION FEE	7.63	
	ATTENDIFY	WINNING THE BATTLE TRAINING/KENT	40.00	
	BAKER BALLISTICS	3 DAY TRAIN THE TRAINER/TOMKINS	600.00	
	BARNES & NOBLE	SCHOOL BOOKS	45.80	
	BASS PRO SHOP	KAYAK	797.95	
	BED BATH & BEYOND	MENORAH/CITY HALL LOBBY	29.99	
	BEST BUY STORES	RETURN PHONE CASE	-17.99	
	BEST BUY STORES	PHONE CASE	17.99	
	BIG DADDY'S DONUTS	DONUTS - SAFETY MEETING	12.61	
	BOY SCOUTS 199	HOLIDAY TRADITIONS EVENT TREE	45.00	
	CACTUS GRILL INC	CATERING	1,387.78	
	CAPITAL SURVEYING SUPPLIES	EXPENDABLE EQUIPMENT	1,895.00	
	CITY OF TOPEKA	PARKING CHARGES	3.00	
		Gift cards for employee anniversaries	2,450.00	
		GIFT CARD-D.HARPER RETIREMENT	1,000.00	
	CONCENTRA	PRE-EMPLOYMENT TESTS	99.50	
	CORNER BAKERY	BREAKFAST/STORMWATER COMMITTEE MEETING	157.50	
	CORNER BAKERY	BREAKAST PUBLIC WORKS COMMITTEE MEETING	168.50	
	CORNER BAKERY	SAB MEETING	256.00	
	CORNER BAKERY	MEETING EXPENSE	484.00	
	COSENTINOS PRICE CHOPPER	STAFF GIFT CARD	25.00	
	COSTCO	HOLIDAY TRADITIONS EVENT	60.43	
	COSTCO	ACO MEETING SUPPLIES	39.96	
	COSTCO	AOC MEETING SUPPLIES	65.98	
	COSTCO	BATTERIES	33.16	
	E EDWARDS WORK WEAR INC	WINTER JACKET FOR FIELD	108.74	
	FACEBOOK	ADVERTISING	50.00	
	FBI - LEEDA	MEMBERSHIP FEE/YODER	50.00	
	FEDEX	LAMINATION FOR LARGE MAP	41.57	
	FLUKER FARMS	CRICKETS FOR NATURE CENTER REPTILES	30.71	
	FULLSOURCE.COM	HONOR GUARD GLOVES-TEST SAMPLE	30.31	
	GOTPRINT.COM	BANNER WITH STAND FOR RECRUITING TABLE	174.02	

Check #	Vendor	Description	Amount Paid	Check Total
	GRAND HYATT SEATTLE	ACCOM/HAWLEY	842.34	
	HEART OF AMERICA GOLF COURSE	COMMON GROUND CONFERENCE~	785.00	
	HEREFORD HOUSE - LEAWOOD	JO.CO TRAINING CHIEFS MEETING	15.00	
	HEREFORD HOUSE - LEAWOOD	PC/BZA HOLIDAY MEETING	421.78	
	HEREFORD HOUSE - LEAWOOD	MEETING EXPENSE FOR PC & BZA	1,293.00	
	HEREFORD HOUSE - LEAWOOD	PARK BOARD HOLIDAY MEETING	470.40	
	HITCASE	PHONE CASE	48.28	
	HITCASE	INTERNATIONAL FEE	0.48	
	HOBBY LOBBY STORES INC	FRAMES FOR NEW OFFICERS	39.90	
	HONEYBAKED HAM CO	MEAT FOR PW HOLIDAY POT LUCK DINNER	165.70	
	INTL CODE COUNCIL	CODE BOOKS	101.65	
	INTOXIMETERS INC	PBT MOUTH PIECES	125.25	
	JASON'S DELI	HOLIDAY LIGHTING CEREMONY CATERING	400.09	
	JO CO COMMUNITY COLLEGE	INTRO TO MICROSOFT ACCESS/MOORE	130.00	
	JO CO COMMUNITY COLLEGE	INTRO TO MICROSOFT ACCESS/MCDONDALD	130.00	
	JO CO COMMUNITY COLLEGE	INTRO TO MICROSOFT ACCESS/REAVEY	130.00	
	JO CO COMMUNITY COLLEGE	DRIVING CHANGE TRAINING/ROOD	174.00	
	JO CO COMMUNITY COLLEGE	CONTINUING ED CLASSES/ASPHALT CREW	301.75	
	JO CO COMMUNITY COLLEGE	CONTINUING ED CLASSES/ASPHALT CREW	300.00	
	JOE'S KANSAS CITY BBQ	OFFICER ORAL BOARDS	45.43	
	JOE'S KANSAS CITY BBQ	UWAY GIFT CARDS	40.00	
	JOE'S KANSAS CITY BBQ	PC MEETING EXPENSE	208.51	
	JOE'S KANSAS CITY BBQ	BZA MEETING	156.98	
	JOE'S KANSAS CITY BBQ	STAFF DEPARTMENT MEETING	42.83	
	K MACHOS MEXICAN RESTAURANT	TEAM BUILDING MEETING EXPENSE	77.40	
	KANSAS BOARD OF EMS	EMS CERT RENEWAL/WILLIAMS	30.00	
	KANSAS BOARD OF EMS	EMS CERT RENEWAL/RUTHERFORD	30.00	
	KANSAS BOARD OF EMS	EMS CERT RENEWAL/COSGROVE	30.00	
	KANSAS BOARD OF EMS	EMS CERT RENEWAL/COX	30.00	
	KANSAS DEPT OF AGRICULTURE	PESTICIDE LICENSE RENEWAL	50.00	
	KANSAS TURNPIKE AUTHORITY	TOLL CHARGES/JULSEY/OSBORN TOPEKA	10.20	
	KANSAS TURNPIKE AUTHORITY	TOLL CHARGES-EISENHUT TRAINING IN	11.35	
	KANSAS TURNPIKE AUTHORITY	TOLL CHARGES	3.50	
	KANSAS TURNPIKE AUTHORITY	TOLL CHARGES	1.25	
	KANSAS TURNPIKE AUTHORITY	TOLL CHARGES	3.50	

Check #	Vendor	Description	Amount Paid	Check Total
	KANSAS TURNPIKE AUTHORITY	TOLL CHARGES	1.25	
	KCI AIRPORT	PARKING CHARGES	30.00	
	KCIAAI	MEMBERSHIP RENEWAL-HERRICK	20.00	
	KCIAAI	CONFERENCE REGISTRATION/HERRICK	200.00	
	KSGFOA	MEMBERSHIP RENEWAL/LONG	75.00	
	KWIK DRY CLEAN SUPERCENTER	TABLECLOTH CLEANING	157.14	
	KWIK DRY CLEAN SUPERCENTER	NUTCRACKER COSTUME CLEANING	26.20	
	KWIK DRY CLEAN SUPERCENTER	TABLECLOTH CLEANING	104.76	
	LYNN PEAVEY CO	EVIDENCE TAPE/PROPERTY ROOM	64.50	
	MARCONE SUPPLY INC	REPAIR SUPPLIES/FIRE STATION 3	32.52	
	MARCONE SUPPLY INC	REPAIR SUPPLIES/FIRE STATION 3	113.15	
	MARTEL ELECTRONICS	DIGITAL RECORDER FOR ADMIN	499.99	
	MICHAELS STORES	FRAMES	19.38	
	MICHAELS STORES	FLAGS	38.42	
	MICRO CENTER AR	CREW WORK PHONE PROTECTORS	93.94	
	MICRO CENTER AR	EXTERNAL HARD DRIVE,ACCESSORIES	135.97	
	MICRO CENTER AR	I-PHONE CASE	59.98	**33,467.84**
1102020	COMMERCE BANK			
	MIDAS AUTO SYSTEMS EXPERTS	VEHICLE REPAIRS	1,060.40	**1,060.40**

Check #	Vendor	Description	Amount Paid	Check Total
1102020	COMMERCE BANK			
	MO PARK AND RECREATION ASSN	JOB POSTING/AQUATICS & SPECIAL EVENTS	125.00	
	MRS. FIELDS	COOKIES FOR HOLIDAY LIGHTING	187.92	
	MWSA - MIDWEST CHAPER INTL, SOCIET	TRAINING-RECERTIFICATION-ANDERSON	440.00	
	NATIONAL RECREATION & PARKS	CPSI TRAINING/BOLTON	525.00	
	NATIONAL RECREATION & PARKS	CERTIFICATION MATERIALS	331.97	
	NATIONAL RECREATION & PARKS	JOB POSTING/AQUATICS & SPECIAL EVENTS	199.00	
	NATIONAL RECREATION & PARKS	COOK FOR CPRE-CURRAN	81.16	
	OLATHE PET SHOP	NATURE CENTER ANIMAL SUPPLIES	73.19	
	OPTICS PLANET	STREAMLIGHT STINGER FLASHLIGHT	129.19	
	PARTY CITY	HOLIDAY SALE DECOR	37.98	
	PARTY CITY	HOLIDAY SALE DECOR	53.94	
	QUIK-TRIP	UWAY GIFT CARDS	190.00	
	RAIN BIRD INTERNATIONAL INC	IRRIGATION TRAINING AND CERTIFCATION	2,295.00	
	RECREATION & PARK ASSOCIATION, KAN	JOB POSTING/AQUATICS & SPECIAL EVENTS	50.00	
	ROSATIS PIZZA	STAFF HOLIDAY PARTY	432.05	
	SAFER STRAP	UNIFORMS	2,099.18	
	SEARCHWP	LICENSE RENEWAL	63.20	
	SHOE MALL	UNIFORM SHOES	80.47	
	SHRM	ANNUAL MEMBERSHIP/MOORE	209.00	
	SHRMJC	ANNUAL MEMBERSHIP	75.00	
	STAPLES BUSINESS ADVANTAGE	OFFICE SUPPLIES	177.36	
	STAPLES BUSINESS ADVANTAGE	OFFICE SUPPLIES	20.90	
	STORAGEMART 0130	MONTHLY STORAGE RENTAL	399.99	
	TAB COOPER & ASSOCIATES	TRAINING/ROTHWELL	996.00	
	TARGET	CANDY FOR JOB FAIR TABLE	17.58	
	TODD LAMANSKE PRODUCTIONS	EE APPRECIATION LUNCHEON-ENTERTAINMENT	643.75	
	TOMAHAWK LIVE TRAP	TRAPPING EQUIPMENT	197.48	
	TRANE U S INC	THERMOSTAT SENSOR	15.51	
	US FLEET TRACKING	MONTHLY CHARGES	39.95	
	US POSTMASTER	OPERATION GRATITUDE BOX	71.49	
	WALMART	HOLIDAY SALE DECOR	76.67	
	WALMART	STORAGE BINS	48.70	
	WHOLE FOODS	CAKE/DEB'S RETIREMENT	54.55	**33,467.84**

Check #	Vendor	Description	Amount Paid	Check Total
1300120	KC POWER & LIGHT CO	POWER SERVICE	453.04	**453.04**
2600120	KC POWER & LIGHT CO	POWER SERVICE	32.09	**32.09**
3140120	KC POWER & LIGHT CO	POWER SERVICE	35.20	**35.20**
3380120	KC POWER & LIGHT CO	POWER SERVICE	385.81	**385.81**
4650120	KC POWER & LIGHT CO	POWER SERVICE	150.20	**150.20**
4910120	KC POWER & LIGHT CO	POWER SERVICE	201.67	**201.67**
5090120	KC POWER & LIGHT CO	POWER SERVICE	234.52	**234.52**
6040120	KC POWER & LIGHT CO	POWER SERVICE	61.34	**61.34**
6770120	KC POWER & LIGHT CO	POWER SERVICE	81.47	**81.47**
10350120	KC POWER & LIGHT CO	POWER SERVICE	86.06	**86.06**
13110120	KC POWER & LIGHT CO	POWER SERVICE	29.00	**29.00**
14680120	KC POWER & LIGHT CO	POWER SERVICE	104.90	**104.90**
16240120	KC POWER & LIGHT CO	POWER SERVICE	31.55	**31.55**
16400120	KC POWER & LIGHT CO	POWER SERVICE	178.30	**178.30**
16540120	KC POWER & LIGHT CO	POWER SERVICE	37.20	**37.20**
17270120	KC POWER & LIGHT CO	POWER SERVICE	81.74	**81.74**
18380120	KC POWER & LIGHT CO	POWER SERVICE	619.13	**619.13**
19750120	KC POWER & LIGHT CO	POWER SERVICE	277.34	**277.34**
20660120	KC POWER & LIGHT CO	POWER SERVICE	22.91	**22.91**
20710120	KC POWER & LIGHT CO	POWER SERVICE	21.66	**21.66**
23850120	KC POWER & LIGHT CO	POWER SERVICE	18.94	**18.94**
24100120	KC POWER & LIGHT CO	POWER SERVICE	193.54	**193.54**

Check #	Vendor	Description	Amount Paid	Check Total
26170120	KC POWER & LIGHT CO	POWER SERVICE	260.13	**260.13**
28800120	KC POWER & LIGHT CO	POWER SERVICE	66.40	**66.40**
34030120	KC POWER & LIGHT CO	POWER SERVICE	128.17	**128.17**
34680120	KC POWER & LIGHT CO	POWER SERVICE	107.24	**107.24**
36720120	KC POWER & LIGHT CO	POWER SERVICE	62.48	**62.48**
38570120	KC POWER & LIGHT CO	POWER SERVICE	41.66	**41.66**
38730120	KC POWER & LIGHT CO	POWER SERVICE	130.06	**130.06**
38960120	KC POWER & LIGHT CO	POWER SERVICE	258.69	**258.69**
39290120	KC POWER & LIGHT CO	POWER SERVICE	129.62	**129.62**
39770120	KC POWER & LIGHT CO	POWER SERVICE	145.72	**145.72**
40320120	KC POWER & LIGHT CO	POWER SERVICE	137.09	**137.09**
41550120	KC POWER & LIGHT CO	POWER SERVICE	279.16	**279.16**
42030120	KC POWER & LIGHT CO	POWER SERVICE	31.73	**31.73**
47130120	KC POWER & LIGHT CO	POWER SERVICE	60.50	**60.50**
48010120	KC POWER & LIGHT CO	POWER SERVICE	119.75	**119.75**
50350120	KC POWER & LIGHT CO	POWER SERVICE	44.57	**44.57**
50420120	KC POWER & LIGHT CO	POWER SERVICE	20.79	**20.79**
50650120	KC POWER & LIGHT CO	POWER SERVICE	230.39	**230.39**
53720120	KC POWER & LIGHT CO	POWER SERVICE	64.49	**64.49**
55020120	KC POWER & LIGHT CO	POWER SERVICE	5,011.07	**5,011.07**
55990120	KC POWER & LIGHT CO	POWER SERVICE	107.15	**107.15**
56450120	KC POWER & LIGHT CO	POWER SERVICE	80.16	**80.16**

Check #	Vendor	Description	Amount Paid	Check Total
57550120	KC POWER & LIGHT CO	POWER SERVICE	492.92	**492.92**
58830120	KC POWER & LIGHT CO	POWER SERVICE	64.44	**64.44**
59120120	KC POWER & LIGHT CO	POWER SERVICE	35.60	**35.60**
59510120	KC POWER & LIGHT CO	POWER SERVICE	18.14	**18.14**
62070120	KC POWER & LIGHT CO	POWER SERVICE	100.42	**100.42**
62640120	KC POWER & LIGHT CO	POWER SERVICE	267.43	**267.43**
63500120	KC POWER & LIGHT CO	POWER SERVICE	92.91	**92.91**
64340120	KC POWER & LIGHT CO	POWER SERVICE	216.93	**216.93**
64980120	KC POWER & LIGHT CO	POWER SERVICE	28.98	**28.98**
65430120	KC POWER & LIGHT CO	POWER SERVICE	33.84	**33.84**
69340120	KC POWER & LIGHT CO	POWER SERVICE	93.90	**93.90**
69770120	KC POWER & LIGHT CO	POWER SERVICE	606.59	**606.59**
70490120	KC POWER & LIGHT CO	POWER SERVICE	32.12	**32.12**
75370120	KC POWER & LIGHT CO	POWER SERVICE	122.30	**122.30**
75520120	KC POWER & LIGHT CO	POWER SERVICE	20.28	**20.28**
78940120	KC POWER & LIGHT CO	POWER SERVICE	47.31	**47.31**
80800120	KC POWER & LIGHT CO	POWER SERVICE	86.85	**86.85**
82440120	KC POWER & LIGHT CO	POWER SERVICE	40.84	**40.84**
83130120	KC POWER & LIGHT CO	POWER SERVICE	194.83	**194.83**
83170120	KC POWER & LIGHT CO	POWER SERVICE	20.39	**20.39**
85340120	KC POWER & LIGHT CO	POWER SERVICE	29.43	**29.43**
86160120	KC POWER & LIGHT CO	POWER SERVICE	835.94	**835.94**

Check #	Vendor	Description	Amount Paid	Check Total
90640120	KC POWER & LIGHT CO	POWER SERVICE	20.50	**20.50**
92020120	KC POWER & LIGHT CO	POWER SERVICE	522.90	**522.90**
93710120	KC POWER & LIGHT CO	POWER SERVICE	85.22	**85.22**
96510120	KC POWER & LIGHT CO	POWER SERVICE	59.67	**59.67**
97790120	KC POWER & LIGHT CO	POWER SERVICE	10,682.78	**10,682.78**
99780120	KC POWER & LIGHT CO	POWER SERVICE	69.09	**69.09**

152 checks in this report.

Grand Total All Checks: **631,471.37**

CITY OF LEAWOOD
Check Date 01/15/2020
Ordinance 2019-53

Final Check List

Check #	Vendor	Description	Amount Paid	Check Total
105053	ACCU-SCREEN INC	POST ACCIDENT	150.00	**150.00**
105054	AMERICAN MICRO COMPANY	SCANNING SERVICES	6,000.91	**6,000.91**
105055	AMERICAN SAFETY & HEALTH INST	TRAINING	49.75	**49.75**
105056	AT&T INTERNET	CABLE/INTERNET	199.88	**199.88**
105057	AT&T INTERNET	PHONE/CABLE	199.88	**199.88**
105058	AT&T INTERNET	PHONE/CABLE	199.88	**199.88**
105059	BLACK & MCDONALD	2019 STREET LIGHT AND TRAFFIC SIGNAL	18,518.44	
		2019 STREET LIGHT AND TRAFFIC SIGNAL	18,224.34	**36,742.78**
105060	C & C GROUP DIVISIONS	BUILDING MAINTENANCE REPAIRS	707.65	
		BUILDING MAINTENANCE REPAIRS~	493.83	**1,201.48**
105061	CAPITAL SAND COMPANY INC	3"X6" DECORATIVE ROCK	586.24	**586.24**
105062	CDW GOVERNMENT INC	IRONWOODS SWITCHES & APS	3,479.00	
		TRAFFIC CABINET SWITCH	1,330.00	**4,809.00**
105063	CINTAS CORPORATION NO 2	FIRST AID SUPPLIES	257.68	
		FIRST AID SUPPLIES	95.84	
		FIRST AID SUPPLIES	62.65	**416.17**
105064	CITY OF OVERLAND PARK	SHARED ELECTRIC & MAINTENANCE COSTS FOR	9,721.62	
		SHARED ELECTRIC & MAINTENANCE COSTS FOR	6,186.66	**15,908.28**
105065	CONRAD FIRE EQUIPMENT INC	UNIFORMS	42.00	**42.00**
105066	CORPORATE HEALTH KU MEDWEST	FALL 2019 FLU VACCINE SHOTS	1,225.00	**1,225.00**
105067	DELL MARKETING LP DELL USA LP	DELL PCS	5,880.40	**5,880.40**

Check #	Vendor	Description	Amount Paid	Check Total
105068	ELECTRONIC TECHNOLOGY INC	TRAFFIC CAMERA & INSTALL	5,180.00	
		VIDEO DECODERS	1,200.00	**6,380.00**
105069	EMPLOYERS RESOURCE LLC	MGMT CONSULTING SERVICES	450.00	**450.00**
105070	EVERLASTING SIGN ART	HOLLY YORK SIGN	20.45	**20.45**
105071	FEDEX	SHIPPING CHARGES	110.13	**110.13**
105072	FIRST INSURANCE FUNDING CORP	INSURANCE INSTALLMENT	666.19	**666.19**
105073	GALLS LLC	UNIFORMS	760.00	
		UNIFORMS	741.60	
		UNIFORMS	395.00	
		UNIFORMS	270.00	
		UNIFORMS	159.98	
		UNIFORMS	34.00	**2,360.58**
105074	GRAINGER INC	WRAPAROUND FIXTURE	716.32	
		MOTOR RUN CAPACITOR	3.90	**720.22**
105075	HAYDEN GROUP INC, THE	PREMIER SAND: PREMIER PLAY BUNKER SAND	854.00	**854.00**
105076	HINCKLEY SPRINGS	BOTTLED WATER	69.74	**69.74**
105077	ICE MASTERS LLC	ICE MACHINE RENTAL	150.00	**150.00**
105078	J M FAHEY CONSTRUCTION CO	MISSION ROAD (127TH TO 119TH ST)	280,171.24	**280,171.24**
105079	JANSSEN GLASS & DOOR LLC	REPLACE CRACKED WINDOW	225.00	**225.00**
105080	JO CO MED ACT	MATERIAL & SUPPLIES	12.20	**12.20**
105081	JO CO SHERIFFS OFFICE	4TH QTR PRISONER BOARDING	7,210.00	**7,210.00**
105082	JO CO WASTEWATER	WASTEWATER SERVICE @JC	121.52	**121.52**
105083	KC BOBCAT INC	BOBCAT 30C AUGER	2,686.00	**2,686.00**
105084	KC POWER & LIGHT CO	UTILITY AGREEMENT-143 IMPROVEMENTS	881,012.72	**881,012.72**

CITY OF LEAWOOD
Check Date 01/15/2020
Ordinance 2019-53

Final Check List

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105053	ACCU-SCREEN INC	POST ACCIDENT	150.00	**150.00**
105054	AMERICAN MICRO COMPANY	SCANNING SERVICES	6,000.91	**6,000.91**
105055	AMERICAN SAFETY & HEALTH INST	TRAINING	49.75	**49.75**
105056	AT&T INTERNET	CABLE/INTERNET	199.88	**199.88**
105057	AT&T INTERNET	PHONE/CABLE	199.88	**199.88**
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		2019 STREET LIGHT AND TRAFFIC SIGNAL	18,224.34	**36,742.78**
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		BUILDING MAINTENANCE REPAIRS~	493.83	**1,201.48**
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		TRAFFIC CABINET SWITCH	1,330.00	**4,809.00**
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		FIRST AID SUPPLIES	95.84	
		FIRST AID SUPPLIES	62.65	**416.17**
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		SHARED ELECTRIC & MAINTENANCE COSTS FOR	6,186.66	**15,908.28**
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		UNIFORMS	741.60	
		UNIFORMS	395.00	
		UNIFORMS	270.00	
		UNIFORMS	159.98	
		UNIFORMS	34.00	**2,360.58**
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		MOTOR RUN CAPACITOR	3.90	**720.22**
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105081	JO CO SHERIFFS OFFICE	4TH QTR PRISONER BOARDING	7,210.00	**7,210.00**
105082	JO CO WASTEWATER	WASTEWATER SERVICE @JC	121.52	**121.52**
105083	KC BOBCAT INC	BOBCAT 30C AUGER	2,686.00	**2,686.00**
105084	KC POWER & LIGHT CO	UTILITY AGREEMENT-143 IMPROVEMENTS	881,012.72	**881,012.72**

Check #	Vendor	Description	Amount Paid	Check Total
105085	KISSICK CONSTRUCTION CO	2019 LEE BLVD. IMPROVEMENTS-95TH TO 103R	316,578.00	**316,578.00**
105086	KONICA MINOLTA BUSINESS SOL	COPY MACHINE MAINTENANCE	1,855.60	
		LEASE COVERAGE 12/1 - 12/31/2019	56.57	**1,912.17**
105087	LANGUAGE LINE SERVICES	INTERPRETATION SERVICES	44.54	**44.54**
105088	LAWSON PRODUCTS INC	NITRILE GLOVES/LENS CLEANER TOWELETTES	349.01	**349.01**
105089	LEAWOOD CHAMBER OF COMMERCE	NOVEMBER BOARD LUNCH - P.DUNN	16.50	**16.50**
105090	LEGAL RECORD	PLANNING & DEVELOPMENT HEARING NOTICE	17.38	
		PLANNING & DEVELOPMENT HEARING NOTICES	11.48	
		PLANNING & DEVELOPMENT HEARING NOTICE	9.51	
		PLANNING & DEVELOPMENT HEARING NOTICE	7.87	
		PLANNING & DEVELOPMENT HEARING NOTICE	5.90	
		PLANNING & DEVELOPMENT HEARING NOTICE	5.90	
		PLANNING & DEVELOPMENT HEARING NOTICE	5.90	
		PLANNING & DEVELOPMENT HEARING NOTICE	5.90	
		PLANNING & DEVELOPMENT HEARING NOTICE	5.90	
		PLANNING & DEVELOPMENT HEARING NOTICE	5.90	**81.64**
105091	LOWES	HARDWARE SUPPLIES	1,519.70	**1,519.70**
105092	LOWES	HARDWARE SUPPLIES	979.52	**979.52**
105093	MAX R	8 DOGGIE WASTE STATIONS	5,511.00	**5,511.00**
105094	MCCLURE ENGINEERING CO	2017-2018 PROF.SVS FOR TM-04-008 LW S. S	8,680.80	**8,680.80**
105095	MICRO CENTER AR	DVD BURNERS	67.96	**67.96**
105096	NATIONAL BAND & TAG CO	DOG TAGS	475.37	**475.37**
105097	OBIJI, MISHEA	CLEANING	150.00	**150.00**
105098	OVERLAND TOW SERVICE	TOWING SERVICES~	373.00	**373.00**
105099	PET CREMATION SERVICES	ANIMAL CREMATIONS	90.00	**90.00**

Check #	Vendor	Description	Amount Paid	Check Total
105100	PRAXAIR DISTRIBUTION INC 493	INDUSTRIAL ACETYLENE	376.25	**376.25**
105101	PRIME INDUSTRIAL PRODUCTS INC	COUPLER/PLASTIC PLUG/NIPPLE	96.12	**96.12**
105102	Q4 INDUSTRIES LLC	MATERIALS & SUPPLIES	609.68	
		MATERIALS & SUPPLIES	52.01	**661.69**
105103	RANCH MART ACE HARDWARE	MATERIAL & SUPPLIES	11.99	**11.99**
105104	RED WING SHOE STORE	UNIFORMS	210.00	**210.00**
105105	SCHUTTE LUMBER CO	SUPPLIES	928.77	**928.77**
105106	SHAWNEE MISSION SCHOOL DIST	FALL SOCCER RENTALS	842.00	**842.00**
105107	SHRED-IT USA LLC	SHREDDING SERVICE	758.60	
		SHREDDING SERVICE	307.80	**1,066.40**
105108	SOUTHEASTERN SECURITY CONS INC	P&R VOLUNTEERS	74.00	**74.00**
105109	STAPLES BUSINESS ADVANTAGE	RECT CHAIRMATS	188.84	
		MATERIALS & SUPPLIES	172.74	
		MATERIALS & SUPPLIES	68.02	
		CASE LOGIC HEAVY DUTY	51.15	
		OFFICE SUPPLIES	40.59	**521.34**
105110	STURGIS MATERIALS	600FT BUCKSKIN, 550 SQ NATURAL CLEFT	14,585.00	
		INDIANA 8" STRIPS	4,224.00	**18,809.00**
105111	SUNFLOWER TOW SERVICE LLC	TOWING SERVICES~	128.00	
		TOWING SERVICES~	128.00	
		TOWING SERVICES~	80.00	**336.00**
105112	TRANSPORTATION INC	BUNKER SAND HAULING	1,220.00	**1,220.00**
105113	TRANSUNION RISK & ALTERNATIVE	PROFESSIONAL INVESTIGATIVE SERVICES	50.00	**50.00**
105114	URBAN TREE SPECIALISTS LLC	TREE TRIMMING AND DEAD REMOVAL	7,445.00	**7,445.00**
105115	WARREN MOORE PAINTING LLC	PAINTING CONTRACT FOR PW FACILITY ON	12,700.00	**12,700.00**

Check #	Vendor	Description	Amount Paid	Check Total
105085	KISSICK CONSTRUCTION CO	2019 LEE BLVD. IMPROVEMENTS-95TH TO 103R	316,578.00	**316,578.00**
105086	KONICA MINOLTA BUSINESS SOL	COPY MACHINE MAINTENANCE	1,855.60	
		LEASE COVERAGE 12/1 - 12/31/2019	56.57	**1,912.17**
105087	LANGUAGE LINE SERVICES	INTERPRETATION SERVICES	44.54	**44.54**
105088	LAWSON PRODUCTS INC	NITRILE GLOVES/LENS CLEANER TOWELETTES	349.01	**349.01**
105089	LEAWOOD CHAMBER OF COMMERCE	NOVEMBER BOARD LUNCH - P.DUNN	16.50	**16.50**
105090	LEGAL RECORD	PLANNING & DEVELOPMENT HEARING NOTICE	17.38	
		PLANNING & DEVELOPMENT HEARING NOTICES	11.48	
		PLANNING & DEVELOPMENT HEARING NOTICE	9.51	
		PLANNING & DEVELOPMENT HEARING NOTICE	7.87	
		PLANNING & DEVELOPMENT HEARING NOTICE	5.90	
		PLANNING & DEVELOPMENT HEARING NOTICE	5.90	
		PLANNING & DEVELOPMENT HEARING NOTICE	5.90	
		PLANNING & DEVELOPMENT HEARING NOTICE	5.90	
		PLANNING & DEVELOPMENT HEARING NOTICE	5.90	
		PLANNING & DEVELOPMENT HEARING NOTICE	5.90	**81.64**
105091	LOWES	HARDWARE SUPPLIES	1,519.70	**1,519.70**
105092	LOWES	HARDWARE SUPPLIES	979.52	**979.52**
105093	MAX R	8 DOGGIE WASTE STATIONS	5,511.00	**5,511.00**
105094	MCCLURE ENGINEERING CO	2017-2018 PROF.SVS FOR TM-04-008 LW S. S	8,680.80	**8,680.80**
105095	MICRO CENTER AR	DVD BURNERS	67.96	**67.96**
105096	NATIONAL BAND & TAG CO	DOG TAGS	475.37	**475.37**
105097	OBIJI, MISHEA	CLEANING	150.00	**150.00**
105098	OVERLAND TOW SERVICE	TOWING SERVICES~	373.00	**373.00**
105099	PET CREMATION SERVICES	ANIMAL CREMATIONS	90.00	**90.00**

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105115	WARREN MOORE PAINTING LLC	PAINTING CONTRACT FOR PW FACILITY ON	12,700.00	**12,700.00**

Check #	Vendor	Description	Amount Paid	Check Total
105116	WASTE MANAGEMENT OF KANSAS INC	TRASH DISPOSAL	236.74	
		TRASH DISPOSAL	159.67	
		TRASH DISPOSAL	110.14	**506.55**
105117	WATER DISTRICT 1 JO CO	WATER SERVICE	55.65	**55.65**
105118	WEST PUBLISHING CORP, A, THOMSON RI	WEST INFORMATION CHARGES	666.30	**666.30**
105119	WEX BANK	MOTORCYCLE FUEL	12.60	**12.60**
105120	ZOLL MEDICAL CORPORATION	CAPITAL EXPENSE	2,475.00	
		EQUIPMENT MAINT	62.92	**2,537.92**

68 checks in this report.

Grand Total All Checks: **1,642,788.43**

CITY OF LEAWOOD
Check Date 01/09/2020
Ordinance 2020-1

Final Check List

Check #	Vendor	Description	Amount Paid	Check Total
105015	AMERICAN EQUIPMENT COMPANY	VEHICLE OPERATIONS/MAINT - PLOW TRUCK	267.27	**267.27**
105016	AMERICAN MICRO COMPANY	ANNUAL ARCHIVE RETENTION FEE 2020	245.00	**245.00**
105017	APCO INTERNATIONAL INC	TRAINING~	109.00	**109.00**
105018	ARTHUR J GALLAGHER RISK MGMNT	QTRLY INSURANCE INSTALLMENT	114,792.00	
		ANNUAL KUST PREMIUM	318.00	**115,110.00**
105019	AU, HOI KEI	MAYOR'S LUNAR DINNER	200.00	**200.00**
105020	BERNIE ELECTRIC WHOLESALE INC	MATERIALS & SUPPLIES	235.56	**235.56**
105021	BLUE VALLEY PUBLIC SAFETY	EQUIPMENT MAINT.	1,861.20	**1,861.20**
105022	CHARLESWORTH CONSULTING LLC	ANNUAL FEE PROP CASUALTY FEE	500.00	**500.00**
105023	CLAYTON HOLDINGS LLC	GOLF CART LEASE-PRINCIPAL	81,835.58	**81,835.58**
105024	EMERGENCY MEDICAL PRODUCTS IN.	PATROL SUPPLIES	209.80	**209.80**
105025	FAAC INC	BRONZE WARRANTY - 1 YEAR	1,568.25	**1,568.25**
105026	GALLS LLC	ACADEMY UNIFORMS	166.48	
		ACADEMY UNIFORMS	20.00	**186.48**
105027	HEN HOUSE BALLS FOOD STORES	OFFICE SUPPLIES	27.75	**27.75**
105028	JO CO EMERGENCY COMM CTR	ADMIN CONTRACTURAL	1,317.00	**1,317.00**
105029	JO CO LAW LIBRARY	ANNUAL ATTORNEY FEE - M.KNIGHT	100.00	**100.00**
105030	JO CO LAW LIBRARY	ANNUAL ATTORNEY FEE - A.TOMASIC	100.00	**100.00**
105031	JO CO LAW LIBRARY	ANNUAL ATTORNEY FEE - P.BENNETT	100.00	**100.00**

Check #	Vendor	Description	Amount Paid	Check Total
105032	JO CO WASTEWATER	WASTEWATER SERVICE	108.78	
		WASTEWATER SERVICE	72.76	
		WASTEWATER SERVICE	14.97	**196.51**
105033	KANSAS SECRETARY OF STATE	2019 STATUTE SUPPLEMENTS & VOLUMES	839.06	**839.06**
105034	KAT NURSERIES	GREEN GIANT PLANTS	750.00	**750.00**
105035	KC METROPOLITAN CRIME COMMISS	2020 CRIMESTOPPER CONTRACT	2,000.00	**2,000.00**
105036	KU PUBLIC MANAGEMENT CTR	TRAINING	3,800.00	**3,800.00**
105037	LEAGUE OF KS MUNICIPALITIES	2020 DUES AND KS GOV JRNL SUBSCRIP	24,412.32	**24,412.32**
105038	LEAWOOD CHAMBER OF COMMERCE	INITIAL 50% - 2020 ECON DEV AGREEMENT	62,500.00	**62,500.00**
105039	LEXIPOL LLC	CONTRACT SERVICES	16,188.00	**16,188.00**
105040	MID STATES ORGANIZED CRIME	MEMBERSHIP DUES	250.00	**250.00**
105041	MOBILFONE WIRELESS	COMMUNICATION	155.71	**155.71**
105042	MUSIC THEATRE INTERNATIONAL	PERFORMANCE RIGHTS FOR DROWSY CHAPEF	2,735.00	
		PERFORMANCE RIGHTS FOR DROWSY CHAPEF	1,850.00	**4,585.00**
105043	O'REILLY AUTO PARTS	MATERIALS & SUPPLIES	19.99	**19.99**
105044	SALTUS TECHNOLOGY LLC	SOFTWARE MAINTENANCE	5,877.20	**5,877.20**
105045	SELEX ES INC	WARRANTY SOFTWARE&HARDWARE	2,990.00	**2,990.00**
105046	SUBURBAN LAWN & GARDEN INC	YARD WASTE TIP FEE	24.00	**24.00**
105047	SUMMIT TRUCK GROUP	VEHICLE OPERATIONS/MAINT.	99.79	**99.79**
105048	TG TECHNICAL SERVICES	EQUIPMENT MAINT.	225.00	**225.00**
105049	THYSSENKRUPP ELEVATOR	BLANKET PO FOR 2020 QUARTERLY ELEVATOR	1,129.10	**1,129.10**
105050	TIME WARNER CABLE	CABLE	39.61	**39.61**
105051	UNIFIRST CORPORATION	MAT CLEANING	104.71	**104.71**

Check #	Vendor	Description	Amount Paid	Check Total
105052	WASTE MANAGEMENT OF KANSAS IN	TRASH DISPOSAL	202.87	202.87

38 checks in this report.

Grand Total All Checks: 330,361.76

Regular Meeting

THE LEAWOOD CITY COUNCIL

January 6, 2020

Minutes

DVD No.

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, 7:00 P.M. on Monday, January 6, 2020. Mayor Peggy Dunn presided.

Councilmembers Present: Julie Cain, Chuck Sipple, James Azeltine, Jim Rawlings, Debra Filla, Andrew Osman and Lisa Harrison

Councilmembers Absent: Mary Larson

Staff Present:

Scott Lambers, City Administrator	Patty Bennett, City Attorney
David Ley, Public Works Director	Chief Troy Rettig, Police Department
Chris Claxton, Parks & Recreation Director	Nic Sanders, Human Resources Director
Mark Tepesch, Info. Services Specialist III	Ross Kurz, Info. Services Director
Richard Coleman, Comm. Services Director	Chief Dave Williams, Fire Department
Holly York, Cultural Arts Coord.	Kelly Varner, City Clerk

Others Present: Kevin Jeffries, President, Chief Executive Officer and Director of Economic Development, Leawood Chamber of Commerce

1. **PLEDGE OF ALLEGIANCE** Led by Darren McKever and Camden Silva from Troop 449

2. **APPROVAL OF AGENDA**

Mr. Lambers added an Executive Session to the end of the meeting for attorney-client privilege for a topic of conversation not on the agenda.

A motion to approve the amended agenda was made by Councilmember Rawlings, seconded by Councilmember Sipple. Motion carried with a unanimous vote of 7-0.

3. **CITIZEN COMMENTS**

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda. It is not appropriate to use profanity or comment on pending litigation, municipal court matters or personnel issues. Comments about items that appear on the action agenda will be taken as each item is considered. CITIZENS ARE REQUESTED TO KEEP THEIR COMMENTS UNDER 5 MINUTES.

Cary Shaw, 9618 High Drive, Leawood, KS, appeared to speak about Item 7E in reference to the renovations to the former City Hall and the Fire Station. He and his neighbors have no interest in the deeds and restrictions being removed from the home at 9619 Lee Boulevard. They have no issue with the Fire Station because it is not obtrusive, but they feel that the size of the proposed Fire Station is inconsistent with the nature and character of the neighborhood. He stated he does not want a park near

his yard, either. He stated a desire to have meetings to talk about the deeds and restrictions, pointing out that a licensed surveyor was contracted to evaluate the property.

Mayor Dunn invited Mr. Shaw to participate in the planning process and asked Mr. Lambers and Ms. Bennett to ensure that the deed restriction paperwork is in order.

Mr. Lambers stated that the paperwork would be evaluated and sent out formally as the official map of the participative area.

Mayor Dunn stated that the process was, indeed, not moving quickly and that many meetings had been held to discuss it.

John Martin, 4503 W. 126th Street, Leawood, KS, addressed the stormwater situation at Patrician Woods, complimenting the process. He shared concerns about the evergreen trees at Patrician Woods East, pointing out that four or five homeowners are in violation of Code Nos. 13-408 and 8-521 because of the condition of their diseased and dead trees.

Mayor Dunn stated she would ask for Leawood Codes Enforcement to review the paperwork presented.

4. PROCLAMATIONS – Martin Luther King Jr. Day, January 20,2020

Mayor Dunn read parts of the proclamation into the record.

5. PRESENTATIONS/RECOGNITIONS-None

6. SPECIAL BUSINESS – None

7. CONSENT AGENDA

Consent agenda items have been studied by the Governing Body and determined to be routine enough to be acted upon in a single motion. If a Councilmember requests a separate discussion on an item, it can be removed from the consent agenda for further consideration.

A. Accept Appropriation Ordinance Nos. 2019-50 and 2019-51
B. Accept minutes of the December 16, 2019 Governing Body meeting
C. Accept minutes of the November 12, 2019 Parks & Recreation Advisory Board
D. Accept minutes of the November 6, 2019 Public Works Committee
G. Resolution approving and authorizing the Mayor to execute Amendment No. 1 to the contractor agreement between the City and Black & McDonald, dated December 21, 2015, pertaining to streetlight and traffic signal maintenance.
E. **Resolution No.5292,** Resolution approving and authorizing the Mayor to execute an agreement between the City and Richards Construction Company pertaining to the demolition of house, cell tower, and underground storage tank, located at 9617 and 9619 Lee Boulevard in the amount of $37,800.00 (project no. 80158)
F. **Resolution No. 5293,** Resolution approving and authorizing the Mayor to execute a construction agreement, between the City and Dondlinger and Sons Construction Company in the amount of $80,698.30, for the Roe Avenue Wall Replacement Project (project no. 72088)
G. **Resolution No. 5294,** Resolution approving and authorizing the Mayor to execute Amendment No. 1 to the contractor agreement between the City and Black & McDonald, dated December 21, 2015, pertaining to streetlight and traffic signal maintenance.

Councilmember Sipple requested Consent Agenda Item 7.E. be pulled.
Councilmember Harrison requested Consent Agenda Item 7.F. be pulled.

A motion to approve the remainder of the Consent Agenda was made by Councilmember Azeltine; seconded by Councilmember Rawlings. The motion was approved with a unanimous vote of 7-0.

7.E. Resolution approving and authorizing the Mayor to execute an agreement between the City and Richards Construction Company pertaining to the demolition of house, cell tower, and underground storage tank, located at 9617 and 9619 Lee Boulevard in the amount of $37,800.00 (project no. 80158)

Councilmember Sipple asked about the disposition of building materials. He asked if removable fixtures were donated to Habitat for Humanity.

Mr. Ley stated that Taylor Construction Services would come in to remove doors, cabinets, fixtures, the HVAC system and other fixtures prior to demolition.

Mr. Lambers pointed out that the contract is separate and because it is less than $5,000, he signed it per his authority.

Councilmember Harrison asked Mr. Ley how long the demolition would take.

Mr. Ley replied that it should take a couple weeks to demolish the house, pull out the tanks, and remove the cell tower, weather permitting.

A motion to approve Consent Agenda Item 7.E. was made by Councilmember Sipple; seconded by Councilmember Filla. The motion was approved a with a unanimous vote of 7-0.

7.F. Resolution approving and authorizing the Mayor to execute a construction agreement, between the City and Dondlinger and Sons Construction Company in the amount of $80,698.30, for the Roe Avenue Wall Replacement Project (project no. 72088)

Councilmember Harrison asked if the wall would be built in the same manner as the existing wall.

Mr. Ley stated that the current wall is supported with a footing, and the proposed wall will be a gravity wall that is much thicker at the base and thinner at the top. The drains will be inspected and repaired as needed.

Councilmember Harrison asked if drains would be added.

Mr. Ley replied that drains would be added as needed.

Councilmember Harrison stated that the walls are impacted by the sprinkler systems and pools in the adjoining neighborhood. She asked if homeowners would be asked to help preserve the wall.

Mr. Ley stated that if an issue were to arise, the City could speak with the residents. He stated rocks would be added to the top so that water would drain around the wall. Any underground water will drain and be taken to the storm sewer.

Councilmember Harrison asked if there would be a guarantee on the wall.

Mr. Ley stated that it would have a two-year warranty on maintenance.

A motion to approve Consent Agenda Item 7.F. was made by Councilmember Harrison; seconded by Councilmember Filla. The motion was approved a with a unanimous vote of 7-0

8. MAYOR'S REPORT

A. Wished everyone Happy New Year!

B. Had the privilege of accepting a $2,370.00 gift donation to Police and Fire Department from The Cloisters Homes Association, presented by President Robert Arther. The donation is from the residents on a voluntary basis in appreciation for services both rendered and available. The Cloisters Homes Association has been doing this for more than fifteen years.

A motion to accept the $2,370 donation to Police and Fire Department from the Cloisters Homes Association was made by Councilmember Filla, seconded by Councilmember Osman. The motion was approved with a unanimous vote of 7-0.

Councilmember Filla asked if they could get on the agenda at the annual Homes Association meeting to share their tradition.

C. Mayor Dunn extended sincere sympathies to former Governor Jeff Colyer and his family on the recent passing of his 93-year-old mother Lorene. She attended her funeral held in Leawood at St. Michael the Archangel Catholic Church.

D. Joined Police Chief Troy Rettig and members of his leadership team at a Corinth Elementary DARE graduation. Officer Phil Goth, who does a wonderful job with the students, spearheads the program.

E. Had the pleasure of attending the Kansas City, Missouri Business Leadership Council Special Meeting, hosted by the Greater Kansas City Chamber of Commerce, where Kansas City Mayor Quinton Lucas provided his remarks on his hopes and dreams for Kansas City, Missouri.

F. Mayor Dunn extended congratulations to the Leawood Stage Company, who, in partnership with Vida Dance Studio, produced a terrific rendition of "Cracked!" a reimagined Kansas City Nutcracker which was very well done.

G. Congratulations to Police Chief Rettig and the Police Department who recently swore in seven new officers, perhaps one of the largest classes ever at one time.

9. COUNCILMEMBERS' REPORT – None

10. CITY ADMINISTRATOR REPORT – None

11. STAFF REPORT – None

COMMITTEE RECOMMENDATIONS

12. PUBLIC WORKS

Update from the Public Works Committee re: Crosswalk request on Lee near 89th Street

Councilmember Osman, Chairman of the Public Works Committee, stated that street improvements from 103rd to 95th Street were made on Lee Boulevard. The next section will be 95th Street to 83rd Street. Several residents requested a crosswalk, and Public Works agreed that a study should be done to determine what crosswalk lights will be placed at the intersection.

Mayor Dunn confirmed that the recommendation would come back for a possible amendment. She asked for a motion to have the study done.

A motion to recommend a study to determine what crosswalk lights should be placed at the intersection was made by Councilmember Osman, seconded by Councilmember Cain. Motion carried with a unanimous vote of 7-0.

13. PLANNING COMMISSION – None
[from the November 26, 2019 Planning Commission Meeting]

A. **Ordinance No. 2971,** approving a Rezoning to R-1 (Planned Single Family Low Density Residential), Special Use Permit for a Place of Worship and Elementary School, Preliminary Plan, Preliminary Plat, Final Plan and Final Plat for Cure of Ars Catholic Church and School, located south of 93rd Street and east of Mission Road. (PC Case 102-19) **[ROLL CALL VOTE]**

Due to a potential conflict of interest, Mayor Dunn recused herself turned the floor over to Presiding Officer Councilmember Julie Cain.

Richard Coleman reviewed the case. Cure of Ars is proposing phases of construction. The issues with the proposal have been resolved, including the north entrance/exits. Public Works agreed to allow them to be temporarily reduced.

Dan Zeller, Gould Evans, 4200 Pennsylvania, Kansas City, MO, appeared and stood for questions.

Councilmember Osman stated support for the project. He expressed concern about the 8:00 a.m. and 3:00 p.m. traffic flow. He mentioned personal experience with a backup at those times. With the addition of the building in the front and consolidation of the lanes, he asked about the effect on traffic flow at those times.

Mr. Zeller replied that the worst condition is in the afternoon. To address this, they have added two lanes on the east side of the school that stack the traffic. The west side already has two lanes for stacking, and they will add two more lanes in front of the church on a temporary basis to keep cars off Mission Road.

Councilmember Osman asked about the time frame for construction.

Mr. Zeller stated that the construction of the performing arts center in the gymnasium on the south side will begin upon approval, before school gets out. The renovation of the school will occur during summer when school is out of session, with construction anticipated to be complete before school starts.

Councilmember Harrison asked if the gymnasium would go where the current basketball courts or the current playground are.

Mr. Zeller replied it would take the place of the current playground.

Councilmember Harrison asked if any parking spaces would be lost with the new building.

Mr. Zeller pointed out that no spaces would be lost with the new building but that some would be lost on the east side to meet the city ordinance of a 25' setback on the east property line.

Councilmember Harrison asked as a member of the Sustainability Advisory Board if there has been any talk about making the building's roof a cool, green, or live roof.

Mr. Zeller replied that it is a cool roof, meaning it has a white reflective material on it. It is a super insulated building to reduce the energy load it takes to heat and cool it.

Councilmember Osman asked staff about the process for the second and third phases of the project.

Mr. Coleman stated that there is a two-year plan provision, but the applicant intends to begin in the spring. Financing is a factor, but all phases are planned to be completed in ten years.

Mr. Zeller confirmed that funding will affect the completion date.

Mr. Coleman pointed out that the applicant will return for approval for each of those phases.

Councilmember Sipple asked about the funding for the project, assuming it was a result of fundraising at the school. He asked if it could be done in ten years ideally.

Mr. Zeller replied that funding is a result of fundraising and that the plan shows a breakdown of dates provided by Cure, contingent upon fundraising and future needs. The general time frames are 2026-2028 for Phase Two and 2030-2031 for Phase three.

Councilmember Sipple pointed out that both phases will require separate approvals.

Mr. Zeller agreed and stated that Phase Two will include a traffic study to alleviate any concerns about traffic that should be addressed during Phase One.

Councilmember Sipple asked when Phase One would be completed ideally.

Mr. Zeller confirmed it is scheduled to be complete by the start of school.

Presiding Officer Cain asked for a motion.

A motion to approve Item 13A was made by Councilmember Filla, seconded by Councilmember Osman. Motion carried with a unanimous roll call vote of 7-0.

Mayor Dunn returned to the meeting.

B. **Resolution No. 5295,** approving a Final Plan for City of Leawood Public Art – Women of the World, located south of Town Center Drive and west of Tomahawk Creek Parkway. (PC Case 121-19)

Mayor Dunn stated that the donor of the art was Astoria Healthcare and Nueterra Capital.

Chris Claxton, Parks and Recreation Director, addressed the relocation of the piece Women of the World, which was easily unnoticed in the previous location and was not well maintained. Once the footings are bid, the contract will come back before the Governing Body, potentially in March.

Councilmember Harrison pointed out that the piece is one of her favorites as a former geography teacher. She appreciates the new location, but she also feels that it is not as visible as it should be for vehicular traffic. She requested that art be placed in more visible locations in the future. She wanted Point Defiance closer to Mission Road.

Mayor Dunn stated that the art would be raised and would potentially be visible from Town Center Drive.

Ms. Claxton said she was not sure because the foundation is 4 feet tall, plus the size of the globe, which is 8 feet in circumference. To Ms. Harrison's point, the City will work with the Arts Council to redevelop the brochure and add five more pieces. Additionally, a new Public Arts Master Plan will be developed.

Councilmember Filla stated that the open house for the Justice Center will provide opportunity for people to see the art. She talked about the bike tour with Spoke'n Art and encouraged revisiting that idea.

Mayor Dunn confirmed that it will be lit.

A motion to approve Item 13B was made by Councilmember Filla, seconded by Councilmember Cain. Motion carried with a unanimous vote of 7-0.

C. **Resolution No. 5296,** approving a Final Plan for City of Leawood Public Art – Inspiration, located south of College Boulevard and east of Tomahawk Creek Parkway. (PC Case 122-19)

Mayor Dunn stated that the donors of Inspiration are Leawood residents Bill and Mary Walker.

Chris Claxton, Parks and Recreation Director, addressed the installation of Inspiration toward the end of April, beginning May to coordinate with the artist, Rita Blitt's schedule. She spends her winters in San Francisco and will return in the end of April. Ms. Blitt is excited to have the piece in Leawood. The footings are more involved because of the size of the piece.

Councilmember Cain expressed surprise about a 30" retaining wall in the installation.

Ms. Claxton stated that it is enough to raise up the piece for the purposes of exposure.

Councilmember Cain asked for clarification on the piece being donated, as the notes mention purchase by the City.

Mayor Dunn confirmed that Mary and Bill Walker were the donors.

Councilmember Sipple asked about the best eye level for visibility for a driver going northbound or southbound at the intersection. He expressed concern that the pedestal will not be tall enough.

Ms. Claxton stated that the grade falls back to the east. She felt that the piece would still be visible because it is large and yellow and will be oriented to the cross-section of the intersection.

Councilmember Sipple expressed concern about passing traffic having to look down into the shallow area to see the entire piece.

Mayor Dunn asked if Continental engineered the footing and if their recommendation was the 30" retaining wall.

Ms. Claxton confirmed that was correct.

A motion to approve Item 13C was made by Councilmember Cain, seconded by Councilmember Sipple. Motion carried with a unanimous vote of 7-0.

D. **Ordinance No. 2972,** amending Section 16-3-9 of the Leawood Development Ordinance entitled "Deviations" and repealing existing Section 16-3-9 and other sections in conflict herewith. (PC Case 124-19) **[ROLL CALL VOTE]**

Richard Coleman, Planning Director, addressed the proposed amendment to change the Leawood Development Ordinance (LDO) to allow for a deviation at the build line as well as the lot frontage. Currently, an 80% deviation to the lot width is allowed, but a deviation is not allowed on the build line. This amendment makes the build line and the lot width consistent.

Councilmember Cain asked if a request prompted the proposed amendment.

Mr. Coleman stated that a request had come through recently.

Councilmember Filla asked if this allows the lot and the build line to be bigger.

Mr. Coleman clarified that it would allow the lot to be narrower. It would be a deviation allowed in the planning stage. There have been situations in which the actual property line is on the right-of-way, and the deviation narrows it down, but there is no deviation at the build line, so it is inconsistent. It ends up making the lot the same width, regardless.

Councilmember Filla asked why it was necessary to give approval to do that.

Mr. Coleman stated that it isn't required but that some people would like the deviation. Currently, it is not an option, and this negates the deviation they are requesting.

Mayor Dunn stated that she has heard cases that have gone before the Board of Zoning Appeals regarding this situation, and the board requested staff to review it.

Councilmember Osman gave an example of a corner lot, which would have two frontages. Previously, it was not allowed, but this would allow a homeowner to redevelop the home.

Mr. Coleman replied that with the information presented, it seemed accurate.

Councilmember Osman stated that he had attempted to redevelop his house but that it was not allowed because he was on a corner lot with two frontages.

Mr. Coleman pointed out that a replat of a subdivision, this amendment would take effect.

Councilmember Osman stated that it would be the same situation if his house were torn down and rebuilt.

Mayor Dunn advised that it would be contingent upon Governing Body approval.

Councilmember Osman asked if the code applied to unique lots.

Mr. Coleman stated that it wouldn't necessarily need to be a unique lot. If a property were developed into three lots, but without a deviation, it could only be two lots, this amendment could help.

Councilmember Harrison asked if this would have impacted the situation at 151st and Mission, where a builder wanted to build bigger houses on smaller lots.

Mr. Coleman replied that it could have allowed another lot because of the configuration of the curves on the street.

Councilmember Harrison asked if they could then come back and ask to redraw the lots.

Mr. Coleman said that was a possibility.

Ms. Bennett stated they could come back anyway and that this would affect R-1(Planned Single Family Low Density), RP-1 (Planned Single Family), and AG (Agriculture).

Councilmember Harrison asked about lot sizes with smaller homes that couldn't be done in Leawood because the lot minimums were too big and wanted to know if this fixes that problem.

Mr. Coleman stated that it wouldn't affect the size of the lot in the LDO. Someone could ask for a deviation on lots in R-1, for example. If it was allowed, they could then have smaller frontages on their lot with this amendment.

Councilmember Harrison stated that it doesn't seem like a big change.

Mr. Coleman agreed but stated that it affects how the subdivisions are laid out.

Councilmember Harrison stated that she is in support of allowing smaller lots.

Mr. Coleman said that this would allow smaller lots, but that is not the purpose of the amendment. Mixed-Use developments can have very small lots for single-family homes.

A motion to approve Item 13D was made by Councilmember Filla, seconded by Councilmember Azeltine. Motion carried with a unanimous roll call vote of 7-0.

E. **Ordinance No. 2973,** amending Section 16-1-4.2 of the Leawood Development Ordinance entitled "Minimum Standards" and repealing existing Section 16-1-4.2 and other sections in conflict herewith. (PC Case 123-19) **[ROLL CALL VOTE]**

Patty Bennett, City Attorney, addressed the amendment, which addresses concerns of cell tower owners and the City. KCP&L meter boxes for the DAS, monopoles, and streetlights are 56 inches. Leawood currently has provisions that give staff the ability to grant administrative approval for 55 inches and under. This ordinance increases that number to 56.

Councilmember Filla talked about the issue with KCP&L with burying utilities at 92nd Street, where there was concern about the lines blocking line of sight. While the administrative approval eases the process, she wanted to ensure the towers are not interrupting lines of sight.

Mr. Coleman stated that the City reviews placement and considers sight triangles.

A motion to approve Item 13E was made by Councilmember Filla, seconded by Councilmember Harrison. Motion carried with a unanimous roll call vote of 7-0.

F. **Ordinance No. 2974,** amending Section 16-4-12.4 of the Leawood Development Ordinance entitled "Distributed Antennae System (DAS) and Small Cell Facilities (SCF)" and repealing existing Section 16-4-12.4 and other sections in conflict herewith. (PC Case 113-19) **[ROLL CALL VOTE]**

Patty Bennett, City Attorney, addressed the amendment, which addresses changes as technology continues to evolve. This amendment allows for 5G technology to come to Leawood and allows for a different configuration of equipment on the light poles. This would have three plate-like antennas that go around the top of the pole. It is a different look, but staff worked to balance the city's desires while still allowing the technology to come in. The City is incentivizing carriers' use of light poles, but this ordinance addresses when carriers put up their own poles.

Mayor Dunn asked if poles can be limited to exclude front yards.

Ms. Bennett replied that Kansas statute does not allow the City to do that. Poles are allowed anywhere in the right-of-way.

Mr. Coleman pointed out that the 4G technology will remain on the poles along with the 5G technology.

Councilmember Sipple asked for a clarification on the carriers' ability to put poles where they would like in a right-of-way.

Ms. Bennett replied that the City can impose aesthetic guidelines, but Kansas law allows for carriers to locate the poles in the right-of-way. The City can require attachments, matching colors, and size. Public Works has a required standard distance for poles as well.

Councilmember Sipple asked if a homeowner has the ability to push back on the location.

Ms. Bennett replied that a homeowner cannot deny placement on the right-of-way.

Councilmember Azeltine asked if it was Kansas or the Federal Communications Commission (FCC) that imposed the requirements.

Ms. Bennett replies that the FCC has rulings that inhibit the City's right to do certain things with the poles.

Councilmember Azeltine pointed out that the FCC ruling tied the City's hands over the placement.

Ms. Bennett stated that the FCC ruling speaks to fees and application processing speed. The state statute more clearly gives them the right to be in the right-of-way.

Mayor Dunn pointed out that any lobbying could go through the state legislators.

Ms. Bennett agreed and stated that the industry has asked for more but maybe not this year and that the cable industry is looking to join in.

A motion to approve Item 13F was made by Councilmember Filla, seconded by Harrison. Motion carried with a unanimous roll call vote of 7-0.

G. **Ordinance No. 2975,** amending Section 16-4-7 of the Leawood Development Ordinance entitled "Landscaping and Screening Requirements" and repealing existing Section 16-4-7 and other sections in conflict herewith. (PC Case 111-19) **[ROLL CALL VOTE]**

Richard Coleman, Planning Director, addressed the proposed amendment to the Landscaping and Screening Requirements section of the LDO. One is required landscaping in parking lots based on number of parking spaces, and the location the trees should be planted wasn't clear. This amendment proposes one tree per island side, so a double island that is 36'x8' would require two trees.

Councilmember Osman asked about a circumstance with a tight area with no space to put a second tree.

Mr. Coleman stated that some situations don't allow for the end islands of sufficient width. In that case, only landscaping would be required.

Councilmember Osman asked if that is stated in the amendment.

Mayor Dunn pointed out that the amendment includes exception language.

Mr. Coleman stated that the staff is always balancing the need for required number of parking spaces and appropriate landscaping. Occasionally, one LDO requirement affects another and creates an issue with moving things around.

Councilmember Harrison asked about the visuals in the presentation that demonstrated various trees crossed out.

Mr. Coleman stated that not all the graphics removed were wrong, but that the graphic represented the new requirements.

Councilmember Harrison asked if the new ideal would be twice as many trees in certain islands if they are 8 feet, minimum.

Mr. Coleman confirmed that was correct and that end islands would have two trees rather than one.

Councilmember Harrison stated that the ideal tree lawn in Leawood is 10 feet.

Mr. Coleman stated that he checked with Brian Anderson on the distances and that he agreed they would be appropriate.

Councilmember Harrison said that she had an issue with the fact that the City is telling residents the ideal tree lawn is 10 feet wide on the street, which is a tree lawn cramped between a concrete sidewalk and a concrete street, and we are telling developers in a parking lot with more impervious area and more heat that they need to plant more trees in a narrower space, which could cause buckling of curbs and asphalt.

Mr. Coleman replied that an 8' space is enough to plant almost any tree and that the reason that the amendment is written as such is that parking spaces are not 10' wide.

Councilmember Harrison stated that she was not sure that parking lots make good homes for trees on little islands when they are not irrigated and are surrounded by so much concrete.

Mr. Coleman stated that the trees are supposed to be irrigated. Adding the islands and green spaces in the parking lot mitigates the heat island effect and creates a microclimate. The less landscaping, the higher the heat and the less the survival. A 3' green strip will not do well. This is a compromise between having a big area and a little area.

Councilmember Harrison agreed that many street trees are being watered by sprinklers but that she had never seen a parking lot that had automatic sprinklers. She spoke about it being a maintenance nightmare. She did not like the idea of requiring more trees when the trees have trouble surviving in the spaces to begin with.

Mr. Coleman stated that more trees create a better survival rate unless they are overcrowded.

Mayor Dunn pointed out that irrigation has been a requirement for quite a while.

Councilmember Filla expressed support for encouraging prevention of heat islands and defining natural spaces that don't have to be mowed. She asked if there is any specification for shade trees.

Mr. Coleman stated that it would be a medium- or large-size tree. The City has a list of trees provided by the Regional Landscape Association.

Councilmember Filla stated that she has learned that many tree issues are caused by quality of soil.

Mr. Coleman pointed out that it is not mentioned specifically.

Mayor Dunn said that the Chamber President has advocated amending the soil.

Councilmember Filla stated that soil amendment is one thing, but not packing it is another. She asked if further direction on workmanship could be added.

Mr. Coleman replied that many factors go into a successful planting, including soil and plant material.

Councilmember Filla spoke about Greensburg, a city that was rebuilt after a tornado, which had a well for irrigation. She asked if Leawood had looked at their standard.

Mr. Coleman said that Greensburg had swales to direct water into planting areas on Main Street, but the planting lawn was not as big as the area being discussed in Leawood. Greensburg has 10-15 inches of rainfall a year, which is significantly less than Leawood.

Councilmember Filla stated that she always considers what Leawood would do differently if it were California with the extended drought. She wondered if it would make sense to consider following Greensburg's model of water conservation.

Mr. Coleman stated that a new section would have to be created for landscaping to address that. Downtown Kansas City did some of that with structural soils, amended soils, and underground drainage. He stated that it could be overkill in Leawood. He said it would be welcome if a developer wanted to do it voluntarily.

Councilmember Filla agreed and asked if Leawood could provide a guide for that.

Mr. Coleman stated that it could be available.

Councilmember Azeltine stated concerns that the LDO has not distinguished between required maintenance of natural areas and other formally landscaped areas. He wondered about the wisdom of defining a natural area because an area could be presented as natural when it is potentially an eyesore.

Mr. Coleman said that this amendment would address tracts of natural area that remain in Leawood, including the drainage arm behind City Hall and along Tomahawk Creek. There are a number of subdivisions that have tracts with natural areas. Occasionally, homeowners have removed vegetation from common areas.

Councilmember Azeltine worried that an employee could cite a citizen for weeds and the citizen claims it is a native plant.

Mr. Coleman stated that the amendment would relieve that issue.

Councilmember Azeltine pointed out that the native areas weren't recognized in the ordinance previously.

Mr. Coleman said that weeds along Tomahawk Creek Trail shouldn't be there if native grasses aren't recognized. The amendment does not apply to noxious weeds listed by the state.

Councilmember Sipple asked if this would be for parking lot developments going forward and if existing parking lots would work with existing plans.

Mr. Coleman confirmed that was correct.

Councilmember Filla clarified that this ordinance does not pertain to individual residents but that it could be something to consider in the future. Sustainable landscaping is a topic of conversation and something she would like to see encouraged in Leawood, including native grasses that help stormwater.

A motion to approve Item 13G was made by Councilmember Filla, seconded by Councilmember Cain. Motion carried with a vote of 6-1, including a nay vote from Harrison for reasons stated.

H. **Resolution No. 5297,** approving the Planning Commission's recommendation to deny a request for approval of a Revised Final Plan for Ranch Mart North Shopping Center – Redevelopment, located north of 95th Street and east of Mission Road. (PC Case 120-19)

Curtis Petersen appeared on behalf on the applicant. A flyover was shown which reflects the updated Final Development Plan. The entryway to the courtyard was shifted east, so it was adjacent to Meat Mitch, the hopeful restaurant tenant. He expressed the need for traffic control in the area. Price Chopper requested to keep the existing brick but would make improvements both inside and outside. The plan will be welcoming to pedestrians as well.

Councilmember Filla clarified that turning right into the parking field is not an option, but going straight and around into the parking field is.

Mr. Petersen stated that there are several spots where parking is a free-for-all and traffic control needs to be in place over by McDonald's and O'Neill's.

Councilmember Filla asked if Mr. Petersen had a close-up picture for McDonald's.

Mr. Petersen said that it would be possible to zero in on that image later. He wants to get started immediately if it is approved. KCP&L will be doing extensive powerline burial. Meat Mitch, the barbecue restaurant, will moving into the old Seasonal Concepts building. The permit for the demolition of the bowling alley is ready to be submitted. He spoke about the changes from the originally approved plan that planning staff opposed in the Planning Commission meeting the month prior. To address the perceived issues, he felt more images would help the Governing Body see the quality in the project and he questioned if the currently proposed plan would have been better received had both Planning Commission and Governing Body not evaluated and approved the previous plan. Various contractors helped create a budget, and the general contractor and landscape artists got involved in Spring 2019, which resulted in adjustments to the current Final Plan. The adjustments fall into three categories, the first of which is due diligence. This included items such as the concrete patterns, access-point bollards, and natural stone. The second category is tenant coordination, which included moving the southern access point to the courtyard, tenant loss in the courtyard kiosk, and Price Chopper's design preferences. The third category is the challenge of redevelopment, which includes height reduction to better secure the parapet. He emphasized that the cumulative effect of the changes was nothing short of quality and was not meant to cheapen the project. He showed the Sources and Uses from the CID (Community Improvement District), which illustrated additional costs of $4.5 million. He pointed out that the applicant is not requesting more in the CID. The currently approved plan cannot move forward, while the proposed plan can move forward with greater cost, no change to the CID, and as a better long-term project.

He talked about stipulations that the applicant would like to either clarify or delete, including Nos. 11, 12, 14-17, and 36. Stipulation No. 11 requests natural stone in place of manufactured stone, which was proposed as an accent only. He pointed out that today's manufactured stone is much different than the troubled stone the City has experienced in the past because the installation is superior and has a 50-year warranty with a reliable company. He asked for deletion of the stipulation.

Mayor Dunn asked if he also wanted to remove stack-stone walls on Mission Road and 95th Street.

Mr. Petersen asked to revisit that later in the presentation. He emphasized the importance of the issue and requested that he did not want this stipulation to hold up the process and asked that if it were to potentially delay the process, to stipulate that the developer will follow what the City decides about natural stone as a whole. Stipulation No. 12 relates to parking lot flumes, which are ubiquitous in a redevelopment such as this. The alternative to flumes involves significant regrading. He pointed out that the redevelopment at Camelot Court had flumes that are not an eyesore and asked that they be allowed by deleting No. 12. Stipulation No. 14 refers to a 3' screen wall faced with natural stone. The applicant would like this stipulation to be deleted because stacked stone creates maintenance issues with mowers, bikes, and salt, and the design team proposed a high-quality, attractive concrete perimeter wall. Stipulation No. 15 refers to the number of ornamental grasses. He asked that it be deleted because the proposed number of ornamental grasses to be planted as plugs is appropriate based on Rosehill's recommendations.

Councilmember Azeltine asked how long it takes a plug to get to the requested size.

Mr. Petersen stated that Rosehill has reported the plugs need approximately six months to get established and longer to get to the container size.

Councilmember Cain stated it would take a couple years.

Mayor Dunn said that the LDO has specific coverage requirements, and the applicant would have to ensure the coverage is met, which could be different than the plugs.

Mr. Petersen agreed and stated that Rosehill pointed out that larger plantings would be required at different times of the year. No. 16 refers to eliminating CMU (Concrete Masonry Unit) on the exterior of the buildings, and the applicant would like it deleted because the existing CMU is in the back alley and covered with utility hookups, and removal of that would be cost-prohibitive. No. 17 refers to removing metal siding screening the roof of Price Chopper. He would like it deleted because the flashing on the grocery store runs into the Price Chopper building, is not visibly obtrusive, and is an integral part of the wall. Removal would be invasive and cost-prohibitive. No. 36 refers to offsite signage, which would prohibit signage for McDonald's and the bank because they are separate parcels with signs on the Ranch Mart property. He asked for verbiage to carve out those situations.

Mr. Coleman spoke about No. 36 and clarified that the LDO requires a Special Use Permit (SUP) if the signs are not on the property.

Councilmember Filla asked if the minutes could reflect support for the two signs.

Mr. Coleman stated that they would have to come forward in a separate application. He spoke about the landscaping issue and pointed out that the currently proposed plan doesn't meet the LDO according to the landscaping staff. Staff's main issue is manufactured stone. He spoke about a recent meeting about manufactured stone and reported that there is almost no cost differential between real and manufactured stone. He also pointed out that natural stone is a timeless material dating back to the 1800s in the Kansas City area and is not a maintenance headache as it was described. Stone walls should be 4 inches above ground and at least 2 inches above concrete to avoid the salt issue.

Mayor Dunn stated that if the City approves the natural stone, Mr. Petersen had said he would abide by that ruling.

Mr. Petersen agreed but also stated that he would need to return to evaluate a different material.

Mayor Dunn pointed out that it should be fine if the goal was to save money since there was not a big price difference.

Mr. Petersen replied that there is more to the discussion, which will most likely occur when the case is taken up to discuss prohibiting manufactured stone.

Councilmember Filla asked about the plans for the kiosk.

Mr. Petersen stated that the tenant backed out but that they are hopeful to attract another similar tenant.

Councilmember Filla asked what type of business would thrive in the spot.

Mayor Dunn stated that in the past, a photo shop and candy store had been kiosk tenants.

Mr. Petersen said that the kiosk would be on the east side of the grocery store, and he imagined it would be a tenant that could serve pedestrians but would not need grease traps.

Councilmember Filla asked about the Hallmark façade that showed red brick. She asked if manufactured stone was chosen because of the color, speed of construction, or weight.

Chris Hafner, Davidson Architecture and Engineering, 4301 Indian Creek Parkway, Overland Park, addressed the brick with the limestone look above and rough-hewn limestone look below on the columns. He said that stone up high would be smooth-faced to allow signage panels.

Councilmember Filla asked if the red parts were manufactured stone.

Mr. Hafner stated they were brick and anywhere that shows white is manufactured stone.

Councilmember Filla stated that it is being proposed as background for the signage. She then asked about the plugs versus the plants. She observed that the spacing was increased between the plugs while decreasing the size and didn't feel that it was appropriate to do both.

Mr. Hafner stated that Rosehill was tasked with the goal of 60% coverage.

Councilmember Filla asked about the cost differential between the plugs and the #1 containers.

Mr. Hafner said that while there is a cost savings, the warranty came into discussion, and Rosehill claimed that the plugs would meet the requirement based on the growing season.

Councilmember Filla asked when the 60% coverage would be achieved.

Mr. Petersen believed it would be achieved by the time of Final Certificate of Occupancy.

Mayor Dunn said that the focus of the conversation should be on meeting the requirement of the LDO.

Mr. Petersen stated that he would remove the stipulation because the landscaping would still be required to meet the LDO requirements.

Mayor Dunn asked when the request for occupancy would be made.

Mr. Petersen was not sure because of the multiple phases.

Mr. Hafner pointed out that Stipulation No. 28 speaks about the 60% guideline.

Mr. Coleman stated that plugs don't meet the requirement when they're planted.

Councilmember Filla stated that the 60% is not the issue; the issue is whether the percentage is determined at time of planting or time of occupancy.

Mr. Petersen stated it is almost 7,000 plugs.

Mr. Coleman said that there is no way to know how fast the plant material will spread.

Councilmember Filla asked if the requirement applies at the time of planting or occupancy.

Mr. Coleman stated that it is usually assessed upon installation because that is when the inspection occurs.

Mayor Dunn asked if the current approval met the requirement.

Mr. Coleman felt that it did.

Mr. Petersen mentioned that the area has 2,198 perennials and 4,068 ground cover in addition.

Mr. Lambers stated that the time of planting is when the coverage is evaluated. If a developer moves forward with something that is not in compliance, it will need to be replaced, and the City needs to issue citations. He felt that the Landscape Plan needs to be in conformance upon planting in order to remove subjectivity and that the issue of the size of planting wasn't worth the conversation.

Councilmember Azeltine stated that if it is 60%, it does not matter what size the plants are, so the stipulation could be removed.

Mayor Dunn pointed out that what is approved currently talks about it.

Mr. Coleman stated that the plan is not approvable because it won't meet the LDO because the plugs will not meet the 60%.

Councilmember Azeltine asked if there were other plantings in the area of the plugs.

Mr. Coleman replied that many of the areas only had plugs.

Councilmember Cain asked if the 60% is not an aggregate of the square footage that is covered by landscaping but rather every individual square yard.

Mr. Coleman replied that the plan doesn't show percentages to come up with an aggregate and that every area is supposed to be 60% covered.

Mayor Dunn requested to talk about meeting the 60% as required in the LDO in the stipulation so the applicant could work with Rosehill to ensure that happens.

Councilmember Sipple asked to exhaust conversation about each stipulation before moving on to discussing the next one.

Mayor Dunn stated that the natural stone issue was resolved because Mr. Petersen said he would follow the City's decision on the upcoming case. Regarding No. 15, he would comply with the LDO.

Councilmember Azeltine stated that he heard Mr. Petersen say that if the natural stone gets voted down, the applicant will go with regular stone or some other material.

Mr. Petersen clarified that it would be an approved material.

Councilmember Azeltine pointed out that it could lead to approving undesirable accents. He watched the Planning Commission meeting, and he noticed that a disproportionate amount of discussion was on the stone issue, which was less than 10% of the façade. He heard that if the stone is installed correctly, it will last a long time. He thought it was not worth fighting because it was less than 10% of the façade.

Councilmember Sipple pointed out that Ranch Mart South has natural stone on the buildings, but the retaining wall on 95th Street is brick. He wondered if the natural stone substitute be for the retaining wall as well.

Mr. Petersen replied that the strong feeling was that the form liner would work on the retaining wall.

Mr. Hafner stated that 95th Street has undulating berms, and Mission has a berm running up to the retaining wall. He stated that the berms, screening, and landscaping lead to a great deal of soil up against the stone, which is not good for it.

Councilmember Sipple asked if the preference would be the formed concrete to be made to look like a natural stone wall.

Mr. Hafner stated that it would be intricately colored as well.

Councilmember Harrison stated that manufactured stone is currently allowed and wondered if the City could legally deny the stone.

Mayor Dunn stated that the City has been asking for the use of natural stone for ten years because of the issues with manufactured stone.

Councilmember Harrison asked if the owner would have to fix any issues that would arise with the manufactured stone.

Mayor Dunn confirmed that the owner would be required to do so.

Councilmember Osman stated that he had researched the difference between natural and manufactured stone to determine pros and cons. Kevin Jeffries took it upon the EDC (Economic Development Council) to have a mini work session within the EDC and community leaders to discuss the issue. He and Jim Rawlings attended the meeting, along with multiple architects, developers, and installers. Many spoke to the installation being the focus, not the material as well as if the color is blended all the way through. Corinth has had problems matching the natural stone in their development, and the limestone has chipped over time.

Councilmember Rawlings agreed with Councilmember Osman's comments and stated that manufactured stone is much better than it has been with color all the way through. He encouraged considering manufactured stone in the LDO.

Councilmember Osman agreed with Councilmember Harrison's question about requiring a developer to change materials if they are allowed, which manufactured stone currently is.

Mayor Dunn confirmed that it is currently allowed and that the original plan was approved with natural stone.

Councilmember Osman agreed and understood that staff didn't want the manufactured stone and is now pushing through an item to add it to the prohibited materials list.

Mr. Coleman stated that it didn't happen that way.

Mayor Dunn stated that the discussion was continued from a few months prior.

Councilmember Osman stated that it was continued because of a lack of facts.

Mayor Dunn said that she understood that installation is a big piece, and the applicant is willing to have a stipulation regarding installation if manufactured stone is allowed.

Councilmember Cain did not disagree but stated that the difference to her was that some of the other items being opposed have logical reasons, but no compelling reason has been given to switch to manufactured stone from natural stone. She wondered if the applicant would agree to go back to the natural stone if the manufactured stone is prohibited in the future decision.

Mr. Petersen addressed the reason for the change, which is longevity. The manufactured stone has a 50-year warranty. Additionally, there are many types of stone. The common type is limestone, which is beautiful but doesn't stand the test of time. One of the developer's big successes was Corinth in Prairie Village, and there have been issues in that development. He is trying to avoid that with this development.

Councilmember Cain asked if the same experts didn't know the information in April at the time of the original plan approval.

Mr. Hafner stated that longevity and matching the old limestone to new limestone in the future present maintenance issues. Manufactured stone would mimic the look but allow for consistency. They knew stone was the preference, but upon more research, they found that manufactured stone was preferred, especially since it will be on the signage banner.

Councilmember Azeltine reiterated that it is less than 10% of the façade, is allowed by the LDO, and will prompt a citation if it is not kept up. He encouraged moving on.

Mayor Dunn suggested discussing the flumes.

Councilmember Sipple stated that since they were allowed at Camelot, they should be allowed at Ranch Mart North.

Councilmembers Azeltine and Harrison agreed.

Mayor Dunn assumed that the maintenance would be closely watched.

Mr. Petersen agreed.

Mayor Dunn assumed they would use a three-coat process on stucco.

Mr. Petersen agreed.

Mayor Dunn moved on to No. 14 and asked for comments.

Councilmember Sipple agreed with the applicant that most would be very low to the ground and would be hidden when the bushes mature. It would then look like a stone wall but would last longer. He asked about an example of a stone wall that has deteriorated versus a concrete wall.

Mr. Hafner said that a stacked-stone wall isn't how most walls are built anymore. Most of the time, the options would be a concrete wall with a form liner or a stone veneer. With the freeze-thaw, water infiltration, and soil burden, a stacked-stone wall is not something common in modern construction.

Councilmember Sipple asked for an example of the formed concrete in Johnson County.

Mr. Hafner didn't know of one off the top of his head, but he offered images.

Councilmember Sipple stated that it would be 3 feet above the ground at its highest point, and it would be screened when the bushes grow. He asked if it would be visible from 95th and Mission or from the parking lot.

Mr. Hafner stated that along Mission is a consistent berm line and that the goal is for the students to be able to walk from Cure, going south. The wall was moved toward the parking lot to protect people from traffic. The site had limited green space. The parking lot layout increases the green space and keeps the sidewalk. In the parking lot, the stacked-stone wall would be visible.

Councilmember Sipple asked how thick the wall would be.

Mr. Hafner replied that it would be 12 inches thick.

Councilmember Sipple stated that an $80,000 wall at 127th and Roe had to be redone, and it was a poured concrete wall. He asked how different it would be.

Mr. Hafner said that it sounded like hydrostatic pressure was pushing the wall and that 99% of the time, issues are caused by water.

Councilmember Sipple asked if it would have a French drain on the Mission Road side.

Mr. Hafner confirmed that it would and that along 95th, the wall would be broken up in key spots to be artful. The berm would be undulated, so some of the stone would be visible, but landscaping would be intermixed on both sides.

Councilmember Rawlings asked what color the wall would be. The renderings showed a battleship grey, and he wondered if it would be a color that looks more like stone.

Mr. Hafner said they could work with staff to come up with a color of the concrete. He noted the redevelopment has a great deal of grey, white, and black, so they would want to stay in that range.

Councilmember Cain wanted to confirm that the form liner would be on all three sides of the wall.

Mr. Hafner stated that the top wouldn't have it.

Mayor Dunn said that the picture showed it on the top.

Mr. Hafner said it would have a cap on it, so it would be level.

Mayor Dunn pointed out that it would be safer if a child got up there.

Councilmember Azeltine asked if it would look like flat cement.

Mr. Hafner said it would have a cast-in-place cap with the exposed portions on the horizontal edges be a form liner.

Mayor Dunn suggested moving on to No. 15 and suggested that it would have to meet the LDO's 60% coverage rule.

Councilmember Sipple added that it would be 60% upon completion.

Mr. Petersen confirmed that it would be what the LDO requires.

Mayor Dunn confirmed that was correct.

Councilmember Filla asked if No. 28 would still be required.

Mayor Dunn suggested leaving No. 28 because what was previously approved had the #1 container.

Mr. Petersen said that he understood that the LDO stands on its own and if they don't comply, they face the sanctions.

Mayor Dunn asked Ms. Bennett to comment.

Ms. Bennett suggested the following wording: "Prior to issuance of a building permit, the applicant shall provide revised plans to show that open space consists of a minimum of 60% living materials, prior to issuance of Certificate of Occupancy." The idea is that the 60% requirement is met when the materials go into the ground.

Councilmember Filla asked if No. 28 could then be deleted.

Mayor Dunn pointed out that No. 28 is a standard stipulation, and No. 15 is a revision to the currently approved plan.

Mr. Petersen asked to clarify that the landscaping had to meet the 60% requirement in each phase rather than landscaping the entire project in the next phase.

Ms. Bennett asked about the phases.

Mayor Dunn stated that she understood the entire project would last a year and a half.

Mr. Petersen said that this is continuous construction.

Ms. Bennett said that the landscaping requirement is not unusual because the 60% requirement will remain but the requirement to use a #1 container will be removed.

Mr. Petersen recapped by saying that the landscaping will comply with the LDO on a phase basis.

Mr. Coleman asked about Phase One and whether it included Meat Mitch.

Mayor Dunn said that it would be a construction zone for a while.

Mr. Coleman said they wanted to do Meat Mitch first, but it isn't in the first phase of the plan, so they wouldn't do any landscaping except what is near Meat Mitch.

Mr. Petersen stated that Meat Mitch is an amazing tenant who has been patient. The intent is to get them open as soon as possible. The landscaping would not necessarily be done at that time, which would necessitate a TCO (Temporary Certificate of Occupancy). He stated that the landscaping would have to be done, bottom line. He stated that they will need help on the phasing.

Mayor Dunn said that she didn't realize that Phase Three was now Phase One.

Mr. Petersen clarified that it was more that an amazing tenant was ready to go in a space that is in Phase Three.

Mr. Hafner reiterated that this is a continuous construction project.

Ms. Bennett wanted to confirm that the applicant indicated they understood a TCO would be applied in some instances.

Mayor Dunn confirmed that and then suggested moving on to No. 16. She asked about the comfort level with the 6' fence.

Councilmember Sipple asked if the tenants come and go through back doors or if the area is not frequented often.

Mr. Hafner replied that trash is set in the back.

Councilmember Sipple asked if the concrete block is grey or painted.

Mr. Hafner said it was painted white.

Councilmember Sipple said that the gate was a good idea but that it should be painted to match the color palette. He didn't want to see grey blocks.

Mr. Hafner agreed to painting the blocks.

Councilmember Azeltine asked if the gate would block the utility attachments from view to passersby.

Mr. Hafner said that it would block the view for most people.

Mayor Dunn confirmed that the gate would be closed.

Mr. Hafner didn't find the area attractive, so the gate was the suggestion. He noted that the main focus of the center is on the west side.

Mr. Coleman asked how tall the concrete wall is.

Mr. Hafner said he thought it was about 14 feet.

Councilmember Azeltine asked how high up the utility mounts go.

Mr. Hafner replied that some power is higher than the gate. He suggested painting it.

Councilmember Azeltine suggested changing the words in the stipulation to, "The applicant shall shield CMU."

Mayor Dunn added that it should be painted a natural color. She said it didn't sound like the gate would shield it.

Mr. Hafner was confident that it would shield the majority of the gas meters.

Mayor Dunn asked if increasing the height to 8 feet would help.

Mr. Petersen said it is approximately 170 feet.

Mr. Hafner said that the entire alley is built with CMU and electrical on all three sides.

Councilmember Osman stated that he threw out trash in that area as a teenager. He was certain no one would go back there except to throw out trash. He also pointed out the safety issues with pulling down utilities. He believed the gate would screen well.

Mayor Dunn asked about self-closure.

Councilmember Sipple pointed out that would be an emergency exit for people in the stores, so he wouldn't want it to be electronic.

Mayor Dunn said it could be spring-closed and painted whatever the architect deemed to be less obtrusive.

Mr. Petersen wanted to confirm that the height would remain 6 feet. He also said the developer is saying that the trash company may have an issue with a spring-loaded gate.

Councilmember Sipple asked if a trash truck drives back there.

Mr. Petersen confirmed that trash trucks do go back to empty dumpsters.

Mayor Dunn said that the important thing is that the gate stays closed.

Councilmember Filla said that there could be a door for pedestrians.

Mr. Petersen pointed out that pedestrians won't want to go back there and that they would want the gate closed as well.

Mayor Dunn moved on to No. 17 with regard to the metal siding.

Councilmember Azeltine asked if the metal siding would just be painted.

Mayor Dunn asked Mr. Hafner to ensure the paint color works with the center.

Mr. Hafner confirmed they could do that.

Councilmember Harrison asked about the bollards. She was under the impression that bollards served as a safety measure for bad drivers in courtyards and entrances.

Mr. Hafner stated that Price Chopper has bollards in front of the store, and they have many drive lanes that head north-south. The bollards remain in front of the pedestrian area. They were in a different location originally, but the traffic wouldn't come through the original area.

Councilmember Harrison asked about the west side.

Mr. Hafner stated that the only access points to the pedestrian plaza are from the north, the east, and the south. Other businesses have grease interceptors, and trucks would empty those out. Additionally, as power lines were buried, transformers were set on the northwest corner of Meat Mitch. KCP&L said bollards could not be placed there because they would block access to the transformers.

Councilmember Harrison asked if the bollards could be lifted out in an emergency.

Mr. Hafner said that removable bollards exist, but they don't make sense with the grease interceptors being emptied out once a week. On the north side, the traffic all runs east-west and not directly into that area.

Mayor Dunn asked about the reasoning for replacing the fritted pattern glass with traditional window glass.

Mr. Hafner stated that the tenants for the second-floor office preferred vision glass because of the natural light and signage opportunities. The proximity of the fritted glass to the corridor was tight as well.

Mayor Dunn stated that No. 36 needed clarification but that it has to happen as a request for a Special Use Permit.

Councilmember Cain asked if that meant the approval process would be delayed.

Mayor Dunn stated that they would just have to come back with a separate application.

Mr. Hafner clarified that the sign package submission was tabled while McDonald's was working on the digital display. Once McDonald's heard whether or not the digital display would be allowed, the sign package could come back through. The reason for the move is the two entrances were consolidated to one, which meant the sign needed to move in order to get more parking and more green space.

Mr. Petersen stated that he hoped to not go through any process with the bank because it was existing.

Mayor Dunn stated that a Special Use Permit is required if it is not on the property.

Inaudible comments from Mr. Coleman

Mayor Dunn confirmed that only McDonald's would have to put in a request.

Mr. Petersen stated that it is a legal, nonconforming situation, so it should be allowed to exist.

Staff agreed with this statement.

Councilmember Rawlings asked Mr. Petersen to address what was agreed upon with each stipulation.

Mr. Petersen agreed and reviewed the stipulations. With No. 11, he still had a question.

Mayor Dunn stated that it would be left but with a focus on installation. She was concerned that if manufactured stone were not required, the applicant could return with a proposition of stucco.

Mr. Petersen confirmed that he did not know what material would be proposed if manufactured stone were not allowed. He stated manufactured stone is preferred with additional verbiage with respect to installation requirements.

Mayor Dunn stated she would ask staff to come up with language for that.

Ms. Bennett asked if it would be something like, "The applicant will install manufactured stone shown on the plans to the highest standard possible" or something to that effect?

Mr. Petersen stated that ASTM (American Society for Testing and Material) standards are spoken of highly.

Mr. Coleman spoke about a new manufactured stone association that could be referenced.

Mr. Lambers stated that to satisfy both sides, an independent contractor should be hired by the city to be there for the inspection. If the possibility exists that manufactured stone will be allowed, this would most likely become a common stipulation.

Mr. Coleman stated that the City often uses a third-party reviewer for structural welds and other engineering/architectural elements, which could also happen with the manufactured stone. The applicant would hire the third party and pay for it.

Ms. Bennett offered the following language: "The applicant will install the manufactured stone in accordance with installation standards, and such installation will be inspected by an independent party approved by the City of Leawood at the applicant's expense."

Mayor Dunn and Mr. Petersen agreed.

Mr. Petersen stated that No. 12 would be deleted to allow for the three flumes. No. 14 would be modified to allow for the form liner approach on the 3' screen walls, but the wall color would be discussed with and agreed upon by staff. There would be a smooth concrete cap on top as well.

Ms. Bennett offered for No. 14: "The applicant will obtain staff approval for the color for the 3' screen wall surrounding the parking fields, which color shall blend with the development."

Mr. Coleman was unsure of what the cap on the wall would be because a smooth surface would just be flat concrete.

Mr. Petersen stated that it will be wider than the wall itself by definition of a cap and will be smooth on top. He also asked for the revisions to No. 15 be reread.

Ms. Bennett read, "The applicant shall provide revised plans to show that open space shall consist of a minimum of 60% living materials prior to issuance of Certificate of Occupancy,"

Mr. Petersen referred to the phasing and agreed.

Councilmember Filla asked if No. 28 needed to be deleted because it was redundant.

Councilmember Azeltine pointed out that No. 30 says the same thing.

Mayor Dunn stated that No. 28 is a standard stipulation.

Councilmember Azeltine pointed out that it doesn't hurt anything.

Mayor Dunn asked to move on to No. 16.

Mr. Petersen stated that he understood it would be modified to state that the applicant would install a 6' tall gate and cause the walls of the alley to match the project.

Councilmember Sipple asked if "fence" could be added to the wording because the gate would be very wide.

Councilmember Cain asked if the gate should be self-closing.

Mayor Dunn reminded of the concerns with the trash truck and the self-closing.

Mr. Petersen stated it would be hinged at the building edges.

Mr. Coleman stated that CMU exists outside the gate.

Councilmember Azeltine stated that it should all be painted.

Mayor Dunn pointed out that the painting will help what is visible outside the gate.

Councilmember Cain asked how the gate would open and close for the trash truck.

Mr. Petersen stated that it would be manual entry and that the gate would serve as a large trash enclosure.

Ms. Bennett stated that it would read, "The applicant will install gates, and paint all CMU located on the exterior facades of the buildings, including existing CMU, working with staff to agree on a color."

Mayor Dunn moved on to No. 17, which spoke about the siding, which will remain but will be painted a more aesthetically pleasing color to camouflage.

Ms. Bennett stated, "Prior to issuance of a building permit, the applicant shall remove or paint the existing metal siding a color approved by staff, including the screening on the roof of Price Chopper."

Mr. Petersen clarified that it would be, "Prior to the issuance of a new building permit."

Ms. Bennett replied that she is talking about building permits and revised the wording, "The applicant shall remove or paint existing metal siding a color approved by staff, including that screening the roof of the Price Chopper."

Mayor Dunn stated that they simply wanted to paint.

Ms. Bennett offered to remove the words "remove or" from the stipulation.

Councilmember Sipple asked about the area next to the barbecue restaurant heading north, including the chairs and tables for Meat Mitch on one side and a plain red brick wall on the other side. He felt that it would feel like an alley if the restaurant is closed.

Mr. Petersen replied that east of the grocery store is three tenants, the passageway, and Meat Mitch. It has artwork included.

Mayor Dunn asked what the wall was.

Mr. Hafner replied that the wall would be the demising wall of Foot Spot.

Councilmember Sipple stated that he liked the artwork but that the brick wall was too much for him.

Mayor Dunn agreed and asked for some articulation on the wall.

Mr. Petersen replied that the whole wall will be artistically decorated.

Mr. Hafner pointed out that the space is 65 feet deep with manufactured stone, stucco, brick and murals.

Mayor Dunn asked if a modification like that had to be in cooperation with staff.

Mr. Coleman replied that it would be part of the sign package and could end up coming before the Governing Body since it is outside the box.

Mr. Hafner stated that the sign package would be updated and brought forward.

Councilmember Cain asked about the City Administrator comment and wondered if anything needed to be done with the Redevelopment Agreement and the CID application even though the applicant is not asking for additional CID funding.

Mr. Lambers stated that there are many firsts with the CID process, including the current situation with an approved Preliminary Plan and an applicant that submitted a Final Development Plan and a CID application. Then, the Final Plan draft will go through the planning process. The Final Plan then jumps over to the CID process with the Governing Body, where it is reviewed in a work session. It shows what is subsidized with taxpayer dollars to take the project to another level. The intent is not to make it viable; it is to take a good project and make it better. That happened last April when the Final Plan, the Redevelopment Agreement, and the CID were approved. Since the applicant is coming back with a Revised Final Plan, if the Governing Body agrees with staff and the Planning Commission and deny the application, everything remains in effect. With the possibility of approving the Revised Final Plan, the idea is that the CID application needs to match it. They should technically be put on hold until the City has a chance to review it with the CID portion of it. He suggested a work session on January 22nd to

review the CID and then put both back on the agenda for January 22nd to approve the Final Plan with any changes made at the work session. All could then be approved on January 22nd.

Mayor Dunn asked if that was a requirement for the current meeting.

Mr. Lambers stated that it was not but that the problem is the CID application was predicated on a Final Plan that will be null and void.

Councilmember Azeltine agreed but also wondered if the Governing Body could allow the applicant to move forward with the understanding that the CID and Redevelopment Agreement will match up with the plan.

Mr. Lambers stated that the current plan is not the same as the previously approved plan, which would then suggest that the CID may be reduced in terms of participation. In that case, they may decide they want to redo the Final Plan in order to capture taxpayer money.

Mayor Dunn asked for a motion to extend the meeting.

A motion to extend the meeting by 30 minutes was made by Councilmember Filla, seconded by Councilmember Harrison. Motion was approved with a unanimous vote of 7-0.

Councilmember Filla asked if the CID approval could remain with the update to reflect the most current plan. If the applicant cannot receive more money from the CID, she didn't see a need to postpone a decision.

Mayor Dunn pointed out that Ms. Bennett would have to make modifications.

Ms. Bennett pointed out that she had to do paperwork because the Development Agreement is broad enough to encompass the Revised Final Plan. However, when the applicant places reliance on one plan to grant a CID and it is then revised, the question is whether a work session is required to determine if the plan still justifies the bottom dollar line.

Mr. Lambers said that if the Governing Body would like to accept the Revised Final Plan and leave the Redevelopment Agreement and the CID in place, the prior approval is predicated on something that doesn't exist. It is the decision of the Governing Body whether that is acceptable.

Mayor Dunn pointed out that the plan could be approved with the understanding that the CID would still be reviewed.

Councilmember Azeltine stated that the applicant needs to understand the risk.

Ms. Bennett said that currently, the Redevelopment Agreement reads that upon plan approval, the plan becomes part of the Redevelopment Agreement. The applicant would then have no need to return.

Mr. Lambers said that is what he meant by this being new territory.

Councilmember Azeltine said that the next time a Revised Final Plan with a Redevelopment Agreement and CID involved, they should all be reviewed concurrently but said that it was too late to do that.

Mr. Lambers stated that the case before them came with a recommendation of denial. If it was a recommendation for approval, it would be fine. He said that the Governing Body could approve the Final Plan and be fine with the Redevelopment Agreement and the CID application; he just reiterated that the plan that was approved in April goes away, and a CID is based on a plan that has not been considered from a CID perspective.

Mayor Dunn said she would still be more comfortable asking Ms. Bennett to review the numbers and determine if additional discussion is necessary for various reasons, including a chart that was just presented for the first time.

Ms. Bennett stated that the chart had an added column with the price going up.

Mr. Petersen stated that the key point is that the current plan will cost more. He didn't see the efficacy of having Ms. Bennett do more review because the CID hasn't been implicated. He pointed out that Mr. Lambers was correct that if people on the dais doubted this was a quality project that is deserving of the CID, a work session would be appropriate. If not, he didn't feel that it would be a good use of time.

Mr. Lambers stated that the application has items in it that are not going to be funded because they don't exist anymore, which is what creates conflict.

Mr. Petersen pointed out that the only thing that would conceptually included in that was the kiosk, but even if they choose to not do the kiosk, they will receive less CID money.

Mr. Lambers said that if they would agree that financing for any items in the previously approved Final Plan that are not part of the Revised Final Plan will be removed, he would be fine with the process.

Mayor Dunn assumed a motion would be made to approve and asked if it would be a roll call vote.

Ms. Bennett said it would not be a roll call vote, but it would be an override of the Planning Commission's recommendation and therefore would require a super majority.

Councilmember Filla asked to see the financing chart.

Mayor Dunn reviewed it and asked if public art was funded by the CID.

Mr. Petersen stated that nothing had changed in the column that showed CID funding. All that was added was a revised private investment. The result shows the new product cost, which is $51 million instead of $46 million.

Mr. Lambers stated that a motion for the Final Plan would need to be separate from the motion that anything in the prior plan not included in this one would not be funded through the CID.

Mr. Petersen clarified that the distinction would be made in the categories listed in the exhibit. The plan being approved and the budget are both real, and the CID column shows parking lot, drives, and courtyard for $1.5 million. Anything that falls in that category can be funded with the CID.

Mr. Lambers stated if something is called for funding in the previously approved Final Development Plan, those items are not subject to be used as part of the CID.

Councilmember Cain asked for an example.

Mr. Petersen stated that the approved categories were broad.

Mayor Dunn stated as an example that no public art at all would mean the funding would be reduced by the amount allowed for public art in the CID.

Councilmember Filla asked if that was true for the first plan.

Mayor Dunn said it was but that the agreement was on the first one.

Councilmember Azeltine said that changes made on the new plan could cause staff to not choose to fund the changes.

Councilmember Osman said there was a potential for confusion with the finances.

Mayor Dunn stated that the numbers don't change and that only what the applicant spends and is certified is what gets reimbursed.

Councilmember Cain asked if the discussion was about the line items on the form.

Ms. Bennett agreed that it was any line items no longer involved in the new plan.

Mr. Petersen agreed and stated if the new plan changed the types of lighting in the parking lot and the applicant wanted reimbursement for site lighting, it would be allowed up to the maximum allowed.

A motion to override the Planning Commission recommendation and approve the Revised Final Plan for Ranch Mart Shopping center with the modifications to all items as discussed was made by Councilmember Filla, seconded by Councilmember Osman. Motion carried with a unanimous vote of 7-0.

A motion for the City to accept the applicant's offer that the CID will not reimburse for any of the line items shown on the schedule which are no longer in the Revised Final Plan was made by Councilmember Azeltine, seconded by Councilmember Sipple.

Councilmember Filla asked to clarify that the only category it would apply to is the kiosk. She asked Mr. Lambers if any other categories would apply.

Mr. Lambers did not know but said he would work with the applicant and bring any disputes back before the Governing Body if necessary.

Motion approved with a unanimous vote of 7-0.

13. OLD BUSINESS – None

14. OTHER BUSINESS
Governing Body meeting on January 21, 2020 at 7:00 P.M.

A motion to approve Agenda Item 14. was made by Councilmember Rawlings; seconded by Councilmember Sipple. The motion was approved with a unanimous vote of 7-0.

15. NEW BUSINESS – None

Councilmember Rawlings moved that the Governing Body recess into executive session for 30 minutes for consultation with the City Attorney, which would be deemed privileged in the attorney-client relationship, pursuant to the attorney-client exception, K.S.A. 75-4319(b)(2). The open meeting will resume in the main conference room at 11:50 p.m. Motion seconded by Councilmember Sipple and the motion was passed unanimously.

The Governing Body recessed into Executive Session.

The Governing Body reconvened the regular session and there being no further business. Councilmember Filla moved that the regular session be adjourned it was seconded by Councilmember Cain, the motion passed unanimously. The meeting was adjourned at 11:50 p.m.

ADJOURN

_____

Kelly Varner, CMC, City Clerk

7.C.

LEAWOOD
Parks & Recreation

ADVISORY BOARD
Meeting Minutes – December 10, 2019 - 5:30 p.m.
Oak Room- Leawood Community Center

Board members in attendance: Chair Karen Ward-Reimer, Amy Vlasic, Kim Galbraith, Lorrie Hamilton, JoLynn Hobbs, and Bob Wright

Council liaisons present: Julie Cain

Council liaisons absent: Chuck Sipple

Staff members present: April Bishop, Holly York, Chris Claxton, Kim Curran, Brian Anderson, and Camille Sumrall

Chair Karen Ward- Reimer called the meeting to order at 5:30 p.m.

Bob Wright made a motion to approve the November 12th, 2019 meeting minutes. Lorrie Hamilton seconded the motion. The minutes were approved unanimously.

I. Old Business

A. Discuss Community Garden Task Force as Sub-Committee of Parks and Recreation Department

Chris reminded the committee that Council Liaison Sipple suggested the Community Garden Task Force move from being a sub-committee of the Sustainability Advisory Board and to being a sub-committee of the Parks and Recreation Advisory Board. Chris added that the task force still has one more year at the 96th and Lee garden location.

Brian added that he believed the garden task force would fit well under the Sustainability Advisory Board or the Parks and Recreation Advisory Board for a variety of reasons:

- Sustainability Advisory Board
  The task force aims for residents to live a more sustainable lifestyle by growing their own produce and donating leftover produce to a food kitchen.

- Parks and Recreation Advisory Board
  Parks and Recreation staff handles reserving the garden plots for residents and it is a recreational activity. In addition, the gardens will likely be on parkland.

Chris added that Council Liaison Sipple also suggested that we might need to evaluate the interest of a community garden out south. In the previous year at 96th and Lee, 16 Leawood resident families signed up for a garden plot. Some families

signed up more than one member. Will those who were using the north plots be willing to move to the south location?

Council Liaison Cain added that she also suggested moving the task force under the Parks and Recreation Advisory Board after the task force members suggested using park staff and park funds.

Chris reminded the committee that during the previous meeting, a motion was created and approved that stated the Community Garden Task Force was tasked with finding independent funding through partnerships and grants, for the new garden location.

Lorrie stated that she did not believe 16 members warranted a project over six figures.

Lorrie motioned to have the Community Garden Task Force be a sub-committee of the Parks and Recreation Advisory Board. Kim G. seconded the motion. The motion was approved unanimously.

Bob asked if moving the Community Garden Task Force under the Parks and Recreation Advisory Board means that their funds will be controlled by the Parks and Recreation Advisory Board as part of the project list that is reviewed annually.

Chris responded that yes, at that time, the funds for any development of a future garden will be controlled by the Parks and Recreation Advisory Board in regards to prioritization of projects.

II. New Business

A. Discuss Possible Names for New Parkland (89th and Sagamore)

April suggested the following historically relevant names:

Dykes Branch Creek
Country Club Ridge

Brian added that he has seen a number of people walking in the area, especially walking groups from local businesses. He has also seen a number of bird watchers. The space is supposed to be passive use only.

Council Liaison Cain added that there is a group of residents that would like to have a crosswalk at 89th and Lee.

JoLynn added that she favors a historically based name for the space. She suggested potentially naming it after Gordon Henke.

Chris suggested using the word "crossing" in the name since the trail is from Lee Blvd. to State Line.

Amy suggested Country Club Crossing.

Bob suggested Cloverleaf Crossing

Chris suggested committee members email her with any ideas for potential names and continue this discussion at the January 14th meeting.

III. Staff Reports

Kim reported the following:

- Breakfast with Santa had a large turnout with 365 attending. The live reindeer was a huge hit.
- Started seasonal hiring for 2020 and we will be hosting a job fair in the Oak Room on January 7th from 4:30p.m -7:30 p.m.
- Tony Nichols accepted a job as the Superintendent of Parks and Recreation for the City of Roeland Park. We will miss him.
- Cabin reservations are now open.

April reported the following:

- "Nuncrackers" took place at the Lodge at Ironwoods on November 14th, 15th, 16th, and 17th 201 with great crowds.
- "Cracked", a reimagined Nutcracker by Vida Dance Company, will take place at the Lodge at Ironwoods on December 20th, 21st, and 22nd.

Brian reported the following:

- City Park pond reconstruction has begun and will likely be completed at the end of April. The base of concrete has been poured and the perimeter stones are currently being placed.

Chris reported the following:

- April's last day is December 22nd and we will be having a reception here in the Oak Room on December 17th from 4:00 p.m. -6:00 p.m.

IV. Miscellaneous

A. Introduction of Holly York as the new Cultural Arts Supervisor.

B. Chair Karen -Ward Reimer thanked Lorrie Hamilton for her years of service on the Parks and Recreation Advisory Board. This will be her last meeting and she will be missed.

V. Next scheduled Meeting Date

The next meeting will be held January 14th at 5:30 p.m. at the Maple Room of the Community Center.

JoLynn made a motion to adjourn the meeting. Amy seconded the motion. The motion was approved unanimously.

The meeting adjourned at 6:30 pm.

Respectfully submitted,

Chris Claxton

Chris Claxton, Parks and Recreation Director

7.D.

City of Leawood

4800 Town Center Drive • Leawood, Kansas 66211 • (913) 339-6700
(913) 339-6781 Fax

MEMORANDUM

TO: **MAYOR AND CITY COUNCILMEMBERS**
SCOTT LAMBERS, CITY ADMINISTRATOR

FROM: **KELLY L. VARNER, CITY CLERK** KLV.

RE: **CEREAL MALT BEVERAGES [CMB] LICENSE RENEWAL**

HEN HOUSE
11721 ROE AVENUE

DATE : **JANUARY 21, 2020**

The Cereal Malt Beverages [CMB] License application is scheduled for renewal for the above-referenced applicant. I recommend renewal of the license, pending no disqualifying information.

Please feel free to contact the City Clerk's Office, should you have any questions.

7.E.

Finance Department

Memo

To: Mayor Peggy Dunn and Councilmembers
Scott Lambers, City Administrator

From: Dawn Long, Finance Director

Date: January 21, 2020

Re: Approval of Stifel, Nicolaus & Company Engagement Letter

Recommendation:

I would recommend that the Governing Body approve the attached engagement letter for financial advisory services with Stifel, Nicolaus & Company.

Background:

George K. Baum was bought by Stifel, Nicolaus and Company in August 2019. Due to this change in ownership, it was decided to send out an RFP for Financial Advisory Services. The RFP was issued on October 1, 2019. We received five responses and interviewed two. We chose to interview Stifel, Nicolaus and Company and Baker Tilley. Due to the knowledge of the City and a good working relationship with Dave Arteberry, I would like to recommend the Council approve a three year engagement letter with Stifel that includes one, three year extension.

Fiscal Impact:

The fee structure did not change from the prior George K. Baum fee structure so there will be no fiscal impact.

Please contact me if you have any questions.

RESOLUTION NO. _____

RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A FIDUCIARY ENGAGEMENT LETTER WITH STIFEL, NICOLAUS & COMPANY TO PROVIDE FINANCIAL ADVISORY SERVICES

WHEREAS, the City is in need of financial advisory services;

WHEREAS, Stifel, Nicolaus & Company provides such services; and

WHEREAS, the parties desire to execute a Letter of Engagement to provide such services.

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

SECTION ONE: That the Governing Body hereby authorizes the Mayor to execute a Letter of Engagement between the City and Stifel, Nicolaus & Company, attached hereto as Exhibit "A", and incorporated herein by reference as if fully set out.

SECTION TWO: This resolution shall become effective upon passage.

PASSED by the Governing Body this 21st day of January, 2020.

APPROVED by the Mayor this 21st day of January, 2020.

[SEAL]

_____
Peggy J. Dunn, Mayor

ATTEST:

_____
Kelly L. Varner, City Clerk

APPROVED AS TO FORM:

_____
Patricia A. Bennett, City Attorney

STIFEL

January __, 2020

Dawn Long, Finance Director
City of Leawood, Kansas
4800 City Center Drive
Leawood, Kansas 66211

RE: FINANCIAL ADVISORY SERVICES
As set forth in the City's Request for Proposals and Stifel, Nicolaus & Company's response thereto, assistance in financial planning, structuring and issuance of one or more series of debt instruments including, but not limited to general obligation bonds, general obligation temporary notes, lease purchase agreements, certificates of participation, tax increment bonds and other debt Instruments as determined to be necessary or advantageous to the City of Leawood, Kansas (the "City"). Ongoing general advisory services as requested by the City.

Dear Ms. Long,

Stifel, Nicolaus & Company, Incorporated ("Stifel") presents for your acceptance this agreement to retain Stifel as financial advisor to the City for (a) financial planning efforts and the potential structuring and issuance of one or more series of the above-referenced bond types (the "Bonds") and (b) ongoing general advisory services as requested by the City all as more further set forth in the City's Request for Proposal and Stifel's response thereto, (collectively the "RFP") which is incorporated in this letter. This agreement will be effective on the date signed by an authorized representative of City. This agreement will authorize Stifel to act as financial advisor through the completion of any tasks undertaken pursuant to Items (a) and/or (b) of this paragraph. This agreement may be terminated on thirty (30) days' written notice by either party.

1. Scope of Work. Stifel agrees to perform the work set forth in the RFP including the following services for City with respect to the Bonds:

   a. Assume overall responsibility for the financial analysis and structuring recommendations for the Bonds;

   b. Assist the City and bond counsel in preparation of the preliminary and final official statements for the Bonds consistent with all federal and state requirements;

   c. For negotiated sales, assist the City, as requested, in the selection of an underwriter(s), including review of underwriter recommendations to the extent requested in writing by the City, and coordinate all activities of the underwriter(s);

   d. Coordinate with consultants, accountants, bond counsel, other attorneys and staff in

connection with the sale of the Bonds;

e. Coordinate financing time schedule, distribution of documents, preliminary and final official statement printing, wire-transfer of funds, delivery of bonds and bond closing;

f. Assist the City as needed on the matter of rating(s) for the proposed Bonds and coordinate the preparation of credit information for submission and presentation to the rating agency(ies);

g. For negotiated sales, coordinate pre-pricing discussions of bond pricing and structuring, supervise the negotiated sale process, and advise on acceptability of offer to purchase bonds by the underwriters;

h. For competitive sales, coordinate the distribution of bidding documents, post notices on national bond sale calendars, supervise the competitive sale process, verify best bid, and coordinate bid acceptance with best bidder.

i. If requested, assist the City in procuring any appropriate ancillary financing- related products and services including, credit enhancement (e.g., bond insurance), paying agent/registrar/trustee, escrow agent (if applicable), escrow investments, and other such products and services as the City may deem necessary or desirable in connection with any financing.

j. Attend City meetings as requested, with reasonable advance notice;

k. Provide ongoing general advisory services as requested by the City;

l. Provide such other services as are mutually agreed upon in writing by the City and Stifel.

2. City's Obligations. The City agrees that, with respect to the Bonds, its staff and consultants will cooperate with Stifel and make available any data in the possession of the City necessary to perform Stifel's financial advisory services and regulatory obligations as described in Exhibit A to this agreement.

3. Regulatory Disclosures: Issuer is aware of Section 975 of the Dodd-Frank Wall Street Reform and Consumer Protection Act and the Securities and Exchange Commission's adopted rule commonly known as the "Municipal Advisor Rule" (SEC Rule 15Ba1-1 to 15Ba1-8 -"the Rule"). Stifel will be serving as a municipal advisor to the Issuer under the Rule and this agreement documents the municipal advisory relationship between Stifel and the Issuer.

   a. MSRB Rule G-42 requires that a municipal advisor provide its client with certain written disclosures. Please see Exhibit A to this agreement for those disclosures.

4. Compensation: For Stifel's financial advisory services and expenses in processing the Bonds, Stifel shall be paid a fee equal to:

General Obligation Bonds and Notes: .25% of the principal amount of bonds and notes issued with a minimum fee of $12,500 and a maximum fee of $30,000. If multiple series of bonds and notes are sold simultaneously, the fee will be based on the aggregated principal amount. This amount does not include out of pocket expenses.

Lease or Revenue Supported Debt: .35% of the principal amount of bonds and notes issued with a minimum fee of $15,000.

All fees will be paid at the completion of the sale of the Bonds. Fees do not include out of pocket expenses.

5. Term of Agreement:

The term of this Agreement shall commence on the date signed by an authorized representative of City and last for a period three (3) years. The City has the right to automatically renew the contract for additional three (3) year periods.

6. Authority to Direct Financial Advisor:

The following individuals have the authority to direct Stifel's performance of its scope of work under this agreement: the City Administrator, Finance Director, and the City Attorney.

7. Indemnity and Insurance

a. Stifel will indemnify and hold harmless the City, each of its elected officials, officers and employees, against any and all losses, claims, damages, liabilities, and expenses to which the City may become subject, insofar as such losses, claims, damages, liabilities or expenses (or actions in respect thereof), arise out of or are based upon Stifel's or any of Stifel's employees' gross negligence or willful misconduct in the performance of the services that are the subject of this letter agreement; provided, however, that such indemnification shall not cover any losses, claims, damages, liabilities, or expenses that are attributable to the gross negligence or willful misconduct of the City or its employees;

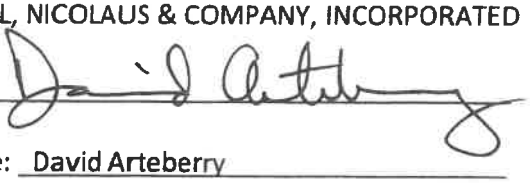
b. Stifel shall provide proof of insurance as set forth on attached Exhibit B.

c. This agreement shall be governed by Kansas law.

d. Stifel shall not discriminate against any person on the grounds of race, color, religion, sex, sexual orientation, gender identity, disability, national origin or ancestry.

Respectfully submitted this___ day of _____, 20__.

STIFEL, NICOLAUS & COMPANY, INCORPORATED

By: 

Name: David Arteberry

Title: Director

ACCEPTANCE

By: _____

Name: Peggy Dunn

Title: Mayor

Date: _____

EXHIBIT A

City of Leawood, Kansas
Financial Advisory Agreement

MSRB Rule G-42 Disclosures

As municipal advisor to [the City of Leawood] ("you"), Stifel Nicolaus ("Stifel" or "we") is subject to the rules of the Municipal Securities Rulemaking Board (MSRB), including MSRB Rule G-42. The rule directs us to make certain disclosures to you. Please review the following disclosures and contact your Stifel municipal advisor if you have any questions.

Our Duties as Your Municipal Advisor

Rule G-42 describes our basic duties to you. Most importantly, we owe you a fiduciary duty, the principal element of which is a duty of loyalty. Under the duty of loyalty, we are required to deal honestly and in the utmost good faith with you and to act in your best interests without regard to our financial or other interests. We may not serve as your municipal advisor if we believe that we have any conflicts of interest that we cannot manage or mitigate so that we can act in your best interests.

Rule G-42 also provides that we owe you a duty of care. As part of that duty, we must possess the degree of knowledge and expertise needed to provide you with informed advice. Also, under that duty, when we make recommendations to you or help you to evaluate the recommendations of others, we may need to ask questions to make sure that we have all the relevant facts.

Disclosure of Conflicts

Rule G-42 requires us to disclose to you any known material, actual or potential conflicts of interest that could reasonably be expected to impair our ability to provide you with advice, including any conflicts associated with contingent fee arrangements. As described in our engagement letter, the payment of our fee will be contingent on the closing of the bond issue described in the engagement letter [and the amount of compensation will be based on a percentage of the principal amount of the bond issue]. While this form of compensation is customary in the municipal securities market, it presents a conflict of interest since we may have an incentive to recommend a transaction to you that is unnecessary or to recommend that the size of the bond issue be larger than is necessary. We would, of course, be willing to discuss an alternative fee arrangement, if that is your preference.

Stifel has not identified any additional potential or actual material conflicts that require disclosure.

Legal and Disciplinary Event Disclosures

Each firm that is registered as a municipal advisor with the U.S. Securities and Exchange Commission (SEC) is required to file Form MA with the SEC and update that form periodically and as events change. The firm is also required to file a Form MA-I for each of its employees who is engaged in municipal advisory activities. Stifel's most recent Form MA and the Form MA-1 for each current Stifel municipal advisor employee may be found on the SEC's EDGAR website using the following hyperlink: http://www.sec.gov/cgi-bin/browse-edgar?CIK=0000094403&owner=exclude&action=getcompany&Find=Search.

Item 9 of Form MA requires each municipal advisor firm to disclose any criminal, regulatory violations, or self-regulatory violations and certain civil litigation. Because we are a broker-dealer firm, Form MA permits us to cross-reference to our Form BD, which is available on the website of the Financial Industry Regulatory Authority (FINRA), and our Form ADV, which is available on the SEC website. For your convenience, you may access our Form BD by using the following hyperlink: http://brokercheck.finra.org/Firm/Summary/793. You may access our Form ADV by using the following hyperlink: https://www.adviserinfo.sec.gov/IAPD/IAPDSearch.aspx and entering Firm 793 in the search field. Item 6 of each Form MA-I requires comparable disclosure about a municipal advisor individual, as well as customer complaint, arbitration, investigation, termination, financial, and judgment/lien disclosure. When an individual has a disciplinary history, Form MA-1 permits us to cross-reference to that individual's Form U-4. The disciplinary history on an individual's Form U-4 is accessible entering the individual's name in FINRA's "Broker-Check" service, using the following hyperlink: http://brokercheck.finra.org/.

Our Form MA was amended on July 14, 2017 to reflect the following settlement with FINRA:

In June 2017, Stifel agreed to pay a fine of $125,000 to settle an alleged violation of MSRB Rule G-23. Stifel determined that a private placement with the county in which Stifel's school district client was located was a lower cost alternative for the school district than a public offering. Stifel presented the idea to the school district, which agreed to hire Stifel as its placement agent. Nevertheless, two months elapsed before Stifel provided disclosure to the school district that, in its role as placement agent, it was not a fiduciary to the school district as required by MSRB Rule G-23. The FINRA settlement document states that: "Because it failed to provide the role disclosure required by MSRB Rule G-23 in a timely manner, Stifel acted as both financial advisor and placement agent for the [school district] in connection with the [Bonds], in violation of MSRB Rule G-23." The alleged violation took place in 2012. Stifel now has robust procedures in place that are designed to result in timely G-23 disclosures to underwriting/placement clients.

We do not believe that any of the legal or disciplinary event disclosures described in our Form MA is material to our ability to serve as your municipal advisor.

Evaluation of Recommendations/Suitability

As provided in our engagement letter, we will assist you in evaluating recommendations, whether made by Stifel or, upon your written request, by third-parties, such as underwriters. We will provide you with our evaluation of the material risks, potential benefits, structure, and other characteristics of the transaction or product. We will discuss with you why we think a recommendation we make is suitable for you. In the case of recommendations made by an underwriter or other third-party that you request in writing that we review, we will discuss with you why we think the recommended transaction or product is or is not suitable for you. We will also inform you of any other reasonably feasible alternatives considered.

In order for us to evaluate whether we think a recommendation is suitable for you, we are required to consider the following factors and we may need information from you about those factors, much as if you were opening a brokerage account:

Exhibit B
Insurance Requirements

The Contractor shall maintain throughout the term of this Agreement, insurance in, at a minimum, the amounts specified below. All general and automobile liability insurance shall be written on an occurrence basis unless otherwise agreed to in writing by City.

With the exception of professional liability, and workers compensation, the Contractor shall name the City as an additional insured for all other claims as set forth below:

1. Professional Liability: Contractor shall maintain insurance coverage for two (2) years beyond the term of this Agreement, Professional Liability Insurance for the services rendered under the terms of this Agreement, in an amount not less than Five Million Dollars ($5,000,000), each claim/aggregate, and shall provide City with certification thereof.

2. Commercial General Liability:

Each Occurrence	$1,000,000
Personal & Advertising Injury	$1,000,000
Products/Completed Operations Aggregate	$2,000,000
General Aggregate	$2,000,000

3. Automobile Liability Insurance: Policy shall protect the Contractor against claims for bodily injury and/or property damage arising out of the ownership or use of any owned, hired and/or non-owned vehicle:

Limits
Each Accident, Combined Single Limits, Bodily Injury and Property Damage: $1,000,000

4. Workers' Compensation and Employers' Liability: This insurance shall protect the Contractor against all claims under applicable state Workers' Compensation laws. The Contractor shall also be protected against claims for injury, disease or death of employees for which, for any reason, may not fall within the provisions of a Workers' Compensation law under an Employers Liability policy with the following limits:

Bodily Injury by Accident	$500,000 each accident
Bodily Injury by Disease	$500,000 policy limit
Bodily Injury by Disease	$500,000 each employee

5. Industry Ratings: City will only accept coverage from an insurance carrier which offers proof that the carrier is authorized to do business in the State of Kansas; and carries a Best's Policyholder rating of A-:VII or better or is otherwise approved by the City.

- financial situation and needs,
- objectives,
- tax status,
- risk tolerance,
- liquidity needs,
- experience with municipal securities transactions or municipal financial products generally or of the type and complexity being recommended,
- financial capacity to withstand changes in market conditions during the term of the municipal financial product or the period that municipal securities to be issued in the municipal securities transaction were reasonably expected to be outstanding, and
- any other material information known by the municipal advisor about the client and the municipal securities transaction or municipal financial product, after reasonable inquiry.

Additional Information

We also wish to inform you that Stifel is registered as a municipal advisor with both the SEC and the MSRB. Information about the duties of a municipal advisor, as well as the procedures for filing a complaint, may be found on the MSRB's website by clicking on the following link: http://www.msrb.org/~/media/Files/Resources/MSRB-MA-Clients-Brochure.ashx?la=en. The general website for the MSRB is www.msrb.org. If you have any questions, please contact your municipal advisor.

STIFEL

January __, 2020

Dawn Long, Finance Director
City of Leawood, Kansas
4800 City Center Drive
Leawood, Kansas 66211

RE: FINANCIAL ADVISORY SERVICES
As set forth in the City's Request for Proposals and Stifel, Nicolaus & Company's response thereto, assistance in financial planning, structuring and issuance of one or more series of debt instruments including, but not limited to general obligation bonds, general obligation temporary notes, lease purchase agreements, certificates of participation, tax increment bonds and other debt Instruments as determined to be necessary or advantageous to the City of Leawood, Kansas (the "City"). Ongoing general advisory services as requested by the City.

Dear Ms. Long,

Stifel, Nicolaus & Company, Incorporated ("Stifel") presents for your acceptance this agreement to retain Stifel as financial advisor to the City for (a) financial planning efforts and the potential structuring and issuance of one or more series of the above-referenced bond types (the "Bonds") and (b) ongoing general advisory services as requested by the City all as more further set forth in the City's Request for Proposal and Stifel's response thereto, (collectively the "RFP") which is incorporated in this letter. This agreement will be effective on the date signed by an authorized representative of City. This agreement will authorize Stifel to act as financial advisor through the completion of any tasks undertaken pursuant to Items (a) and/or (b) of this paragraph. This agreement may be terminated on thirty (30) days' written notice by either party.

1. Scope of Work. Stifel agrees to perform the work set forth in the RFP including the following services for City with respect to the Bonds:

   a. Assume overall responsibility for the financial analysis and structuring recommendations for the Bonds;

   b. Assist the City and bond counsel in preparation of the preliminary and final official statements for the Bonds consistent with all federal and state requirements;

   c. For negotiated sales, assist the City, as requested, in the selection of an underwriter(s), including review of underwriter recommendations to the extent requested in writing by the City, and coordinate all activities of the underwriter(s);

   d. Coordinate with consultants, accountants, bond counsel, other attorneys and staff in

connection with the sale of the Bonds;

e. Coordinate financing time schedule, distribution of documents, preliminary and final official statement printing, wire-transfer of funds, delivery of bonds and bond closing;

f. Assist the City as needed on the matter of rating(s) for the proposed Bonds and coordinate the preparation of credit information for submission and presentation to the rating agency(ies);

g. For negotiated sales, coordinate pre-pricing discussions of bond pricing and structuring, supervise the negotiated sale process, and advise on acceptability of offer to purchase bonds by the underwriters;

h. For competitive sales, coordinate the distribution of bidding documents, post notices on national bond sale calendars, supervise the competitive sale process, verify best bid, and coordinate bid acceptance with best bidder.

i. If requested, assist the City in procuring any appropriate ancillary financing- related products and services including, credit enhancement (e.g., bond insurance), paying agent/registrar/trustee, escrow agent (if applicable), escrow investments, and other such products and services as the City may deem necessary or desirable in connection with any financing.

j. Attend City meetings as requested, with reasonable advance notice;

k. Provide ongoing general advisory services as requested by the City;

l. Provide such other services as are mutually agreed upon in writing by the City and Stifel.

2. City's Obligations. The City agrees that, with respect to the Bonds, its staff and consultants will cooperate with Stifel and make available any data in the possession of the City necessary to perform Stifel's financial advisory services and regulatory obligations as described in Exhibit A to this agreement.

3. Regulatory Disclosures: Issuer is aware of Section 975 of the Dodd-Frank Wall Street Reform and Consumer Protection Act and the Securities and Exchange Commission's adopted rule commonly known as the "Municipal Advisor Rule" (SEC Rule 15Ba1-1 to 15Ba1-8 -"the Rule"). Stifel will be serving as a municipal advisor to the Issuer under the Rule and this agreement documents the municipal advisory relationship between Stifel and the Issuer.

   a. MSRB Rule G-42 requires that a municipal advisor provide its client with certain written disclosures. Please see Exhibit A to this agreement for those disclosures.

4. Compensation: For Stifel's financial advisory services and expenses in processing the Bonds, Stifel shall be paid a fee equal to:

General Obligation Bonds and Notes: .25% of the principal amount of bonds and notes issued with a minimum fee of $12,500 and a maximum fee of $30,000. If multiple series of bonds and notes are sold simultaneously, the fee will be based on the aggregated principal amount. This amount does not include out of pocket expenses.

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All fees will be paid at the completion of the sale of the Bonds. Fees do not include out of pocket expenses.

5. Term of Agreement:

The term of this Agreement shall commence on the date signed by an authorized representative of City and last for a period three (3) years. The City has the right to automatically renew the contract for additional three (3) year periods.

6. Authority to Direct Financial Advisor:

The following individuals have the authority to direct Stifel's performance of its scope of work under this agreement: the City Administrator, Finance Director, and the City Attorney.

7. Indemnity and Insurance

a. Stifel will indemnify and hold harmless the City, each of its elected officials, officers and employees, against any and all losses, claims, damages, liabilities, and expenses to which the City may become subject, insofar as such losses, claims, damages, liabilities or expenses (or actions in respect thereof), arise out of or are based upon Stifel's or any of Stifel's employees' gross negligence or willful misconduct in the performance of the services that are the subject of this letter agreement; provided, however, that such indemnification shall not cover any losses, claims, damages, liabilities, or expenses that are attributable to the gross negligence or willful misconduct of the City or its employees;

b. Stifel shall provide proof of insurance as set forth on attached Exhibit B.

c. This agreement shall be governed by Kansas law.

d. Stifel shall not discriminate against any person on the grounds of race, color, religion, sex, sexual orientation, gender identity, disability, national origin or ancestry.

EXHIBIT A

City of Leawood, Kansas
Financial Advisory Agreement

MSRB Rule G-42 Disclosures

As municipal advisor to [the City of Leawood] ("you"), Stifel Nicolaus ("Stifel" or "we") is subject to the rules of the Municipal Securities Rulemaking Board (MSRB), including MSRB Rule G-42. The rule directs us to make certain disclosures to you. Please review the following disclosures and contact your Stifel municipal advisor if you have any questions.

Our Duties as Your Municipal Advisor

Rule G-42 describes our basic duties to you. Most importantly, we owe you a fiduciary duty, the principal element of which is a duty of loyalty. Under the duty of loyalty, we are required to deal honestly and in the utmost good faith with you and to act in your best interests without regard to our financial or other interests. We may not serve as your municipal advisor if we believe that we have any conflicts of interest that we cannot manage or mitigate so that we can act in your best interests.

Rule G-42 also provides that we owe you a duty of care. As part of that duty, we must possess the degree of knowledge and expertise needed to provide you with informed advice. Also, under that duty, when we make recommendations to you or help you to evaluate the recommendations of others, we may need to ask questions to make sure that we have all the relevant facts.

Disclosure of Conflicts

Rule G-42 requires us to disclose to you any known material, actual or potential conflicts of interest that could reasonably be expected to impair our ability to provide you with advice, including any conflicts associated with contingent fee arrangements. As described in our engagement letter, the payment of our fee will be contingent on the closing of the bond issue described in the engagement letter [and the amount of compensation will be based on a percentage of the principal amount of the bond issue]. While this form of compensation is customary in the municipal securities market, it presents a conflict of interest since we may have an incentive to recommend a transaction to you that is unnecessary or to recommend that the size of the bond issue be larger than is necessary. We would, of course, be willing to discuss an alternative fee arrangement, if that is your preference.

Stifel has not identified any additional potential or actual material conflicts that require disclosure.

Legal and Disciplinary Event Disclosures

Each firm that is registered as a municipal advisor with the U.S. Securities and Exchange Commission (SEC) is required to file Form MA with the SEC and update that form periodically and as events change. The firm is also required to file a Form MA-I for each of its employees who is engaged in municipal advisory activities. Stifel's most recent Form MA and the Form MA-1 for each current Stifel municipal advisor employee may be found on the SEC's EDGAR website using the following hyperlink: http://www.sec.gov/cgi-bin/browse-edgar?CIK=0000094403&owner=exclude&action=getcompany&Find=Search.

Item 9 of Form MA requires each municipal advisor firm to disclose any criminal, regulatory violations, or self-regulatory violations and certain civil litigation. Because we are a broker-dealer firm, Form MA permits us to cross-reference to our Form BD, which is available on the website of the Financial Industry Regulatory Authority (FINRA), and our Form ADV, which is available on the SEC website. For your convenience, you may access our Form BD by using the following hyperlink: http://brokercheck.finra.org/Firm/Summary/793. You may access our Form ADV by using the following hyperlink: https://www.adviserinfo.sec.gov/IAPD/IAPDSearch.aspx and entering Firm 793 in the search field. Item 6 of each Form MA-I requires comparable disclosure about a municipal advisor individual, as well as customer complaint, arbitration, investigation, termination, financial, and judgment/lien disclosure. When an individual has a disciplinary history, Form MA-1 permits us to cross-reference to that individual's Form U-4. The disciplinary history on an individual's Form U-4 is accessible entering the individual's name in FINRA's "Broker-Check" service, using the following hyperlink: http://brokercheck.finra.org/.

Our Form MA was amended on July 14, 2017 to reflect the following settlement with FINRA:

In June 2017, Stifel agreed to pay a fine of $125,000 to settle an alleged violation of MSRB Rule G-23. Stifel determined that a private placement with the county in which Stifel's school district client was located was a lower cost alternative for the school district than a public offering. Stifel presented the idea to the school district, which agreed to hire Stifel as its placement agent. Nevertheless, two months elapsed before Stifel provided disclosure to the school district that, in its role as placement agent, it was not a fiduciary to the school district as required by MSRB Rule G-23. The FINRA settlement document states that: "Because it failed to provide the role disclosure required by MSRB Rule G-23 in a timely manner, Stifel acted as both financial advisor and placement agent for the [school district] in connection with the [Bonds], in violation of MSRB Rule G-23." The alleged violation took place in 2012. Stifel now has robust procedures in place that are designed to result in timely G-23 disclosures to underwriting/placement clients.

We do not believe that any of the legal or disciplinary event disclosures described in our Form MA is material to our ability to serve as your municipal advisor.

Evaluation of Recommendations/Suitability

As provided in our engagement letter, we will assist you in evaluating recommendations, whether made by Stifel or, upon your written request, by third-parties, such as underwriters. We will provide you with our evaluation of the material risks, potential benefits, structure, and other characteristics of the transaction or product. We will discuss with you why we think a recommendation we make is suitable for you. In the case of recommendations made by an underwriter or other third-party that you request in writing that we review, we will discuss with you why we think the recommended transaction or product is or is not suitable for you. We will also inform you of any other reasonably feasible alternatives considered.

In order for us to evaluate whether we think a recommendation is suitable for you, we are required to consider the following factors and we may need information from you about those factors, much as if you were opening a brokerage account:

- financial situation and needs,
- objectives,
- tax status,
- risk tolerance,
- liquidity needs,
- experience with municipal securities transactions or municipal financial products generally or of the type and complexity being recommended,
- financial capacity to withstand changes in market conditions during the term of the municipal financial product or the period that municipal securities to be issued in the municipal securities transaction were reasonably expected to be outstanding, and
- any other material information known by the municipal advisor about the client and the municipal securities transaction or municipal financial product, after reasonable inquiry.

Additional Information

We also wish to inform you that Stifel is registered as a municipal advisor with both the SEC and the MSRB. Information about the duties of a municipal advisor, as well as the procedures for filing a complaint, may be found on the MSRB's website by clicking on the following link: http://www.msrb.org/~/media/Files/Resources/MSRB-MA-Clients-Brochure.ashx?la=en. The general website for the MSRB is www.msrb.org. If you have any questions, please contact your municipal advisor.

Exhibit B
Insurance Requirements

The Contractor shall maintain throughout the term of this Agreement, insurance in, at a minimum, the amounts specified below. All general and automobile liability insurance shall be written on an occurrence basis unless otherwise agreed to in writing by City.

With the exception of professional liability, and workers compensation, the Contractor shall name the City as an additional insured for all other claims as set forth below:

1. Professional Liability: Contractor shall maintain insurance coverage for two (2) years beyond the term of this Agreement, Professional Liability Insurance for the services rendered under the terms of this Agreement, in an amount not less than Five Million Dollars ($5,000,000), each claim/aggregate, and shall provide City with certification thereof.

2. Commercial General Liability:

Each Occurrence	$1,000,000
Personal & Advertising Injury	$1,000,000
Products/Completed Operations Aggregate	$2,000,000
General Aggregate	$2,000,000

3. Automobile Liability Insurance: Policy shall protect the Contractor against claims for bodily injury and/or property damage arising out of the ownership or use of any owned, hired and/or non-owned vehicle:

Limits Each Accident, Combined Single Limits, Bodily Injury and Property Damage:	$1,000,000

4. Workers' Compensation and Employers' Liability: This insurance shall protect the Contractor against all claims under applicable state Workers' Compensation laws. The Contractor shall also be protected against claims for injury, disease or death of employees for which, for any reason, may not fall within the provisions of a Workers' Compensation law under an Employers Liability policy with the following limits:

Bodily Injury by Accident	$500,000 each accident
Bodily Injury by Disease	$500,000 policy limit
Bodily Injury by Disease	$500,000 each employee

5. Industry Ratings: City will only accept coverage from an insurance carrier which offers proof that the carrier is authorized to do business in the State of Kansas; and carries a Best's Policyholder rating of A-:VII or better or is otherwise approved by the City.

Staff Review

7. F

Fact Sheet

SUBJECT: **APPROVE LED LIGHTING REIMBURSEMENT PAYMENT TO HALLBROOK FARMS SINGLE FAMILY RESIDENCE COMMUNITY ASSOCIATION**
January 21, 2020

DISCUSSION

In 2016, the City approved an Energy Cost Savings Agreement with Hallbrook Farms Single Family Residence Community Association to replace their existing street lighting fixtures to LED fixtures along the public roadways within the Hallbrook development. Hallbrook owns its streetlights and the City pays the electricity.

Hallbrook's net cost for the 668 fixtures converted to LED's was $149,094.32. The estimated length of reimbursement based on electrical savings is seven (7) years. As discussed in previous years, Hallbrook Farms consultant included Hallbrook's maintenance savings when calculating Hallbrook's payback. However the City only reimburses the HOA's on the electrical savings the City realizes each year until the construction costs for the conversion is paid back.

The 2019 reimbursement to Hallbrook Farms is $19,656.19. Hallbrook has received reimbursements of $53,330.97 to date. With approval of the 2019 reimbursement their total will be $72,987.16. This is the fourth year of reimbursements with the first year being a partial year of replacement as the lights were replaced in mid-year.

The Public Works Department requests a payment for LED Lighting Reimbursement for 2019 usage be made to Hallbrook Farms Single Family Residence Community Association in the amount of $19,656.19.

David Ley, P.E
Director of Public Works

COUNCIL ACTION TO BE TAKEN

Approve LED Lighting Reimbursement

STAFF RECOMMENDATION

☑ For
☐ Against
☐ No position

COMMITTEE RECOMMENDATION

☑ For
☐ Against
☐ No position ☐ No Assignment

POLICY OR PROGRAM CHANGE

☑ No
☐ Yes

OPERATIONAL IMPACT

COSTS

$19,656.19

FUND SOURCES

11110.11210.611000

HALLBROOK STREET LIGHT COMPARISON BEFORE/AFTER CHANGING TO LED

	ALL CHANGED TO LED MAY 2016								
	ADDRESS	ACCT#	2014	2015	2016	2017	2018	2019	2020
1	2550 W. 118TH TER	0031-43-7702	$1,620.69	$1,743.98	$1,210.25	$ 734.20	1280.51	874.83	
2	2107 W. 117TH ST	0719-11-4653	$2,280.95	$2,407.33	$1,874.35	$ 912.31	982.58	1021.73	
3	11802 FAIRWAY	1528-92-9453	$1,665.46	$1,789.72	$1,286.31	$ 788.60	835.49	954.66	
4	11290 OVERBROOK	1680-11-6293	$1,997.10	$2,273.91	$1,457.85	$ 1,041.65	1065.53	1198.28	
5	11700 BROOKWOOD--Dp01	2006-29-4125	$1,486.39	$1,638.74	$1,113.47	$ 672.13	727.79	812.33	
6	2390 W. 112TH ST	2047-64-0924	$872.01	$876.61	$645.95	$ 418.48	433.55	548.93	
7	11398 BROOKWOOD	2115-83-1224	$2,834.59	$2,747.88	$1,809.44	$ 1,091.62	1147.08	1141.14	
8	11201A BROOKWOOD	2268-56-8247	$1,526.47	$1,716.33	$1,157.95	$ 717.86	692.96	793.88	
9	11715 HIGH DRIVE	2301-67-1996	$2,294.00	$3,070.37	$1,487.57	$ 885.18	931.37	998.33	
10	11198 OVERBROOK	2644-09-3499	$388.54	$855.24	$976.10	$ 682.95	847.84	785.29	
11	11190 BROOKWOOD	3033-19-3855	$909.28	$929.50	$618.12	$ 437.03	448.99	564.69	
12	11191 OVERBROOK RD	3081-87-7260	$714.72	$993.17	$1,141.61	$ 1,046.59	1162.36	1157.76	
13	11707 CANTERBURY CT	3222-26-5472	$1,214.94	$1,391.49	$872.32	$ 576.24	597.75	704.35	
14	11702 ABERDEEN	3374-12-3722	$1,131.41	$1,370.35	$874.29	$ 531.18	520.76	628.17	
15	11803 HIGH DRIVE	4156-94-9913	$1,339.23	$1,594.60	$1,123.18	$ 793.25	651.77	763.47	
16	2506 W. 114TH ST	4616-30-3824	$1,480.71	$1,370.37	$1,053.06	$ 639.59	656.68	789.94	
17	11690 OVERBROOK	4761-87-3656	$1,796.00	$2,090.76	$888.96	$ 412.69	431.44	548.58	
18	11503 CANTERBURY CIR	5244-70-8652	$2,219.38	$2,492.37	$1,590.10	$ 759.93	798.81	865.13	
19	2803 W. 118TH ST	6294-77-7182	$2,517.77	$2,727.88	$2,136.47	$ 1,236.72	1083.71	1156.00	
20	11803 BROOKWOOD	6414-70-7868	$2,742.54	$2,980.25	$1,835.61	$ 1,144.14	1257.43	1248.38	
21	11198 BROOKWOOD	6760-19-8963	$1,329.67	$1,609.72	$1,037.71	$ 691.12	708.17	788.96	
22	11707 MANOR	6963-21-6012	$1,220.20	$1,663.44	$1,179.11	$ 668.97	684.55	783.95	
23	11626 BROOKWOOD-Dp02	8959-04-5712	$1,664.62	$1,498.49	$1,280.56	$ 635.15	1172.76	754.62	
	Actual Cost Paid	TOTAL	$37,246.67	$41,832.50	$28,650.34	$ 17,517.58	$ 19,119.88	$ 19,883.40	0
		AVERAGE COST 2014 & 2015	$39,539.59		$10,889.25	$22,022.01	$20,419.71	$19,656.19	

LED Lighting Reimbursement formula: 2014/2015 Average Cost of $39,539.59 MINUS actual cost paid each year. Answer is the reimbursement for that year.

HISTORY Energy Cost Savings Agreement 03-07-2016 an NTE amount of $158,073.60.

Hallbrook Letter received; actual revised Net Cost for Hallbrook's project: $149,094.32 vs $158,073.60.

Reimbursement for 2016: $10,889.25

Reimbursement for 2017: $22,022.01

Reimbursement for 2018: $20,419.71

Reimbursement for 2019: $ 19,656.19 ←

APPROVED BY COUNCIL

Mayor Peggy J. Dunn

Date:

main page row #		Street lights in Hallbrook Farms - 2019 ELECTRICITY COSTS ADDRESS	SORTED BY ACCT #	these cells will automatically fill in when you enter the invoice on the MAIN PAGE JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	LOCATION TOTAL
9	1	2550 W. 118TH TER - HALLBROOK	0031-43-7702	77.80	38.02	74.32	61.16	76.24	77.59	67.83	72.08	73.30	75.67	93.59	87.23	874.83
22	2	2107 W 117TH ST - HALLBROOK	0719-11-4653	97.49	47.62	95.23	78.08	92.25	90.62	80.58	84.84	86.60	92.13	71.00	105.29	1,021.73
32	3	11802 FAIRWAY - HALLBROOK	1528-92-9453	76.17	31.48	72.01	60.07	78.31	88.92	83.94	89.75	86.50	88.60	107.83	91.08	954.66
36	4	11290 OVERBROOK - HALLBROOK	1680-11-6293	103.58	48.73	100.18	82.92	97.66	98.18	89.58	115.63	120.33	120.01	115.80	105.68	1,198.28
46	5	11700 BROOKWOOD - HALLBROOK	2006-29-4125	73.15	35.47	70.98	58.68	72.92	70.40	62.48	65.12	67.41	70.28	84.12	81.32	812.33
48	6	2390 W. 112TH ST - HALLBROOK	2047-64-0924	42.52	20.44	41.47	34.14	50.70	50.45	46.05	47.96	48.80	51.14	59.22	56.04	548.93
51	7	11398 BROOKWOOD - HALLBROOK	2115-83-1224	106.17	48.66	102.55	84.23	100.50	101.21	90.42	91.57	92.19	96.65	116.22	110.77	1,141.14
52	8	11201A BROOKWOOD - HALLBROOK	2268-56-8247	68.52	33.18	66.77	54.90	70.29	69.12	62.43	66.09	67.49	70.77	84.54	79.78	793.88
53	9	11715 HIGH DRIVE - HALLBROOK	2301-67-1996	88.73	41.38	86.66	71.10	86.17	89.50	79.04	83.29	84.82	86.74	103.05	97.85	998.33
62	10	11198 OVERBROOK - HALLBROOK	2644-09-3499	75.95	74.47	62.57	53.98	71.28	63.33	60.27	59.21	61.02	64.96	71.35	66.90	785.29
63	11	11190 BROOKWOOD - HALLBROOK	3033-19-3855	44.73	20.66	43.44	35.75	51.98	51.29	47.00	49.15	49.92	51.86	60.68	58.23	564.69
70	12	11191 OVERBROOK RD - HALLBROOK	3081-87-7260	116.96	57.84	113.01	87.86	97.72	94.11	83.09	88.63	89.85	97.08	117.20	114.41	1,157.76
74	13	11707 CANTERBURY CT - HALLBROOK	3222-26-5472	59.85	29.66	58.21	47.53	62.85	62.38	56.10	58.68	70.84	62.07	69.71	66.47	704.35
76	14	11702 ABERDEEN - HALLBROOK	3374-12-3722	51.00	24.68	49.70	41.08	57.30	58.45	52.07	53.90	55.06	56.85	66.25	61.83	628.17
87	15	11803 HIGH DRIVE - HALLBROOK FARMS	4156-94-9913	62.54	30.04	60.19	50.92	67.07	70.49	62.23	66.73	66.78	69.44	82.02	75.02	763.47
90	16	2506 W. 114TH ST - HALLBROOK	4616-30-3824	62.78	29.73	64.69	54.04	69.93	70.59	65.32	68.87	70.19	71.56	85.20	77.04	789.94
91	17	11690 OVERBROOK - HALLBROOK	4761-87-3656	42.50	20.56	41.06	34.10	50.62	50.73	46.03	47.91	49.12	50.82	59.38	55.75	548.58
95	18	11503 CANTERBURY CIR - HALLBROOK	5244-70-8652	75.54	34.32	72.68	59.95	76.02	77.88	68.58	71.99	74.00	76.55	92.04	85.58	865.13
114	19	2803 W. 118TH ST - HALLBROOK	6294-77-7182	105.86	50.70	102.60	84.89	99.73	100.91	88.68	93.65	94.91	100.08	121.50	112.49	1,156.00
120	20	11803 BROOKWOOD - HALLBROOK FARMS	6414-70-7868	116.62	56.92	114.28	93.80	106.58	105.06	93.48	99.34	101.34	107.67	130.39	122.90	1,248.38
129	21	11198 BROOKWOOD - HALLBROOK	6760-19-8963	69.02	33.78	66.77	54.69	69.93	66.98	61.07	66.31	68.07	70.53	83.80	78.01	788.96
131	22	11707 MANOR	6963-21-6012	67.92	33.18	66.33	54.46	69.53	67.24	61.02	65.21	66.69	70.26	83.16	78.95	783.95
158	23	11626 BROOKWOOD-Dp02 - HALLBROOK	8959-04-5712	68.65	31.44	64.28	53.64	56.97	58.83	57.28	65.18	66.12	68.37	84.18	79.68	754.62
			TOTAL BY MONTH:	1,754.05	872.96	1,689.98	1,391.97	1,732.55	1,734.26	1,564.57	1,671.09	1,711.35	1,770.09	2,042.23	1,948.30	

19,883.40

19,883.40

Staff Review

7. G.

Fact Sheet

SUBJECT: **APPROVE LED LIGHTING REIMBURSEMENT PAYMENT TO SIENA OF LEAWOOD HOMES ASSOCIATION**
January 21, 2020

DISCUSSION

In 2019, the City approved an Energy Cost Savings Agreement with Siena of Leawood Homes Association to replace their existing street lighting fixtures to LED fixtures along the public roadways within the Siena development. Siena owns its streetlights and the City pays the electricity.

Siena's net cost to switch out their 38 fixtures converted to LED's was $6,818.79. The estimated length of reimbursement based on electrical savings is seven (7) years.

The 2019 reimbursement to Siena is $888.10 for the partial year as the replacements were completed over the summer. This will be the first year of their reimbursment.

The Public Works Department requests a payment for LED Lighting Reimbursement for 2019 usage be made to Siena of Leawood Homes Association in the amount of $888.10.

David Ley, P.E
Director of Public Works

COUNCIL ACTION TO BE TAKEN

Approve LED Lighting Reimbursement

STAFF RECOMMENDATION

☑ For
☐ Against
☐ No position

COMMITTEE RECOMMENDATION

☑ For
☐ Against
☐ No position ☐ No Assignment

POLICY OR PROGRAM CHANGE

☑ No
☐ Yes

OPERATIONAL IMPACT

COSTS

$888.10

FUND SOURCES

11110.33200.621301

SIENA OF LEAWOOD STREET LIGHT COMPARISON BEFORE/AFTER CHANGING TO LED

	ALL CHANGED TO LED June 2019				year one	year two	year three	year four	year five
	ADDRESS	ACCT#	2017	2018	2019	2020	2021	2022	2023
1	13990 Mohawk Road (38 lights)	897472524	$ 2,373.11	$ 2,472.94	$ 1,534.93				
	Actual Cost Paid	TOTAL	$ 2,373.11	$ 2,472.94	$ 1,534.93				
		HISTORICAL AVERAGE COST (PAST 2 YEARS)	$2,423.03		$888.10				

LED Lighting Reimbursement formula: 2017/2018 Average Cost of $2,423.03 MINUS the actual cost paid each year. Answer is the reimbursement for that year.

History: Energy Cost Savings Agreement (May 6, 2019) a NTE amount of $6,818.79.

Siena Letter of actual invoices received July 30, 2019 confirming amount paid by Siena for LED: $6,818.79.

Reimbursement for 2019: **$888.10** ←

APPROVED BY COUNCIL

Mayor Peggy J. Dunn

Date: _____

main page		Street lights in Siena of Leawood- 2019 ELECTRICITY COSTS	SORTED BY	these cells will automatically fill in when you enter the invoice on the MAIN PAGE												LOCATION
row #		ADDRESS	ACCT #	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
158	1	13990 MOHAWK RD-SIENA HOA	8974-27-2524	266.09	110.96	216.98	177.13	183.32	123.84	65.7	65.05	74.13	75.84	83.01	92.88	1534.93
		(INCLUDES 38 LIGHTS)														

Staff Review

7. H.

Fact Sheet

SUBJECT: **APPROVE RESOLUTION AND CONTRACT DESIGN ENGINEERING FOR THE IMPROVEMENTS TO MISSION ROAD FROM 133RD STREET TO 143RD STREET**

January 21, 2020

DISCUSSION

Staff is seeking approval of the Engineering Design Contract with Burns & McDonnell for the design of Mission Road between 133rd St and 143rd St. This project is to improve Mission Road to four lanes divided between 133rd St and 137th St and widen to three or four lanes between 137th St and 143rd St with curb & gutter, street lights, storm sewer, traffic signals, sidewalks, bike lanes and shared use paths. Included in this contract is a traffic study to determine if Mission Road between 137th St and 143rd St should be a three or four lane section.

The Agreement is for a total cost not to exceed $965,700.00. The fee is divided as follows:

1. Design/survey - $844,310.00
2. Easement Appraisal - $88,000.00
3. Geotechnical - $17,000.00
4. Landscape Design - $9,500.00
5. Public Outreach - $6,890.00

The total fee is consistent with the engineering fees on 143rd Street Improvements with the fee approximately 12% of the estimated $8.1 Million construction cost.

It is the recommendation of the Public Works Department that the City Council approves the Engineering Design Contract with Burns & McDonnell Engineering Company in the amount of $965,700.00 and authorizes the Mayor to execute.

David Ley, P.E.
Director of Public Works

COUNCIL ACTION TO BE TAKEN

Approve Resolution and Design Contract

STAFF RECOMMENDATION

☐ For
☐ Against
☑ No position

COMMITTEE RECOMMENDATION

☑ For
☐ Against
☐ No position ☐ No Assignment

POLICY OR PROGRAM CHANGE

☑ No
☐ Yes

OPERATIONAL IMPACT

COSTS

$965,700.00

FUND SOURCES

Capital Improvement Program
80175

RESOLUTION NO. _____

RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY AND BURNS & MCDONNELL ENGINEERING, INC., IN THE AMOUNT OF $965,700.00 FOR DESIGN SERVICES FOR MISSION ROAD, FROM 133RD STREET TO 143RD STREET [# 80175].

WHEREAS, the City is in need of engineering services for the design of Mission Road from 133rd Street to 143rd Street; and

WHEREAS, Burns and McDonnell Engineering, Inc. provides such services; and

WHEREAS, the parties desire to execute an Engineering Services Agreement to provide such services.

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

SECTION ONE: That the Governing Body hereby authorizes the Mayor to execute an Engineering Services Agreement between the City and Burns & McDonnell Engineering, Inc., in in the amount of $965,700.00, attached hereto as Exhibit "A," and incorporated herein by reference as if fully set out.

SECTION TWO; This resolution shall become effective upon passage.

PASSED by the Governing Body this 21st day of January, 2020.

APPROVED by the Mayor this 21st day of January, 2020.

[SEAL]

_____
Peggy J. Dunn, Mayor

ATTEST:

_____
Kelly L. Varner, City Clerk

APPROVED AS TO FORM:

_____
Patricia A. Bennett, City Attorney

CITY OF LEAWOOD, KANSAS

ENGINEERING SERVICES AGREEMENT

THIS AGREEMENT is made in Johnson County, Kansas, by and between the City of Leawood, Kansas, hereinafter "City," and Burns & McDonnell Engineering Company, Inc., hereinafter "Consulting Engineer". City intends to construct an improvement project (hereinafter called the Project) in Leawood, Kansas, described as follows:

PROJECT NAME: MISSION ROAD IMPROVEMENTS – 133RD STREET TO 143RD STREET

DESCRIPTION AND LOCATION OF PROJECT: Preparation of construction plans and contract documents for the improvements to Mission Road from 133rd Street south to just north of 143rd Street. Improvements include a 4-lane road section north of 137th Street and lane modifications north of 135th Street. A traffic study will be conducted to determine the road section south of 137th Street. The improvements include new pavement, curb & gutter, enclosed stormsewer, streetlights, shared use path and one street bike lanes. The traffic study will also determine the need for a signal at 137th Street and if modifications are required at 135th Street and 133rd Street. This project has federal aid and the design will follow KDOT's requirements. Leawood is approved to administer KDOT projects.

City hereby contracts with Consulting Engineer for the furnishing of professional engineering services in connection with the Project, for the furnishing of such engineering

services more particularly described herein in consideration of these premises and of the mutual covenants herein set forth. By executing this Agreement, the Consulting Engineer represents to City that Consulting Engineer is professionally qualified to do this Project and is licensed to practice engineering by all public entities having jurisdiction over Consulting Engineer and the Project.

SECTION I - DEFINITIONS

As used in this Agreement, the following terms shall have the meanings ascribed herein unless otherwise stated or reasonably required by the Agreement, and other forms of any defined words shall have a meaning parallel thereto.

"City" means the City of Leawood, Kansas.

"Construction Cost" means and includes the total cost of the entire construction of the Project, including all overhead and profit, supervision, materials, supplies, labor, tools, equipment, transportation and/or other facilities furnished, used or consumed, without deduction on account of penalties, liquidated damages or other amounts withheld from payment to the contractor or contractors, but such cost shall not include the Consulting Engineer fee, special consultant's fee, or other payments to the Consulting Engineer and shall not include cost of land or rights-of-way and easement acquisition or financing costs.

"Consulting Engineer" means the individual or corporation identified on Page 1 to perform consulting engineering services, preparation of plans, specifications and contract documents. Consulting Engineer shall retain as necessary the services of engineers, architects, landscape architects, and surveyors licensed by the Kansas State Board of Technical Professions.

"Contract Documents" means those documents so identified in the Agreement for Construction of the Project, including all Engineering Documents. All terms defined in the General Conditions of the Agreement for Construction of the Project shall have the same meaning when used in this Agreement unless otherwise specifically stated or in the case of a conflict in which case the definition used in this Agreement shall prevail in the interpretation of this Agreement.

"Contract Time" means the completion of contract documents suitable for competitive construction bidding shall be as shown in Section II-1.

"Engineering Documents" means all documents required or reasonably implied by the nature of the Project, including, but not limited to, plans, specifications, drawings, tracings, designs, calculations, sketches, models, computer data and reports.

"Engineering Services" means the professional services, labor, materials, supplies, testing, surveying, title work, construction administration, if applicable, and all other acts, duties, and services required of Consulting Engineer under this Agreement together with such other services as City may require pursuant to the terms of this Agreement.

"Percent of Services Completed" means work completed in accordance with the completion of the scope of work as defined in Schedule A (SCOPE OF ENGINEERING SERVICES) attached hereto and incorporated herein.

"Program" means space needs study or other concept criteria to determine the total design scope of the Project.

"Project" is as above described.

"Project Manager" means the person employed by City and designated to act as the City's representative for the Project. The City's Project Manager is **David Ley, P.E.**

"Reimbursable Expenses" means expense of transportation beyond fifty (50) miles of location of Project, reproductions not including printing prior to final publication of documents, postage, handling of engineering and contract documents, renderings, models and make ups and other costs as authorized by City.

"Right-of-Way" and "Easements" means and includes street, highway, or road right-of-way and any other land dedicated to or otherwise subject to public use.

"Scope of Engineering Services" That work as defined and identified with a time schedule in Schedule "A" (SCOPE OF SERVICES) attached hereto and incorporated herein.

"Subsurface Borings and Testing" means borings, probings and subsurface explorations, laboratory tests and inspections of samples, materials and equipment and appropriate professional interpretations and reports and logs of all the foregoing.

"Traffic Control Plan" means a specific plan that includes but is not limited to signing; application and removal of pavement markings; construction sequencing and scheduling; methods and devices for delineation and channelization; placement and maintenance of devices; traffic regulation; and inspection.

SECTION II - COMPENSATION

1. Total Fee: City agrees to pay Consulting Engineer a fixed amount **of Eight Hundred Thirty-Two Thousand Seventy-Five & 00/100 DOLLARS ($832,075.00).** The total fee is based on the performance of the scope of services specified in this Agreement, with submittal

of final plans and specifications suitable for solicitation of competitive construction bid proposals on or before **March 2022**. In addition to this Total Fee is a maximum allowance of **One Hundred Thirty-Three Thousand Six Hundred Twenty-Five & 00/100 DOLLARS ($133,625.00)** for Reimbursable Expenses. Payment to Engineer shall be made monthly based upon the Percent of Services Completed.

2. Additional Services: Consulting Engineer shall provide, with City's concurrence, services in addition to those listed in Section III when such services are authorized in writing by City. Prior to commencing any additional services, Consulting Engineer must submit a proposal outlining the additional services to be provided and the fixed lump sum fee therefore. City shall pay Consulting Engineer for such services in accordance with the fees based on Schedule "B", (ADDITIONAL SERVICES FEE SCHEDULE) attached hereto and incorporated herein. Such services may include, but are not limited to, making computations and determinations of special assessments, making special trips requested by City other than those required by Section III, preparing changes in plans ordered by City, providing services necessitated in the event the Engineering Services shall be suspended or abandoned, if such suspension or abandonment is not the result of a breach of this Agreement by the Consulting Engineer, and providing any other special services not otherwise covered by this Agreement which may be requested by City.

Reimbursable expenses incurred in conjunction with additional services shall be paid separately and those reimbursable expenses shall be paid at actual cost but not to exceed the stated allowance amount. Records of Reimbursable Expenses and expenses pertaining to

additional services shall accompany request for payment. The Allowance Amount may be increased by written agreement to cover Reimbursable Expenses associated with Additional Services.

3. Special Services: Consulting Engineer may be called on to serve as a consultant or witness in any litigation, arbitration, legal or administrative proceeding arising out of this Project. Consulting Engineer shall not be compensated by City if its appearance is to defend its own professional Engineering Services. Consulting Engineer shall not be compensated by City to appear at eminent domain or appraiser's hearings necessary to acquire easements and right-of-ways for the Project. If Consulting Engineer is requested, in writing, by City, to appear as a witness for the City and is entitled to be compensated under the provisions of this paragraph, it will be paid based upon the fee schedule "B" (ADDITIONAL SERVICES FEE SCHEDULE) attached hereto and incorporated herein.

4. Billing: Consulting Engineer shall bill City monthly for all services performed to date and based on Percent of Services Completed as shown on project progress report submitted to City with such billing. City agrees to pay Consulting Engineer within thirty (30) days of approval by the Governing Body.

5. City's Right to Withhold Payment: In the event City becomes informed that any representations of Consulting Engineer provided in its monthly billing, are wholly or partially inaccurate, City may withhold payment of sums then or in the future otherwise due to Consulting Engineer until the inaccuracy and the cause thereof, is corrected to City's reasonable satisfaction. In the event City questions some element of an invoice,

that fact shall be made known to Consulting Engineer immediately. Consulting Engineer will help effect resolution and transmit a revised invoice, if necessary. Amounts not questioned by City shall be paid to Consulting Engineer in accordance with the contract payment procedures in Section II-4.

6. Progress Reports: A progress report must be submitted with each monthly pay request indicating the Percent of Services Completed to date. This report will serve as support for payment to Consulting Engineer and the basis for payment in the event project is suspended or abandoned. City's suspension of the Project for periods of less than one (1) year shall not be grounds for an increase in Total Fee.

7. Change in Scope: For substantial modifications in authorized Project scope, and/or substantial modifications of drawings and/or specifications previously accepted by City, when requested by City and through no fault of Consulting Engineer, the Consulting Engineer shall be compensated for time and expense based upon the fee schedule "B" (ADDITIONAL SERVICES FEE SCHEDULE) attached hereto and incorporated herein plus Reimbursable Expenses chargeable for this service; provided, however, that any increase in Total Fee or Contract Time must be approved through a written Supplemental Agreement. Consulting Engineer shall correct or revise any errors or deficiencies in its designs, drawings or specifications without additional compensation when due solely to Consulting Engineer's negligent acts, errors, or omissions. If not solely Consulting Engineer's fault, then the parties will negotiate an equitable sharing of the fees associated with such changes and the fixed fee will be increased or decreased accordingly.This

Agreement may be amended to provide for additions, deletions and revisions in the Engineering Services or to modify the terms and conditions thereof by written Supplemental Agreement.

The Total Fee and Contract Time may only be changed by a written Supplemental Agreement approved by City, unless it is the result of an emergency situation in which case the Project Manager may give written approval to be followed by a written and approved change in Scope of Services. If notice of any change affecting the general scope of the Engineering Services or provisions of this Agreement, including but not limited to, Total Fee or Contract Time, is a requirement of any insurance policy held by Consulting Engineer as a requirement of this Agreement, the giving of such notice shall be the Consulting Engineer's responsibility.

SECTION III - RESPONSIBILITIES OF CONSULTING ENGINEER

Consulting Engineer shall furnish and perform expeditiously the various professional duties and services in all phases of the Project to which this Agreement applies as herein provided and which are required for the construction of the Project which services shall include:

A. PRELIMINARY DESIGN PHASE

1. Services: The services to be provided during this phase and time of performance are set out in Schedule "A" (SCOPE OF ENGINEERING SERVICES) attached hereto and incorporated herein.

2. Preliminary Design Documents: Consulting Engineer shall furnish the City **(4)** copies of the above preliminary design documents, unless otherwise noted in Exhibit "A."

(SCOPE OF ENGINEERING SERVICES) attached hereto and incorporated herein.

3. Preliminary Cost Estimate: Consulting Engineer shall furnish City a preliminary estimate of Construction Cost based on the preliminary design. Consulting Engineer's preliminary estimate of Construction Cost is to be made on the basis of Consulting Engineer's experience and qualifications and represent Consulting Engineer best judgment as an experienced and qualified design professional, familiar with the current construction industry's pricing structure. Consulting Engineer cannot and does not guarantee that the bids or proposals or the project construction costs will not vary from the cost estimates prepared by the Consulting Engineer.

4. Budget: Consulting Engineer shall promptly advise City if, in its opinion, the amount budgeted for design and construction is not sufficient to adequately design and construct the improvement as requested.

B. FINAL DESIGN PHASE

1. Services: The services to be provided during this phase and time of performance are set out in Schedule "A"(SCOPE OF ENGINEERING SERVICES) attached hereto and incorporated herein.

2. Final Design Documents: Consulting Engineer shall furnish City **(4)** copies unless otherwise noted in Exhibit "A", (SCOPE OF ENGINEERING SERVICES) attached hereto and incorporated herein of the final design plans and shall also prepare the necessary plans and applications for permits for submission to and approval of local, county, state and federal authorities having proper jurisdiction as may be required for

initiation, prosecution and construction of the Project. Such permits include permits for storm water runoff, building permits, demolition permits and similar permits.

C. CONTRACT DOCUMENTS PHASE

1. Contract Documents: Consulting Engineer shall prepare for City final design plans, construction contract documents, supplementary conditions, bid forms, invitations to bid and instructions to bidders and assist in the preparation of other related documents, unless such documents are provided by City. The City Attorney will review all such contract forms and conditions and provide Consulting Engineer with comment prior to release for bidding.

2. Final Cost Estimate: Consulting Engineer shall furnish City an estimate of Construction Cost based on final contract documents. This estimate is commonly known as the "Engineer's Estimate" and will be used as the basis for construction contract award. Consulting Engineer cannot and does not guarantee that the bids or proposals or the project construction costs will not vary from the cost estimates prepared by the Consulting Engineer.

3. Budget: Consulting Engineer shall advise City if, in its opinion, the amount budgeted for the Project is not sufficient to cover all Project costs, including but not limited to, design, construction, right-of-way and easement acquisition, inspection and testing.

D. BIDDING PHASE

1. Services: The services to be provided during this phase are set out in Schedule "A" (SCOPE OF ENGINEERING SERVICES) attached hereto and incorporated herein.

2. Bids Exceeding Cost Estimate: If all bids exceed Engineer's Estimate, Consulting Engineer, at the request of City and for no additional cost, will prepare a report for City identifying why all the bids exceed the estimate. The City has four (4) options if all bids exceed Engineer's Estimate. The City may: (1) give written approval of an increase in the Project cost; (2) authorize rebidding of the Project; (3) terminate the Project and this Agreement; or (4) cooperate in revising the Project scope or specifications, or both, as necessary to reduce the construction cost. In the case of (4), Consulting Engineer, without additional charge to City, shall consult with City and shall revise and modify the drawings and specifications as necessary to achieve compliance with the "Engineer's Estimate".

E. CONSTRUCTION PHASE

1. In-house Administration and Inspection: It is understood that City will provide in-house administration and inspection of the construction project; however, Consulting Engineer shall consult with and advise City, when requested. In event that inspection services are made part of services set out in Schedule "A", (SCOPE OF ENGINEERING SERVICES) attached hereto and incorporated herein, a delay in construction shall not be grounds for an additional payment.

2. Services: The services provided during this phase are set out in Schedule "A" (SCOPE OF ENGINEERING SERVICES) attached hereto and incorporated herein.

3. Supplemental Drawings: If during construction, situations arise which require supplemental drawings or details, Consulting Engineer agrees to timely provide such

supplemental drawings or details at no cost to City when the supplemental drawings or details, are required to correct Consulting Engineer's negligent errors or omissions or clarify Consulting Engineer's intent in the original design and preparation of Contract Documents.

4. Notice of Defects: If, based on Consulting Engineer's involvement during the construction phase, Consulting Engineer observes or otherwise becomes aware of any design or construction defect in the work, it shall give prompt written notice to City of such defects and their approximate location on the Project. However, Consulting Engineer shall not have control over or charge of and shall not be responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions, inspections by construction contractor and programs in connection with the construction work, since these are solely the Contractor's responsibility under the contract for construction. Consulting Engineer shall not be responsible for the Contractor's schedules or failure to carry out the work in accordance with the Contract Documents. Consulting Engineer shall not have control over or charge of acts or omissions of the Contractor, Contractor's subcontractors, or their agents or employees.

5. Shop Drawings: Consulting Engineer shall review and take appropriate action on Contractor's shop drawings and samples, and the results of tests and inspections and other data which each Contractor is required to submit for the purposes of checking for compliance with the design concept and conformance with the requirements of the Contract Documents. Such review shall not extend to means, methods, sequences,

techniques or procedures of construction, or to safety precautions and programs incident thereto.

6. As Built Plans: The Consulting Engineer shall prepare final revised Contract Documents which reflect change orders, minor design changes including changes made in the field and which are marked on the construction contractors plan set. The Contractor will provide the City a marked up set of record drawings. Because some of the data contained on the "As Built Plans" may be based on unverified information provided by others, the Consulting Engineer does not warrant the accuracy of information provided by others.

F. GENERAL DUTIES AND RESPONSIBILITIES

1. Responsibilities under the General Conditions of the Contract for Construction ("General Conditions"): In addition to the responsibilities herein set forth, Consulting Engineer agrees to be responsible for those matters identified in the General Conditions as being responsibilities of the Consulting Engineer. The General Conditions shall be in a form mutually agreeable between the City and Consulting Engineer and shall be consistent with the intent and requirements of the Agreement.

2. Personnel: Consulting Engineer shall assign only qualified personnel to perform any service concerning the Project. At the time of execution of this Agreement, the parties agree that **Michael DeBacker, P.E.** will perform as the principal on this Project . This person shall be the primary contact with the City's Project Manager and shall have authority to bind Consulting Engineer. So long as the individual named above remains

actively employed or retained by Consulting Engineer, he/she shall perform the function of principal on this Project. Personnel changes shall be approved by the City.

3. Subsurface Borings & Material Testing: If tests, additional to those provided for in Schedule "A", (SCOPE OF ENGINEERING SERVICES) attached hereto and incorporated herein are required for design, Consulting Engineer shall prepare specifications for the taking of the additional borings. Such Subsurface Borings and Testing, as defined herein, shall be provided by Consulting Engineer or its subcontractors and compensated as an Additional Service. The City shall be named as an intended third-party beneficiary to the Consulting Engineer's subcontracts with the geotechnical engineer, the land surveyor and the testing laboratory. If so named, then the City agrees to pursue its claims directly against those subconsultants, and not against the Consulting Engineer, for damages caused solely by the negligence of those subconsultants.

4. Service By and Payment to Others: Any work authorized in writing by City and performed by anyone other than Consulting Engineer or its subcontractors in connection with the proposed Project shall be contracted for and paid for by City directly to the third party or parties. In addition to payments for professional services, this may also include necessary permits, licenses, ownership certifications, materials testing, advertising costs, and other special tests or other work required or requested by City or Consulting Engineer which is not defined within the scope of Engineering Services of Consulting Engineer. The payment for such additional services shall be subject to negotiation between City and the third party and shall be approved prior to the execution of any

additional services. Although Consulting Engineer may assist City in procuring such services of third parties, Consulting Engineer shall in no way be liable to either City or such third parties in any manner whatsoever for such services or for payment thereof.

5. Subcontracting of Service: Consulting Engineer shall not subcontract or assign any of the Engineering Services to be performed under this Agreement without first obtaining the written approval of City regarding the Engineering Services to be subcontracted or assigned and the consulting firm or person proposed to accomplish the subcontracted/assigned portion of the Project. Unless otherwise stated in the written consent to an assignment, no assignment will release or discharge the assignor from any obligation under this Agreement. Any person or firm proposed for subcontracting Engineering Services under this Agreement shall maintain throughout the duration of the Agreement, insurance as provided in Section V. D.(6) herein, and shall additionally maintain Professional Liability insurance in a minimum amount of $2,000,000 and provide the City with certification thereof unless waived by the City.

6. Endorsement: Consulting Engineer shall sign and affix licensing seal to all final plans, specifications, estimates and engineering data prepared by Consulting Engineer and shall cause all subconsultants to sign and seal their final documents where required by law. Any review or approval by City of any documents prepared by the Consulting Engineer and/or its consultants including but not limited to the plans and specifications, shall be solely for the purpose of determining whether such documents are consistent with City's construction program and intent and shall not be construed as approval of same by City.

No review of such documents shall relieve Consulting Engineer of its responsibility for the accuracy, adequacy, fitness, suitability and coordination of its work product.

7. Inspection of Documents: Consulting Engineer shall maintain all project records for inspection by City during the contract term and for three (3) years from the date of final payment and shall notify the City prior to their disposal.

SECTION IV - CITY OF LEAWOOD'S RESPONSIBILITIES

1. Communication: City shall provide to Consulting Engineer applicable Program Criteria; examine and timely respond to Consulting Engineer submissions; and give written notice to Consulting Engineer, who shall respond promptly, whenever City observes or otherwise becomes aware of any defect in the Engineering Services.

2. Access: City will provide access for Consulting Engineer to enter public and private property necessary to the completion of the project.

3. Duties: City shall furnish and perform the various duties and services in all phases of the Project which are outlined and designated in Schedule "A" (SCOPE OF ENGINEERING SERVICES) attached hereto and incorporated herein, as City's responsibility.

4. Program Criteria: City shall provide full information, including a program which shall set forth City's objectives, requirements, schedule, constraints, budget with reasonable contingencies, and other necessary design criteria.

5. Project Representative: City shall designate a Project Manager to represent City in coordinating this Project with Consulting Engineer, with authority to transmit instructions and define policies and decisions of City.

SECTION V - GENERAL PROVISIONS

A. TERMINATION

1. Notice: City reserves the right to terminate this Agreement either for cause or for its convenience and without cause or default on the part of Consulting Engineer, by providing ten (10) days' written notice of such termination to Consulting Engineer. Upon receipt of such notice from City, Consulting Engineer shall, at City's option as contained in the notice: (1) immediately cease all Engineering Services; or (2) meet with City and, subject to City's approval, determine what Engineering Services shall be required of Consulting Engineer in order to bring the Project to a reasonable termination in accordance with the request of City. Consulting Engineer shall also provide to City copies of all "Engineering Documents" completed or partially completed at the date of termination.

   If City defaults on its obligation under this Agreement, Consulting Engineer is entitled to terminate this Agreement by providing ten (10) days written notice.

2. Termination for Cause: If this Agreement is terminated for cause, after notice to Consulting Engineer and a period of ten (10) days for the Consulting Engineer to remedy the cause for termination, City may take over Consulting Engineering Services and prosecute same to completion, by contract or otherwise, for the amount and at the expense of the Consulting Engineer, and the Consulting Engineer shall be liable to the City for any and all excess cost sustained by the City by reason of such prosecution and

completion. When Consulting Engineer services have been so terminated, such termination shall not affect any rights or remedies of the City against Consulting Engineer then existing or which may later accrue. Similarly, any retention or payment of monies due Consulting Engineer shall not release Consulting Engineer from liability.

3. Compensation for Convenience Termination: If City shall terminate for its convenience as herein provided; City shall compensate Consulting Engineer for all Engineering Services completed to date of its receipt of the termination notice pursuant to Section II-4 and any additional Engineering Services requested by City to bring the Project to reasonable termination. Compensation shall not include anticipatory profit or consequential damages, neither of which will be allowed.

4. Compensation for Cause Termination: If City shall terminate for cause or default on the part of Consulting Engineer, City shall compensate Consulting Engineer for the reasonable cost of Engineering Services completed to date of its receipt of the termination notice pursuant to Section II-4. Compensation shall not include anticipatory profit or consequential damages, neither of which will be allowed. City also retains all its rights and remedies against Consulting Engineer including but not limited to its rights to sue for damages, interest and attorney fees.

5. Incomplete Documents: Neither Consulting Engineer nor its subcontractors shall be responsible for errors or omissions in documents which are incomplete as a result of an early termination under this Section; Consulting Engineer having been deprived of the opportunity to complete such documents and certifies them as ready for construction.

B. DISPUTE RESOLUTION

City and Consulting Engineer agree that disputes relative to the project should first be addressed by negotiations between the parties. If direct negotiations fail to resolve the dispute, the party initiating the claim that is the basis for the dispute shall be free to take such steps as it deems necessary to protect its interests; provided, however, that notwithstanding any such dispute, Consulting Engineer shall proceed with the Engineering Services as per this Agreement as if no dispute existed, and the City shall continue to make payment for Consulting Engineer's completed services unless Consulting Engineer gives notice of termination as provided in paragraph A.1. above; and provided further that no dispute will be submitted to arbitration without both parties' express written consent.

C. OWNERSHIP OF ENGINEERING DOCUMENTS

All Engineering Documents prepared in connection with this Project shall be the property of the Consulting Engineer, whether the Project for which they are made is constructed or not. However, the Consulting Engineer will provide City a copy of all completed or partially completed documents in reproducible form, including but not limited to prints and reproductions. Reports, plans, specifications and related documents are Consulting Engineer's copyrighted instruments, and at the option of Consulting Engineer may so identify them by appropriate markings. Provided that Consulting Engineer is paid for its services, either by termination or completion of services, then City may subsequently use these documents without any additional compensation or agreement of Consulting Engineer, however, such use, without written

verification or adaptation by Consulting Engineer for the specific purpose, intended by City shall be at City's sole risk and without liability or legal exposure to Consulting Engineer whatsoever. If City does reuse the Consulting Engineer's documents on another project, it shall retain Consulting Engineer or another licensed and insured professional engineer to review, adapt and seal such documents. City does not take any responsibility for the use of documents by others. Submission of or distribution of documents to meet regulatory requirements is not to be considered as contrary to any of Consulting Engineer's right to the documents.

D. INSURANCE

The Consulting Engineer shall maintain throughout the term of this Agreement, insurance in, at a minimum, the amounts specified below. All commercial general and automobile liability insurance shall be written on an occurrence basis unless otherwise agreed to in writing by City. With the exception of professional liability, the Consulting Engineer shall name the City as an additional insured in the amount of $500,000 for all claims determined to be subject to the Kansas Tort Claims Act. With the exception of professional liability, the Consulting Engineer shall name the City as an additional insured for all other claims as set forth below:

1. Professional Liability: Consulting Engineer shall maintain insurance coverage for two (2) years beyond the term of this Agreement, Professional Liability Insurance for the services rendered under the terms of this Agreement, in an amount not less than One Million Dollars ($1,000,000), each claim/aggregate, and shall provide City with certification thereof.

2. Commercial General Liability:

Each Occurrence	$1,000,000
Personal & Advertising Injury	$1,000,000
Products/Completed Operations Aggregate	$2,000,000
General Aggregate	$2,000,000

3. Automobile Liability Insurance: Policy shall protect the Consulting Engineer against claims for bodily injury and/or property damage arising out of the ownership or use of any owned, hired and/or non-owned vehicle and must include protection for either:

A) Any Auto
OR
B) All Owned Autos;
Hired Autos; and
Non-Owned Autos

Limits

Each Accident, Combined Single Limits, Bodily Injury and Property Damage: $1,000,000

Policy shall insure the contractual liability assumed by Consulting Engineer under this Agreement.

4. Workers' Compensation and Employers' Liability: This insurance shall protect the Consulting Engineer against all claims under applicable state Workers' Compensation laws. The Consulting Engineer shall also be protected against claims for injury, disease or death of employees for which, for any reason, may not fall within the provisions of a Workers' Compensation law under an Employers Liability policy with the following limits:

Bodily Injury by Accident $500,000 each accident

Bodily Injury by Disease	$500,000 policy limit
Bodily Injury by Disease	$500,000 each employee

5. Industry Ratings: City will only accept coverage from an insurance carrier which offers proof that the carrier:

   A) Is authorized to do business in the State of Kansas;

   B) Carries a Best's Policyholder rating of A-:VII or better or is otherwise approved by the City.

Certification of insurance coverage in Sections (2), (3) and (4) above shall be on the standard Certificate of Insurance Form. Certification of professional liability insurance shall be provided on a separate form provided by the Consulting Engineer's insurance carrier. This insurance shall be required only on City-funded projects where the state or federal government does not establish separate guidelines.

6. Subcontractor's Insurance: If a part of this Agreement is to be sublet, Consulting Engineer shall either:

   a) Cover all subcontractors under its insurance policies;

   or

   b) Require each subcontractor not so covered to secure insurance which will protect against applicable hazards or risks of loss as and in the minimum amounts designated herein, unless waived by the City.

7. Notice of reduction of policy limits as a result of claim(s)-

Prior to the signing of this contract the Consulting Engineer Contractor shall advise the City in writing of any outstanding claim(s) which have or might substantially ($10,000 or

more) reduce the aggregate limit of the Liability policies pertinent to the Contract.

The Consulting Engineer shall promptly notify the City, upon receipt of notice of any claim in connection with the Contract, or any other contract in which the Consulting Engineer may be involved providing full details of the claim, including an estimate of the loss or liability.

The Consulting Engineer shall promptly notify the City of any reduction in limits (exceeding $10,000.00) of protection afforded under any policy listed in the Certificate(s), or otherwise required by the Contract Documents, whether or not such impairment came about as a result of this Contract.

E. INDEMNITY

1. Indemnification for General Liability/Non-Professional Negligence. The Consulting Engineer shall defend, indemnify, and hold harmless the City and any of its agencies, officials, officers, or employees from and against damages, liability, losses, costs, expenses, of any nature whatsoever, whether incurred as a judgment, settlement, penalty, fine or otherwise (including reasonable attorneys' fees and the cost of defense), in connection with any action, proceeding, demand or claim arising out of or resulting from the negligence, in whole or in part, of the Consulting Engineer, its employees, agents, or subconsultants, or others for whom the Consulting Engineer is legally liable, provided that such damage, liability, loss, cost, or expense is:

a. Attributable to bodily injury, sickness, disease, or death or to damage to or

destruction of tangible property (other than the Project itself) of any person, firm or corporation including loss of use resulting therefrom; or

b. Not the result of professional negligence; or

c. In addition, the Consulting Engineer's obligations hereunder shall specifically apply to those damages, liabilities, losses, costs, or expenses arising from the negligent acts of the City or any of its agencies, officials, officers, or employees in those instances in which the City is named as an additional insured under the Consulting Engineer's Commercial General Liability insurance policy, and then only to the extent covered by such insurance, not to exceed the limits required herein. If the required insurance is not procured and maintained as required by this Agreement, then the Consulting Engineer's obligations hereunder shall apply as though the insurance was in place.

2. Indemnification for Professional Negligence. The Consulting Engineer shall indemnify and hold harmless the City and any of its agencies, officials, officers, or employees from and against damages, losses, costs, and expenses, of any nature whatsoever, whether incurred as a judgment, settlement, penalty, fine or otherwise (including reasonable attorneys' fees and the cost of defense), in connection with any action, proceeding, demand or claim but only to the extent caused by the negligent acts, errors, or omissions of the Consulting Engineer, its employees, agents, or subconsultants, or others for whom the Consulting Engineer is legally liable, in the performance of professional services under this

Agreement. The Consulting Engineer is not obligated under this subparagraph to indemnify the City for the negligent acts of the City or any of its agencies, officials, officers, or employees.

3. Additional provision regarding the indemnification provided under paragraph E.1. and E.2. of this agreement. It is agreed as a specific element of consideration of this Agreement that the indemnification provided by sections E.1. and E.2. of this Agreement shall apply notwithstanding the joint, concurring or contributory or comparative fault or negligence of the City or any third party and, further notwithstanding any theory of law including, but not limited to, a characterization of the City's or any third party's joint, concurring or contributory or comparative fault or negligence as either passive or active in nature; provided, however, that the Consulting Engineer's obligation hereunder shall not include amounts attributable to the fault or negligence of the City or any third party for whom the Consulting Engineer is not responsible.

In the case of any claims against the City, its employees or agents indemnified under this Agreement, by an employee of the Consulting Engineer, its affiliates, subsidiaries, or subcontractor/assignees, the indemnification obligation contained in this Agreement shall not be limited by any limitation on amount or type of damages, compensation or benefits payable by or for the Consulting Engineer, its affiliates, subsidiaries, or subcontractor/assignees, under workers' compensation acts, disability benefit acts, or other employee benefit

acts.

NON-DISCRIMINATION AND AFFIRMATIVE ACTION.

1. In the execution of this contract, no person shall on the grounds of race, color, religion, sex, disability, marital status, public assistance status, ex-offender, or national origin be excluded from full employment rights in, be denied the benefits of, or otherwise subjected to discrimination under any program, service or activity under the provisions of any and all applicable federal and state laws against discrimination. The Consulting Engineer shall furnish all information and reports required by the rules, regulations, and other of the Secretary of Labor for purposes of investigation to determine compliance with such laws. The City shall provide Consulting Engineer with its rules and regulations.
2. The Consulting Engineer shall observe the provisions of the Kansas Act Against Discrimination and shall not discriminate against any person in the performance of work under the present contract because of race, religion, color, sex, physical handicap unrelated to such person's ability to engage in particular work, national origin or ancestry.
3. In all solicitation or advertisements for employees, the Consulting Engineer shall include the phrase "equal opportunity employer," or similar phrase approved by the City.
4. If the Consulting Engineer fails to comply with the manner in which the Consulting Engineer reports to the City in accordance with the provisions of K.S.A. 44-1031, the Consulting Engineer shall be deemed to have breached the present contract and it may be

canceled, terminated or suspended, in whole or in part, by the City.

5. If the Consulting Engineer is found guilty of a violation of the Kansas Act Against Discrimination under a decision or order of the City which has become final, the Consulting Engineer shall be deemed to have breached the present contract and it may be canceled, terminated, or suspended in whole or in part, by the City.

6. The Consulting Engineer shall include the provisions of paragraphs (1) through (6) above in every subcontract or purchase order so that such provisions will be binding upon all subcontractors and vendors.

G. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the parties and supersedes all prior agreements, whether oral or written, covering the same subject matter. This Agreement may not be modified or amended except in writing mutually agreed to and accepted by both parties to this Agreement.

H. APPLICABLE LAW, JURISDICTION AND VENUE.

This Agreement is entered into under and pursuant to, and is to be construed and enforceable in accordance with, the laws of the State of Kansas. In the event that the parties hereto are unable to resolve any controversy or claim arising out of, or relating to, this agreement or the making, performance or interpretation of it without resort to the courts, the parties agree that exclusive jurisdiction and venue over such matter shall be in the District Court of Johnson County, Kansas.

I. ASSIGNMENT OF AGREEMENT

This Agreement shall not be assigned or transferred by Consulting Engineer without the written consent of the City.

J. NO THIRD PARTY BENEFICIARIES

Nothing contained herein shall create a contractual relationship with, or any rights in favor of, any third party.

K. INDEPENDENT CONTRACTOR

The Consulting Engineer is an independent contractor and as such is not an agent or employee of the City.

L. WORK PRODUCT FORMAT

1. For documentation purposes, an original electronic media compatible with the City's own (CAD) System on specified disk type and paper hard copies of (24" X 36" and/or 11" X 17") shall be prepared for the City's use. The number of hard copies and sizes will be determined in Schedule A (SCOPE OF ENGINEERING SERVICES) attached hereto and incorporated herein. If the City provides such electronic media to others for any purpose, City shall require the electronic media to be returned to City upon completion of such use. City recognizes that such use of electronic media will be at the City's sole risk and without any liability risk or legal exposure by Consulting Engineer.

2. Project Documentation: All documentation provided the City other than project drawings shall be furnished on a microcomputer diskette, 3.5 inch, 1.44mb, in either Micro Soft Word file format or ASCII file format.

3. "Record" Drawings: Following construction, City and construction contractor will provide copies of changes and alterations made in the field during construction to Consulting Engineer to provide As-Built drawings, unless Consulting Engineer has provided a diskette to City on which City can make changes. Consulting Engineer has the right to rely on the information provided by the City and construction contractor in preparing such documents, and shall have no independent duty to verify its accuracy.

M. FEDERAL LOBBYING ACTIVITIES

(Only applies to projects receiving federal funds via the City)

31 USCA Section 1352 requires all subgrantees, contractors, subcontractors and consultants who receive federal funds via City to certify that they will not use federal funds to pay any person for influencing or attempting to influence a federal agency or Congress in connection with the award of any federal contract, grant, loan or cooperative agreements. In addition, contract applicants, recipients and subrecipients must file a form disclosing any expenditures they make for lobbying out of non-federal funds during the contract period.

Necessary forms are available from the Project Manager and should be returned to City with other final contract documents. It is the responsibility of Consulting Engineer to obtain executed forms from any of its subcontractors who fall within the provision of the Code and to provide City with the same.

N. COVENANT AGAINST CONTINGENT FEES

Consulting Engineer warrants that it has not employed or retained any company or

person, other than a bona fide employee working for Consulting Engineer, to solicit or secure this Agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gifts, or any other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City may terminate this Agreement without liability or may, in its discretion, deduct from the Total Fee or otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

O. COMPLIANCE WITH LAWS

Consulting Engineer shall abide by all applicable federal, state and local laws, ordinances and regulations applicable to the Engineering Services or the Project at the time services are rendered. Consulting Engineer shall secure all occupational and professional licenses necessary to implement the Project and permits from public and private sources necessary for the fulfillment of its obligations under this Agreement.

P. TITLES, SUBHEADS AND CAPITALIZATION

Title and subheadings as used herein are provided only as a matter of convenience and shall have no legal bearing on the interpretation of any provision of this Agreement. Some terms are capitalized throughout this Agreement but the use of or failure to use capitals shall have no legal bearing on the interpretation of such terms.

Q. SEVERABILITY CLAUSE

Should any provision of this Agreement be determined to be void, invalid, unenforceable

or illegal for whatever reason, such provision(s) shall be null and void; provided, however, that the remaining provisions of this Agreement shall be unaffected thereby and shall continue to be valid and enforceable.

R. EVALUATION

It is understood and agreed that the Consulting Engineer services shall be evaluated in accordance with Resolution 1391 of the City of Leawood, Kansas, dated March 23, 1998.

S. TERM OF AGREEMENT

This Agreement shall have a duration until acceptance of the work performed or completion of the construction contract, whichever is longer.

T. EXECUTION OF CONTRACT

The parties hereto have caused this Agreement to be executed in triplicate this _____ day of _____ 20 ____.

CITY OF LEAWOOD, KANSAS

By: _____
Peggy J. Dunn, Mayor

ATTEST:

_____
Kelly L. Varner, City Clerk

APPROVED AS TO FORM:

_____
Patricia A. Bennett, City Attorney

BURNS & McDONNELL ENGINEERING COMPANY, INC

By: _____
Michael S. DeBacker, P.E.
General Manager, Transportation Global Practice

9400 Ward Parkway
Kansas City, MO 64114

Telephone: 816 349-6659

7. I.

LEAWOOD FIRE DEPARTMENT

Memorandum

TO: **Peggy Dunn, Mayor**
City Councilmembers

CC: **Scott Lambers, City Administrator**

FROM: **Colin Fitzgerald, Deputy Chief**

DATE: **21 January 2020**

SUBJECT: **Leawood Emergency Operations Plan**

The City of Leawood Emergency Operations Plan (EOP) is due for update as it was last revised and adopted in January 2015. The normal update cycle for an EOP is five years. This most recent update is different as it uses a new process involving the State of Kansas Planning System. That system utilizes an online, commercial vendor (Bold Planning) hosted on a state sponsored website. This system allows for continuous updates on plans and automatically ties in local plans like Leawood's with county and state plans. The system guides users through a planning process and then auto-generates the plan, meeting required state and federal guidelines. The system also provides a platform for Continuity of Operations (COOP) planning, which is typically done at the department level. All costs of this system are paid by the State of Kansas.

As with any plan like this which affects City of Leawood operations, the plan must be adopted by resolution by the governing body. This resolution then serves as the promulgation letter and is included as a reference.

The online planning system is continuously updated as information changes, such as staff contact information. Therefore, the most current version of the plan will always be utilized. However, the overall plan will have a five year expiration date at which time, it will be brought before you again for approval.

Leawood will utilize the COOP aspects of the system as well. However, this planning is at the department level and does not require governing body adoption. A COOP requires a department to identify critical functions and then come up with plans to ensure these functions can continue even after a major incident, such as facility loss.

A current copy of the system generated City of Leawood Emergency Operations Plan is attached for your reference. It is labeled "Draft" until adoption and the setting of an expiration date (five years from adoption date). Note that minor grammatical flow errors are sometimes obvious as a result of data fields feeding into the auto-generated report. Minor changes will continue to be made as needed for improvement or accuracy.

7. I.

RESOLUTION NO. _____

RESOLUTION APPROVING AND ADOPTING A REVISED EMERGENCY OPERATIONS PLAN ["EOP"] FOR THE CITY OF LEAWOOD, KANSAS

WHEREAS, the City of Leawood, Kansas ["City"] has previously adopted an Emergency Operations Plan that provides the overall framework within which local governments, volunteers, and private sector agencies can operate in an integrated and coordinated fashion before, during, and after a disaster or major emergency;

WHEREAS, the City desires to be in compliance with all state and local regulations governing emergency operations in the event of a disaster or major emergency; and

WHEREAS, the City now desires to revise the previously adopted EOP, attached hereto as Exhibit A.

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

SECTION ONE: That the Governing Body hereby approves and adopts the revised Emergency Operations Plan, attached hereto as Exhibit A, and incorporated herein by reference as if fully set out.

SECTION TWO: This resolution shall become effective upon passage.

PASSED by the Governing Body this 21st day of January, 2020.

APPROVED by the Mayor this 21st day of January, 2020.

[SEAL]

_____
Peggy J. Dunn, Mayor

ATTEST:

_____
Kelly L. Varner, City Clerk

APPROVED AS TO FORM:

_____
Patricia A. Bennett, City Attorney

7.J.

LEAWOOD FIRE DEPARTMENT

Memorandum

TO: **Peggy Dunn, Mayor**
City Councilmembers

CC: **Scott Lambers, City Administrator**

FROM: **Colin Fitzgerald, Deputy Chief**

DATE: **21 January 2020**

SUBJECT: **Region L Multi-Jurisdictional Hazard Mitigation Plan**

The newest version of the Kansas Homeland Security Region L Multi-Jurisdictional Hazard Mitigation plan is complete and ready for adoption by the City of Leawood. The plan documents the regional hazard mitigation planning process and identifies relevant hazards, vulnerabilities, and strategies which can be used to increase resiliency and sustainability. The Disaster Mitigation Act of 2000 requires all political entities in the United States to have an approved Hazard Mitigation Plan in order to be eligible to receive hazard mitigation funds following a disaster - should funding become available.

Region L includes the counties of Johnson, Wyandotte, and Leavenworth which worked together with the Kansas Division of Emergency Management to complete the plan. Leawood worked with other juridictions in Johnson County under the direction of Johnson County Emergency Management to contribute the necessary local information and Leawood is mentioned multiple times in the plan. This plan is featured prominently by reference in the City of Leawood Emergency Operations Plan.

This plan has been conditionally approved by FEMA as of October 3, 2019 and will become fully approved once it is adopted by the Johnson County Board of County Commissioners. This process is underway as is adoption by all included local jurisdictions.

This plan will replace the previous version which was valid from 2013-2018 and is current for five years. The planning process for the next five year plan will begin in 2021.

RESOLUTION NO. _____

RESOLUTION ADOPTING THE REGION L MULTI-HAZARD MITIGATION PLAN PERTAINING TO COMPLIANCE WITH THE DISASTER MITIGATION ACT OF 2000.

WHEREAS, the City of Leawood recognizes the threat that natural hazards pose to people and property within our community;

WHEREAS, undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences;

WHEREAS, the U.S. Congress passed the Disaster Mitigation Act of 2000 ("Disaster Mitigation Act") emphasizing the need for pre-disaster mitigation of potential hazards;

WHEREAS, the Disaster Mitigation Act made available hazard mitigation grants to state and local governments;

WHEREAS, an adopted Multi-Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple FEMA pre- and post-disaster mitigation grant programs;

WHEREAS, the City of Leawood fully participated in the FEMA prescribed mitigation planning process to prepare this Multi-Hazard Mitigation Plan;

WHEREAS, the Kansas Division of Emergency Management and the Federal Emergency Management Agency Region VII officials have reviewed the "Region L Multi-Hazard Mitigation Plan," and approved it contingent upon this official adoption of the participating governing body;

WHEREAS, the City of Leawood desires to comply with the requirements of the Disaster Mitigation Act and to augment its emergency planning efforts by formally adopting the Region L Multi-Hazard Mitigation Plan;

WHEREAS, adoption by the governing body for the City of Leawood demonstrates the jurisdictions' commitment to fulfilling the mitigation goals and objectives outlined in this Multi-Hazard Mitigation Plan; and

WHEREAS, adoption of this legitimizes the plan and authorizes responsible agencies to carry out their responsibilities under the plan.

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

SECTION ONE: That the Governing Body of the City of Leawood hereby approves and adopts the "Region L-Hazard Mitigation Plan" as an official plan.

SECTION TWO: That the City of Leawood will submit this Adoption Resolution to the Kansas Division of Emergency Management and Federal Emergency Management Agency Region VII officials to enable the plan's final approval.

PASSED by the Governing Body this 21st day of January, 2020.

APPROVED by the Mayor this 21st day of January, 2020.

_____
Peggy J. Dunn, Mayor

[SEAL]

ATTEST:

_____
Kelly Varner, City Clerk

APPROVED AS TO FORM:

_____
Patricia A. Bennett, City Attorney

T. K.

Leawood, Kansas Police Department

Memo

To: Mayor Dunn and Members of the City Council

CC: City Administrator Scott Lambers

From: Chief Troy Rettig

Date: January 21st, 2020

Re: Reimbursement to JoCo Sheriff's Department

On December 2nd 2019 we hired Kane Romp as a police officer. Kane had previously worked for the Johnson County Sheriff's Department and attended the police academy while employed by them. Our hire date was less than one year from the date he had graduated from the academy. State law (KSA 74-5609a) requires agencies who hire an officer within one year of their graduation from the police academy to reimburse the other agency who had paid for the officer to attend the academy.

The amount to reimburse Johnson County is $19,538.40.

This money will come from Admin Contractual Expense 11110.22110.611000.

Let me know if you have any questions.

7.L.

LEAWOOD POLICE
Integrity • Teamwork • Service • Fairness • Dedication

Dec. 2019 Monthly Report

AREA OF CITY	CALLS	CODE 1	NON-EMERGENCY
North Zone	672	2:23	5:45
Center Zone	675	2:03	5:17
South Zone	769	2:58	5:36

CALLS FOR SERVICE	
Traffic Stops	943
Traffic Complaint Areas investigated	66
Medical Calls	172
Alarms	122
Arrests	90
Accidents (Injury)	68 (7)
Open Doors	35
Suspicious Activity calls	47
Check the Welfare	28
9-1-1 Calls Received	909 (29.32 calls per day)
Administrative Calls Received	3,059

MONTHLY HIGHLIGHTS

Police Officer Scott Frager was one of 4 Jewish law enforcement officials from around the state invited by Governor Laura Kelly (left with Frager) to the visit the Capital on Dec. 22nd for a Hanukah celebration.

Cub Scouts from Cub Scout Pack 3010, with some help from their parents, put up a 'Back the Blue' Honor Tree in the Justice Center lobby for the holidays. The ornaments called attention to some of the 134 officers who lost their lives in the line of duty in 2019.

Frequent crash locations

INTERSECTION	DEC	2019
I-435 & State Line Road	0	77
Town Center Dr. & Roe Avenue	5	17
College Blvd. & State Line Road	2	13
135th St. & State Line Road	0	12
103rd St. & State Line Road	0	12
135th Street & Kenneth Road	3	12
135th Street & Mission Road	2	11
112th St. & Nall Avenue	0	9

CRIME REPORT	This month*	Last month	A year ago
Burglaries	7	10	5
Thefts from vehicles	5	5	14
Drug possession violations	11	7	13
Stolen autos	1	7	3
Agg. assault/batteries	4	2	3
Crim. Damage to Property/Vandalism	5	14	2
DUI	16	10	4
Shoplifting	2	8	9
Mental Health related calls	34	25	24

ENFORCEMENT REPORT					
	August 2019	Sept. 2019	Oct. 2019	Nov. 2019	Dec. 2019
Arrests	95	77	88	82	90
Citations	960	712	636	643	604
Warnings	745	605	548	461	555
Crashes	62	45	77	70	68

7. M.

LEAWOOD FIRE DEPARTMENT

December 2019 Report

Monthly Calls for Service	
Fire Responses	4
EMS Responses	218
HazMat Responses	13
Tech Rescue Responses	0
Other Calls for Service	66
Total Calls This Month	301
YTD Total Calls	3,400

Monthly Activity Hours

(Non-training - can include response, public education, public services, maintenance, etc)

Staff Activity Hours: 1,157

Monthly Training Hours

Training Hours: 1,530

Monthly Highlights

- 14 Infant or Child Car Seat Installations
- 33 Public Relations / Public Education Events
- 24 CPR / First Aid students taught
- 1 Residential Smoke Detector Assists (checks, batteries, installations)
- New EMS monitor / defibrillators & AEDS in service county-wide
- Helped instruct county-wide incident safety officer course

EMS Equipment Upgrade

The Fire Department has completed a major upgrade to EMS response equipment in cooperation with the overall Johnson County EMS System. The Department now has five Zoll X-Series Monitor / Defibrillators, six Zoll AED 3's, and four Zoll AED Plus's in service. In addition, the Department guided the upgrade of all City of Leawood facilities to the same equipment with the purchase of 15 Zoll AED 3's and assisted the Police Department in acquiring an additional six Zoll AED 3's. This is the first time that the entire City of Leawood has been on the same cardiac response platform, not to mention compatible with all response partners across the County.

Worth mentioning again is this upgrade was partially due to the generous donation from Patrick Cocherl and wife Kathy representing the Cocherl Family Foundation. Their donation was received at the December 4th, 2018 Leawood City Council meeting. This was a very fitting use for this donation as the previous model of AEDs carried by the Fire Department were instrumental in saving Mr. Cocherl's life when he experienced sudden cardiac arrest in February 2017.

Leawood FF's training with the new monitors

Fire Department Incident Response Details

Monthly Fire Loss & Value Saved in Leawood

Number of incidents with fire related loss in Leawood for the month: 0

Pre-Incident Estimated Value:	$N/A
Content Value Loss Estimate:	$N/A
Property Value Loss Estimate:	$N/A
Total Fire Value Loss Estimate:	**$N/A**
Total Value Saved Estimate:	**$N/A**

Incident Response Times

Emergency service performance standards are measured by 90-percentile performance to demonstrate credibility and reliability in service delivery. Percentile metrics demonstrate a better representation of response times than averages. Instead of displaying what the Department does half of the time, the Department observes what it does the majority of the time. Travel and total response times only include emergency responses within the City of Leawood and are included for both the first unit on scene as well as the Effective Response Force (ERF) which include all the units necessary to handle that risk type of emergency incident.

Summary of Monthly LFD Baseline Performance at the 90th Percentile

LFD - Baseline Performance 90th Percentile		All Calls	Fire	EMS	Tech Rescue	HazMat
Total Number of Incidents by Type		301	4	218	0	13
Alarm Handling	Call Pick-Up to Dispatch	1:53	2:50	1:28	N/A	2:51
Turnout Time	Dispatch to 1st Unit Enroute	1:11	1:12	1:10	N/A	1:12
Travel Time 1st Unit	Enroute to Arrival Time 1st Unit on Scene Emergency Responses Only	5:42	3:08	5:42	N/A	N/A
Total Response Time - 1st Unit	Enroute to Arrival 1st Unit on Scene Emergency Responses Only	7:47	7:15	7:46	N/A	N/A
Travel Time ERF	Enroute to Arrival Time Effective Response Force Emergency Responses Only	9:48	3:34	10:07	N/A	N/A
Total Response Time - ERF	Enroute to Arrival Effective Response Force Emergency Responses Only	11:42	7:41	11:42	N/A	N/A

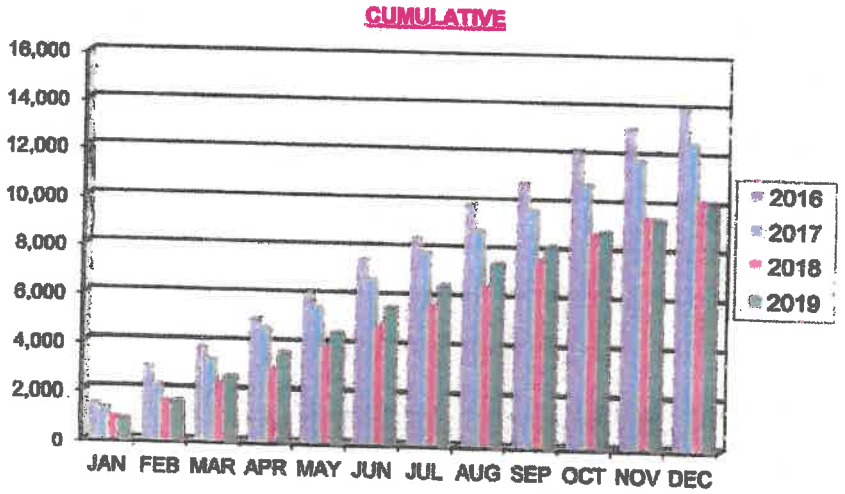
LEAWOOD MUNICIPAL COURT
CASELOAD

CUMULATIVE

	2016	2017	2018	2019
JAN	1,430	1,246	890	820
FEB	2,959	2,201	1,537	1,559
MAR	3,813	3,253	2,280	2,595
APR	4,964	4,615	2,907	3,597
MAY	6,111	5,483	3,900	4,481
JUN	7,449	6,652	4,713	5,542
JUL	8,446	7,783	5,607	6,496
AUG	9,845	8,778	6,470	7,419
SEP	10,821	9,677	7,527	8,194
OCT	12,167	10,792	8,728	8,827
NOV	13,094	11,812	9,420	9,374
DEC	14,009	12,523	10,161	10,015

MONTHLY

2016	2017	2018	2019
1,430	1,246	890	820
1,529	955	647	739
854	1052	743	1,036
1,151	912	627	1,002
1,147	1,318	993	884
1,338	1,169	813	1,061
997	1,131	894	954
1,399	995	863	923
976	899	1,057	775
1,346	1,115	1,201	633
927	1,020	692	547
915	711	741	641
14,009	12,523	10,161	10,015



LEAWOOD MUNICIPAL COURT
RECEIPTS PROCESSED

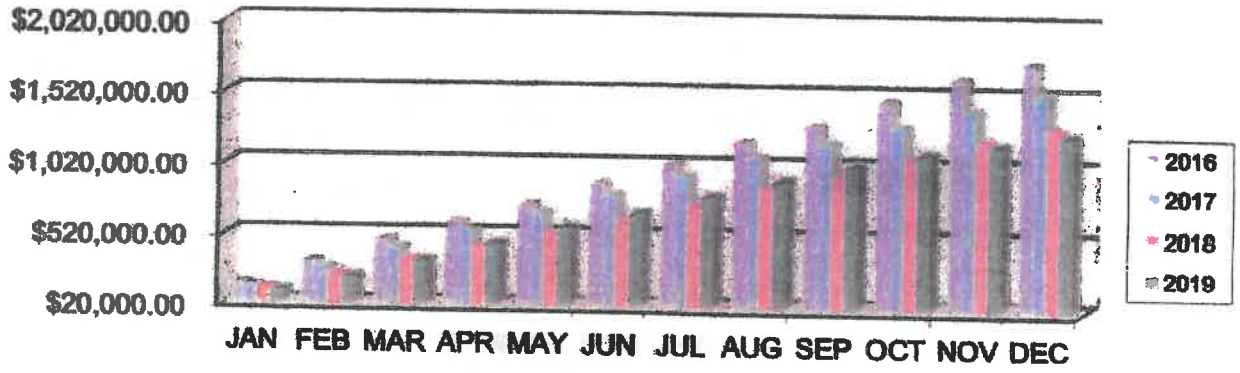
CUMULATIVE

	2016	2017	2018	2019
JAN	$ 152,402.00	$ 135,897.50	$ 124,209.00	$ 112,615.50
FEB	$ 319,887.25	$ 271,140.75	$ 226,773.06	$ 214,571.00
MAR	$ 469,496.20	$ 417,435.75	$ 328,422.81	$ 327,949.25
APR	$ 602,688.20	$ 539,966.25	$ 430,749.06	$ 457,627.75
MAY	$ 727,709.75	$ 667,316.25	$ 532,916.01	$ 574,924.00
JUN	$ 881,876.05	$ 803,020.75	$ 632,601.01	$ 678,414.00
JUL	$ 1,016,515.55	$ 937,496.25	$ 740,497.51	$ 800,316.75
AUG	$ 1,172,883.80	$ 1,065,718.25	$ 853,735.81	$ 911,773.00
SEP	$ 1,296,998.30	$ 1,171,682.50	$ 939,594.81	$ 1,015,789.50
OCT	$ 1,473,387.55	$ 1,293,663.50	$ 1,078,242.81	$ 1,110,817.50
NOV	$ 1,630,461.55	$ 1,413,905.25	$ 1,193,133.81	$ 1,169,617.50
DEC	$ 1,744,850.80	$ 1,518,103.44	$ 1,281,212.81	$ 1,238,388.50

MONTHLY

	2016	2017	2018	2019
JAN	$ 152,402.00	$ 135,897.50	$ 124,209.00	$ 112,615.50
FEB	$ 167,485.25	$ 135,243.25	$ 102,564.06	$ 101,955.50
MAR	$ 149,608.95	$ 146,295.00	$ 101,649.75	$ 113,378.25
APR	$ 133,192.00	$ 122,530.50	$ 102,326.25	$ 129,678.50
MAY	$ 125,021.55	$ 127,350.00	$ 102,166.95	$ 117,296.25
JUN	$ 154,166.30	$ 135,704.50	$ 99,685.00	$ 103,490.00
JUL	$ 134,639.50	$ 134,475.50	$ 107,896.50	$ 121,902.75
AUG	$ 156,368.25	$ 128,222.00	$ 113,238.30	$ 111,456.25
SEP	$ 126,114.50	$ 105,964.25	$ 85,859.00	$ 104,016.50
OCT	$ 174,389.25	$ 121,981.00	$ 138,648.00	$ 95,028.00
NOV	$ 157,074.00	$ 120,241.75	$ 114,891.00	$ 58,800.00
DEC	$ 114,389.25	$ 104,198.19	$ 88,079.00	$ 68,771.00
	$ 1,744,850.80	$ 1,518,103.44	$ 1,281,212.81	$ 1,238,388.50
	$ 1,500,000.00	$ 1,500,000.00	1,500,000.00	1,500,000.00

CUMULATIVE



LEAWOOD CHAMBER

2020 STATE LEGISLATIVE PRIORITIES

The Leawood Chamber encourages fiscal responsibility in a manner that will enhance the long-term financial health of our State. In general, policies should help control or reduce the cost of doing business in Kansas, while maintaining an environment of legislative stability and predictability. Our members expect the governmental institutions with which they interface to be responsive to their needs.

Promote Fair Competition and Limited Government Regulation in the Marketplace

Government should at every opportunity enact legislation as needed that promotes fair competition and stimulates investment as well as create an atmosphere of limited regulation and a climate of regulatory predictability.

Competitive Business and Tax Climate in Kansas

The Chamber encourages an environment of legislative stability and predictability allowing businesses to effectively plan for future growth and expansion. We support a reasonable and balanced tax policy that acknowledges the economic realities of the unique bistate environment in which our member businesses operate, including maintaining the sales tax exclusion for professional services and other sales tax exemptions critical to maintaining business competitiveness. We support measures that support this goal, including:

- Preserving key sales tax exemptions impacting business.
- Continue monitoring the administration of the Employment Security Trust to ensure that the implementation of the revised employer rate structure provides Fund solvency and fairly assesses Kansas employers based on their utilization of the system.
- Maintaining the integrity and affordability of the workers compensation system, while reducing the administrative compliance burden of the existing system.
- Protecting market-driven employer/employee relationships and opposing mandates.
- The Chamber supports policies that do not simply transfer the tax burden from one level of government to another.
- Reinstating, for non-corporate business taxpayers, the income tax expensing deduction for capital investments, back in parity with corporate taxpayers.
- Decoupling certain state income tax provisions from federal provisions, including the option to take itemized deductions.
- The Chamber supports a nonpartisan and nonelection process that facilitates the selection of high-quality judges.

Support Economic and Job Creation Efforts

The Chamber supports economic development incentives and programs that will help grow the Kansas economy. Those incentives and programs should not only attract and assist businesses eager to move to Kansas but also help those Kansas businesses looking to grow and expand within our State. The Leawood Chamber supports measures to strengthen the Department of Commerce and enhance the State's ability to compete in the global economy for job growth, including the following priorities:

- Maintaining effective state and local economic development tools that can address a variety of job and investment opportunities. These tools should include metrics that can be used to measure the success of these tools.
- Assuring that currently authorized economic development programs are properly funded and marketed.
- Promoting initiatives that produce more effective workforce development.

Excellence in Public Education

The Leawood Chamber supports a quality public education system and recognizes it is an integral part of economic development in Leawood and for our member businesses located throughout the region. This includes:

- Maintaining stable and adequate K-12 education funding that:
  - Enables students to achieve post-secondary success and work-force readiness in a globally competitive economy.
  - Does not unreasonably burden Kansas businesses or adversely affect other core State services or the economic development climate.
  - Maximizes local funding flexibility and control.
- Preserving competitive investment in post-secondary education, including technology training and certifications, to improve affordability and produce a well-trained workforce.

Support Access to Quality Healthcare

The Chamber recognizes that healthcare providers serve as a major economic driver in the State of Kansas, creating substantial amounts of wages and capital investment in our State's economy. Providers continue to face sustained increases in expenses resulting from uninsured and underinsured individuals, limiting innovation and threatening future investments. Thus, as part of a comprehensive and thorough review, the Chamber supports Kansas solutions that improve the quality and efficiency of the current Medicaid system while expanding coverage to those eligible under federal law and associated regulations.

Investment in Transportation Infrastructure

The Leawood Chamber supports the authorization of a new statewide multi-modal infrastructure program, including preservation of direct revenue transfers to the State Highway Fund (SHF) and opposes any further diversion of dedicated SHF monies for any use other than the funding of eligible transportation projects for which they are intended, while maintaining flexibility, accountability, and opportunities for local input and support.

Support the Preservation of Local Control

The cornerstone of municipal government and public education is the belief that governance should be as close to the people as possible. The Chamber strongly supports local control whereby local elected officials are accountable for the funding, regulation and provision of services to meet the needs of the communities they serve.

Oppose Tax or Spending Lids on State/Local Governments

To ensure our elected representatives' ability to govern effectively, the Council opposes the imposition of constitutional or statutory state or local tax/spending lids, "supermajority" approval requirements, or unreasonably burdensome mandates in reporting and approving tax or budget measures.

Oppose Initiative & Referendum

The Chamber opposes initiative and referendum provisions in Kansas, which would allow a relatively small number of petitioners to force costly public elections on state or local issues.

Immigration

The Leawood Chamber supports a balanced immigration policy, created and enforced at the federal level. We oppose State action that creates additional costly or time-consuming mandates for employers who have made reasonable efforts to assure that the workers they hire are eligible to work in our country.

Parks & Recreation Department

Memo

To: Sustainability Advisory Board

From: Brian Anderson, Superintendent of Parks

cc: Chris Claxton, Director of Parks & Recreation

Date: December 31, 2019
Meeting Agenda: January 10, 2020

Re: Climate Action Playbook Review and City of Leawood Status

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I attended the Climate KC Resiliency Workshop on December 17th and had the opportunity to review the Climate Action Playbook. The playbook features six (6) sectors (Buildings, Electricity Generation, Food, Land Use, Materials, and Transportation) with recommended strategies in which local governments can work in to reverse current climate trends.

While reviewing the many different strategies within the six sectors, I thought I would highlight several that the City is already doing, or has been active in, and is making continued progress:

Land Use:

Earn Recognition for Urban Forest Stewardship with a Tree City USA Growth Award: The City has been awarded 7 growth awards and we have applied for our 8th because of our work updating our street tree ordinances and creating a citizen advisory tree committee.

Protect and Increase Urban and Suburban Forests: The Leawood Development Ordinance is written to encourage tree preservation if preservation is not possible it requires tree replacement and planting for private development. Planning staff conduct periodic landscape plan reviews to ensure landscapes are maintained.

Harvest and Utilize High-Value Wood Products from Trees that Must be Removed: The Parks & Recreation Department does save, or recovers, high value logs from our parks and creeks. Large oak and walnut logs have been recovered and even milled into useable lumber for various park projects and furniture.

Remove Invasive Species in Parks and Along Greenways: The Parks & Recreation Department has been actively removing Bush Honeysuckle from natural forest areas of the park system and actively planting new native understory plants.

Transportation:

Complete Streets: The City has adopted a Complete Streets Policy. The resolution directs staff to review new street projects and plan or propose more complete street amenities as appropriate. These complete street amenities include sidewalks, street trees, bicycle lanes, shared use paths, crosswalks or enhanced crosswalks when warrented.

Earn Bicycle-Friendly Community Designation: The City has been Honorably Mentioned twice for our work. In working towards a Bronze level designation, we have been improving the number of lane miles on our arterial streets with bike infrastructure as well as improving on encouraging more riding through our North/South Loop developments. Since our last application, significant progress is being accomplished and I feel we are nearing the time to make a new application.

Create Cycling Networks: Our Self-Propelled Leawood, Bicycle and Pedestrian Master Plan is being implemented. The plan recommended a network throughout the City using bike lanes on higher order streets, signage and painted markings on residential streets for bicycle boulevards and linking with our trail systems. The Kansas City Area Transit Authority and Mid-America Regional Council are currently in development of a regional wayfinding plan, which Leawood could use as the signing template along our master plans recommended network. The Bike/Walk Leawood Committee will have a presentation from the consultants developing the wayfinding plan at its January 8th meeting.

In closing, while there are many different sectors in the Climate Change Playbook, I wanted to highlight for you our current strengths in the Land Use and Transportation Sectors from the Playbook. There are several other strategies in the Buildings and Electricity Generation sectors the city has made gains with, for example LED light conversion in our facilities and street lights, which our Public Works Department would have more knowledge of the current status. We also have the potential to incorporate some of the building strategies in the future Park Maintenance Facility and Aquatic Center Pool House projects in the near future. We have written our Request for Qualifications such that we are encouraging Consultants with expertise in sustainable design to apply.

Climate Action KC

Together, policy makers from Northeast Kansas and Northwest Missouri, along with their partners in the private and nonprofit sectors, are working to enact and foster proactive strategies, systems and structures within the Metro KC region that will draw down greenhouse gases, improve climate resilience and generate corresponding economic, social, health, and quality of life benefits.

Greater Kansas City is one of four U.S. regions selected by the Global Covenant of Mayors for Climate & Energy (GCoM) to receive technical assistance to develop a regional Climate Action Plan. This award, part of the European Commission's International Urban Cooperation (IUC) Regional and Metro-Scale Climate Leaders initiative, will support an inventory of greenhouse gas emissions in the Kansas City region and help coalition members formulate the regional Climate Action Plan. GCoM introduced this regional initiative to foster more ambitious and widespread action on climate change. The other regions selected are Chicago, Denver and Washington, D.C.

GCoM is an international alliance of cities and local governments with a shared long-term vision of promoting and supporting voluntary action to combat climate change and move to an inclusive, just, low-emission, resilient society. There are currently 154 members of the GCoM in the U.S., all of whom have made a commitment to reduce greenhouse gas emissions and prepare for the impacts of climate change.

Climate Action KC Goals

- Draft a regional Climate Action Plan
- Develop State legislative platforms for climate action
- Facilitate an annual Climate Action Summit. Here is the link to the Summit held in September 2019 including videos of the presentations: https://www.mkccac.org/summit
- **Create a policy playbook of solute**
- **ions in December 2019 that can be implemented by municipal elected leaders**

Climate Action Playbook

The Climate Action Playbook, drafted by municipal leaders, climate advocates, and community volunteers, contains 44 climate solutions for implementation by cities, counties and school districts, and builds upon already locally-demonstrated successes. These 44 solutions were distilled down over 9 months from 200 solutions outline in the book, Drawdown, by Paul Hawken. Here's the link to access the Playbook:

https://static1.squarespace.com/static/5c71b43ab914490d576bd808/t/5df98cfe283489474b7629e7/1576635656620/Climate_Action_Playbook.pdf

Meeting Date: January 21, 2020

City of Leawood

Memo

To: Mayor Dunn and City Council Members

From: Patricia Bennett

Date: January 26, 2020

Re: Case No 39-19 re: building materials and colors

On December 2, 2019, the Governing Body continued the above case pending further review of the materials referenced in the Planning Commission recommendation. The Planning staff continues to work on this review.

This item will be discussed on this agenda under Other Business.

Staff requests that you again continue this item to March 2, 2020, so that staff can do further research.

Please contact Richard Coleman or me if you need more information.

15.A.

Finance Department

Memo

To: Mayor Peggy Dunn and Councilmembers

From: Scott Lambers, City Administrator and Dawn Long, Finance Director

Date: January 21, 2020

Re: Approval of an Ordinance establishing a Ranch Mart North CID Fund

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Recommendation:

The Finance Staff would like to recommend that the City Council approve an ordinance establishing a Ranch Mart North Community Improvement District (CID) Special Revenue Fund.

Background:

This fund will be used to provide for the payment of costs associated with specific improvements located within the Ranch Mart North Community Improvement District with monies received by the City from the CID sales and use tax collected within the district.

The Ranch Mart North Community Improvement District was established and the authorization for a 1% CID sales tax was approved by the City Council on April 15, 2019 by ordinance 2942. The collection of the CID Sales Tax will begin on July 1, 2020.

Fiscal Impact:

This fund is a non-budgeted Special Revenue Fund. It will have no fiscal impact on the City.

Please let me know if you have any questions.

Ordinance Published on __/__/____

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 1, ARTICLE 8 OF THE CODE OF THE CITY OF LEAWOOD, 2000, BY ADDING NEW SECTIONS 1-862 THROUGH 1-865, ESTABLISHING A NEW LEAWOOD RANCH MART NORTH COMMUNITY IMPROVEMENT DISTRICT SPECIAL REVENUE FUND.

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

SECTION 1. That a new Section 1-862 of the Code of the City of Leawood is hereby enacted to read as follows:

1-862. **RANCH MART COMMUNITY IMPROVEMENT DISTRICT FUND ESTABLISHED.** There is hereby established a Special Revenue Fund of the City to be known as the Ranch Mart Community Improvement District Fund.

SECTION 2. That a new Section 1-863 of the Code of the City of Leawood is hereby enacted to read as follows:

1-863. **PURPOSES OF FUND.** The Ranch Mart Community Improvement District Fund is established to provide for the payment of costs associated with specific improvements located within the Ranch Mart Community Improvement District, as further set forth in the Ordinance providing for such Community Improvement District taxes.

SECTION 3. That a new Section 1-864 of the Code of the City of Leawood is hereby enacted to read as follows:

1-864. **SOURCE OF FUNDS.** Any monies received by the City from the implemented Ranch Mart Community Improvement District sales and use tax shall be deposited to the fund established by this Ordinance.

SECTION 4. That Section 1-865 of the Code of the City of Leawood is hereby amended to read as follows:

1-865. **LIMITATION OF FUND.** In making the budget of the City, the amounts credited to and the amount on hand in such Ranch Mart Community Improvement District Tax Fund, and the amount expended therefrom, shall be included in the annual budget for the information of the residents of the City.

SECTION 5. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the City Council this 21st day of January, 2020

APPROVED by the Mayor this 21st day of January, 2020.

[SEAL]

_____
Peggy J. Dunn, Mayor

ATTEST:

_____
Kelly Varner, City Clerk

APPROVED AS TO FORM:

_____
Patricia A. Bennett City Attorney

15-B-M

Community Development

Memo

To: Mayor Dunn and Members of the Council

From: Travis Torrez, MCP, Building Official

CC: Scott Lambers, Richard Coleman, Gene Hunter

Date: January 21, 2020

Re: **Proposed 2018 Code Adoption**

After a 12 month evaluation, Community Development and the Fire Department would like to recommend the adoption of the following Building/Fire Codes (as amended).

- 2018 International Building Code
- 2017 National Electrical Code
- 2018 International Plumbing Code
- 2018 International Mechanical Code
- 2018 International Fuel Gas Code
- 2018 International Existing Building Code
- 2018 International Energy Conservation Code
- 2018 International Residential Code for One & Two Family Dwellings
- 2018 International Swimming Pool and Spa Code
- 2018 International Property Maintenance Code
- 2018 International Fire Code

Vetting Process

In an effort to have consistency amongst different municipalities, and at the urging of local administrators, the Johnson County Code Committee was formed in 2012 prior to the 2012 Code Adoption. Seeing the benefit of this process, the Johnson County Code Committee replicated those efforts with the 2018 Codes.

- Johnson County Code Committee – Group of area Building Officials from Leawood, Olathe, Shawnee, Lenexa, Gardner, Prairie Village, Merriam, DeSoto, and Johnson County Unincorporated working together to evaluate all 2018 code changes with the purpose of reaching more consistent standards throughout jurisdictions. The committee members met

monthly throughout 2018, and have been in constant communication over key code adoption items throughout 2019.

- Home Builder's Association – The Kansas City Home Builder's Association was active in the local discussions through the Johnson County Code Committee and the Johnson County Building Official meetings. The HBA provided input, and their suggested changes were considered and in some cases accepted by the committee.

Other Jurisdictions

Lenexa, Olathe, Shawnee, DeSoto, Lawrence, and Lee's Summit have already adopted the 2018 Codes with amendments.

Johnson County, Prairie Village, Merriam, and Gardner are all on a similar adoption timeline as Leawood, with plans to go before Governing Body in early 2020. Overland Park is still evaluating the 2018 Codes.

Significant Changes from 2012 to 2018

Most of the changes to the existing amendments were to match code sections or code language that changed in the model codes between 2012 and 2018. We try to have that language match with the exception of what we intend to amend.

Some other minor changes were recommended by code or legal staff to better match formatting across all codes, or to match current policies and procedures.

The following Significant Changes document includes a summary of the significant amendments that are being proposed with the 2018 Code Adoption.

Additional Storm Shelter information has been provided as well. In summary – the ICC-500 is based on and was developed in partnership with FEMA and incorporates and essentially codifies the FEMA-361 requirements. The FEMA-361 is actually a little more stringent than the ICC-500, but they are very similar (comparison matrix attached). The cost impact summary of providing storm shelters is also provided and can increase the cost of construction for the area of the storm shelter from 5-32 percent.

Significant Changes

Code Section	Summary
Article 1 - Administration	
	No significant changes to current amendments proposed
Article 2 - Building Code	
4-201	Kansas State Statute now only requires one official copy of each code book
4-226A (IBC 305.2.3)	Matched Leawood Development Ordinance in allowing 6 or fewer children in home daycares. Model code would make more than 5 a commercial occupancy
4-226B (IBC 423.2)	Added requirements for fixed seating and first aid kits to be provided for storm shelters
IBC 423	Model Code now requires storm shelters in Group E schools, emergency operation centers, fire, and police stations - no amendment proposed.
4-226C (IBC 429)	Storm Shelters have previously been required for Apartments. Proposing to add other facilities where individuals may reside - Assisted Living Facilities, Nursing Homes, Hotels, Hospitals, and similar occupancies - Lenexa and Olathe have adopted similar requirements to what Leawood staff is proposing. Shawnee and DeSoto did not add any occupancies to the model code. Other jurisdictions pending. See additional info on Storm Shelters attached.
4-227A (IBC 903.3)	Making it clear that nail guards are required for fire-sprinkler piping similar to other plastic plumbing systems
4-243	Duties of Structure Moving Permittee moved to Article 7 - Existing Building Code - Section 4-707
Article 3 - Electrical Code	
	No significant changes to current amendments proposed
Article 4 - Plumbing Code	
	No significant changes to current amendments proposed
Article 5 - Mechanical Code	
	No significant changes to current amendments proposed
Article 6 - Fuel Gas Code	
	No significant changes to current amendments proposed
Article 7 - Existing Building Code	
4-701	The section of the IBC that addressed Existing Buildings has been eliminated by the ICC and released in it's own code book making it necessary to adopt the Existing Building Code for repairs, reconstruction and additions to existing buildings.

4-705 (IEBC 1106.1)	Model Code requires storm shelters to be provided for significant additions to existing facilities in Group E Schools. We are proposing to require the same for occupancies where individuals reside - Apartments, Assisted Living Facilities, Nursing Homes, Hotels, Hospitals and similar occupancies.
4-706 (IEBC 1106.1.1)	Changed title of the section to make it clear that this requirement is only for Group E occupancies, as was intended by the model code.

Article 8 - Energy Conservation Code

	No significant changes to current amendments proposed. Residential Energy requirements are codified in the Residential Code and contain the exact same provisions as those in the Energy Conservation Code.

Article 9 - Residential Code

4-939D (IRC R306.5)	Porta-johns were specifically required in instances during construction in the last code update. Adding requirements for the placement of porta-johns during construction.
4-952A (IRC R801.3)	Changing roof drain discharge requirements from 5 feet to 3 feet to alleviate violations of city code which requires discharge a minimum of 10 feet from property lines.
4-954A (IRC R908.7)	Making it clear that duplexes and townhomes must have matching roofs for the entire building
4-9555A (IRC 1101.13.1)	Minimum Home Energy Rating Score for Energy Code compliance changed from 85 to 80 (the lower the score, the more energy efficient the home)
4-955B (IRC N1102.4.1.2)	Blower Door Test to verify tightness of home is now required - to match policy established in 2015.
IRC 3901.9	Model Code now requires convenience GFCI outlets in each vehicle bay in a garage.
IRC 3902.16	Model Code has expanded Arc-fault protection requirements to include kitchen and laundry areas
4-964 Deleted	Swimming Pool and Hot Tub Barrier requirements have been moved by the ICC from the appendix of the IRC to the International Swimming Pool and Spa Code. This requirement will now be amended in that code - Section 4-1004.

Article 10 - Swimming Pool, Spa, and Hot Tub Code

4-1001	The section of the IBC and IRC that addressed Swimming Pools has been eliminated by the ICC and released in it's own code book making it necessary to adopt the International Swimming Pool and Spa Code.

4-1005 and 4-1006 (ISPSC 305.2.5 and 305.2.6)	Proposing to allow fences with a minimum 44" top to top between horizontals (model code requires 45"). Want to allow more fence profiles for owner's especially since a 48" fence is the max height permitted for a fence prior to pool construction in Leawood. Many single rail steel fence profiles do not meet the 45" rule, but would meet a 44" rule.
4-1006 (ISPSC 305.2.6)	Proposing to allow fences with a minimum 32" top to top between horizontals where an automatic pool cover is provided for the pool or a lockable safety cover is provided for the spa. The model code would actually allow a pool or spa with listed covers without any fence - we have amended the code to not permit that for safety reasons, but feel this will give owner's another option to choose if their existing fence meets relatively safe barrier requirements and they are providing listed covers which is very common.
4-1007 (ISPSC 305.4)	Proposing to eliminate the new requirement that requires alarms on house windows that communicate with a pool or spa area, and also to allow different alarm systems for doors that communicate with pool or spa areas.

Chapter 8, Article 5 - Property Maintenance

	No significant changes proposed to current amendments

Note

FEMA P-361 VS FEMA P-320

FEMA P-361 provides design and construction guidance for community and residential safe rooms primarily intended for registered design professionals, whereas FEMA P-320 (2014) provides residential and small business safe room guidance specifically aimed at homeowners, builders, and contractors, though it can also be used by registered design professionals and local officials. FEMA P-320 includes prescriptive site-built safe room design drawings developed using the design criteria presented in FEMA P-361.

A copy of FEMA P-320 may be downloaded from:
www.fema.gov/safe-room-resources/fema-p-320-taking-shelter-storm-building-safe-room-your-home-or-small-business.

A1.2.2 Development of ICC 500

Using the first edition of FEMA P-361 (2000) as guidance, the ICC, in partnership with FEMA and the NSSA, formed a national committee that developed and released a consensus standard to codify the design and construction requirements of tornado and hurricane shelters. This standard, the ICC 500, was completed in the summer of 2008 and updated in 2014.

Since 2009, the IBC and IRC have incorporated ICC 500 by reference to regulate the design and construction of buildings, or portions thereof, designated as storm shelters to provide life-safety protection from tornadoes and hurricanes. Under the 2009, 2012, and 2015 IBC and IRC, whenever storm shelters are constructed, whether stand alone or part of a structure, the ICC 500 standard must be met. In addition, Sections 423.3 and 423.4 of the 2015 IBC requires ICC 500 storm shelters to be incorporated when any of the following are constructed: K-12 school buildings with an occupant load of 50 or more; 911 call stations; fire, rescue, ambulance, and police stations; and emergency operation centers. The requirement applies only in the 250 mile per hour (mph) tornado wind speed zone (see Figure B3-1 for wind speed zone details), and some exceptions are allowed.

The purpose and scope of the ICC 500 are:

> **ICC 500, Section 101.1 Purpose. The purpose of this standard is to establish minimum requirements to safeguard the public health, safety, and general welfare relative to the design, construction, and installation of storm shelters constructed for protection from high winds associated with tornadoes and hurricanes. This standard is intended for adoption by government agencies and organizations for use in conjunction with model codes to achieve uniformity in the technical design and construction of storm shelters.**
>
> **ICC 500, Section 101.2 Scope. This standard applies to the design, construction, installation, and inspection of storm shelters constructed for protection from high winds associated with tornadoes and hurricanes. Storm shelters may be separate detached buildings or rooms and areas within buildings. Shelters designed and constructed to this standard shall be designated as either hurricane shelters, tornado shelters, or combined hurricane and tornado shelters.**

A1.2.3 ICC 500 Comparison with FEMA P-361

Although similar, FEMA P-361 and ICC 500 have important differences between the requirements and criteria described in each, as well as in the terminology used.

- **The purpose and scope of ICC 500 is to establish minimum requirements for the design, construction, installation, and inspection of storm shelters that provide life safety.**

- The purpose and scope of FEMA P-361 is to provide guidance—including emergency management considerations – for safe rooms that provide near-absolute protection.

SAFE ROOMS AND STORM SHELTERS

FEMA defines "safe rooms" as buildings or portions thereof that comply with the criteria described in this publication.

ICC 500 defines "storm shelters" as buildings or portions thereof that comply with ICC 500.

Though similar, there are important differences. All safe room criteria in FEMA P-361 meet the storm shelter requirements of the ICC 500, but FEMA P-361 includes a few design and performance criteria that are more conservative than those in the ICC 500.

Refer to Section A1.3 for definitions and terminology.

From a technical standpoint, the ICC 500 successfully standardizes and codifies much of the design guidance provided in the 2000 edition of FEMA P-361. However, some of the criteria in FEMA P-361 were modified during the consensus process that produced the ICC 500. FEMA acknowledges the rationale behind some of the changes and has accepted the new criteria with some exceptions, all of which are described in Part B of this publication and summarized in Table D-1 in Appendix D.

FEMA regularly reviews its safe room design criteria and believes some issues related to the design wind speed for residential tornado safe rooms, flood hazards, and operating a safe room warrant a more conservative approach than the one agreed upon in the ICC 500 consensus standard process. FEMA's recommendations and best practices related to these topics are described in FEMA P-361. In addition to the technical differences between ICC 500 and FEMA P-361, users should note that FEMA P-361:

- Defines a safe room differently than ICC 500 defines a storm shelter (refer to text box above and Section A1.3)
- Includes best practices, while ICC 500 is a minimum standard
- Includes operational issues and concerns not addressed by ICC 500
- Includes guidance for emerging issues and concerns from lessons learned by FEMA from assessment conducted after extreme-wind events

A1.2.4 FEMA Safe Room Grant Funding Program

FEMA is committed to the development of design and construction criteria and guidance for safe rooms and continues to advocate designing and constructing safe rooms as evidenced by its continuing support of safe room initiatives through several grant programs.

As of January 2015, FEMA grant programs have provided approximately $984 million in Federal funds towards the design and construction of nearly 25,000 residential and 2,000 community safe rooms in 25 States and Territories.

HMA UNIFIED GUIDANCE

The FEMA HMA Unified Guidance is updated periodically. For information on FEMA grant programs and safe room eligibility, download the most current policy HMA Unified Guidance from: www.fema.gov/hazard-mitigation-assistance.

A1.3 Safe Room Terminology

The terms "safe room" and "storm shelter" have been used interchangeably in past publications, guidance documents, and other shelter-related materials. However, to distinguish between shelters that meet the ICC 500

APPENDIX D
Comparison Matrix of Differences Between ICC 500 Requirements and FEMA Recommended Criteria

ICC 500 REFERENCE	ICC 500 REQUIREMENTS FOR STORM SHELTERS	FEMA RECOMMENDED CRITERIA FOR SAFE ROOMS[a]
Section 107.1 General	Where required by the authority having jurisdiction, construction documents shall be prepared. Such documents shall contain information as required by the applicable building code and this section.	For all safe rooms construction documents shall be prepared and maintained. Such documents shall contain information as required by the applicable building code and this section.
Section 107.2.1 Design Information	For the areas of a building designed for occupancy as a storm shelter, the following information shall be provided within the construction documents:	
	2. A statement that the wind design conforms to the provisions of the *ICC/NSSA Standard for the Design and Construction of Storm Shelters*, with the edition year specified.	2. A statement that the wind design conforms to the provisions of the ICC/NSSA Standard for the Design and Construction of Storm Shelters, with the edition year specified and to the provisions of FEMA P-361, with the edition year specified.
Section 304.2 Design Wind Speed	For tornado shelters, the design wind speed shall be in accordance with Figure 304.2(1). For hurricane shelters, the design wind speed shall be in accordance with Figure 304.2(2).[b]	For all residential safe rooms, the design wind speed shall be 250 mph, regardless of location.

ICC 500 REFERENCE	ICC 500 REQUIREMENTS FOR STORM SHELTERS	FEMA RECOMMENDED CRITERIA FOR SAFE ROOMS[a]
Section 401.1.1 Minimum floor elevation of community shelters	The lowest floor used for the occupied shelter and occupant support areas of a community shelter shall be elevated to the higher of the elevations determined by: 1. The flood elevation, including coastal wave effects, having a 0.2 percent annual chance of being equaled or exceeded in any given year; or 2. The flood elevation corresponding to the highest recorded flood elevation if a flood hazard study has not been conducted for the area; or 3. The maximum flood elevation associated with any modeled hurricane category including coastal wave effects; or 4. The minimum elevation of the lowest floor required by the authority having jurisdiction for the location where the shelter is installed; or 5. Two feet above the flood elevation having a 1 percent annual chance of being equaled or exceeded in any given year. Exception: Items no. 1 and 3 shall not apply to shelters designed, constructed, designated, and used only as tornado shelters.	The lowest floor used for the occupied safe room and occupant support areas of a community safe room shall be elevated to or above the higher of the elevations determined by: 1. The flood elevation, including coastal wave effects, having a 0.2 percent annual chance of being equaled or exceeded in any given year[c]; or 2. The flood elevation corresponding to the highest recorded flood elevation if a flood hazard study has not been conducted for the area; or 3. The maximum flood elevation associated with any modeled hurricane category including coastal wave effects; or 4. The minimum elevation of the lowest floor required by the authority having jurisdiction for the location where the safe room is installed; or 5. Two feet above the flood elevation having a 1 percent annual chance of being equaled or exceeded in any given year.[c] Exception: Item 3 (only) shall not apply to safe rooms designed, constructed, designated and used only as tornado safe rooms.
Section 401.1.2 Minimum floor elevation of residential shelters	The lowest floor used for the occupied shelter area of a residential shelter shall be elevated to the higher of the elevations determined by: 1. The flood elevation, including coastal wave effects, having a 0.2-percent annual chance of being equaled or exceeded in any given year; or 2. The flood elevation corresponding to the highest recorded flood elevation if a flood hazard study has not been conducted for the area; or 3. The maximum flood elevation associated with any modeled hurricane category, including coastal wave effects; or 4. The minimum elevation of the lowest floor required by the authority having jurisdiction for the location where the shelter is installed. Exception: Items 1 and 3 shall not apply to shelters designed, constructed, designated, and used only as tornado shelters.	The lowest floor used for the occupied residential safe room shall be elevated to the higher of the elevations determined by: 1. The flood elevation, including coastal wave effects, having a 0.2 percent annual chance of being equaled or exceeded in any given year(c); or 2. The flood elevation corresponding to the highest recorded flood elevation if a flood hazard study has not been conducted for the area; or 3. Not Applicable[c] 4. The minimum elevation of the lowest floor required by the authority having jurisdiction for the location where the shelter is installed. 5. The flood elevation having a 1 percent annual chance of being equaled or exceeded in any given year.[c] Exception: Item 1 (only) shall not apply to safe rooms designed, constructed, designated, and used only as tornado safe rooms.

ICC 500 REFERENCE	ICC 500 REQUIREMENTS FOR STORM SHELTERS	FEMA RECOMMENDED CRITERIA FOR SAFE ROOMS[a]
Section 404.1 Community Shelter Siting	Community shelters shall be located outside of the following high-risk flood hazard areas: 1. Flood hazard areas subject to high-velocity wave action (V zones) 2. Floodways Exception: Community shelters shall be permitted in flood hazard areas subject to high-velocity wave action (V zones) where permitted by the Board of Appeals in accordance with the provisions of the International Building Code.	**Community safe rooms shall be located outside of the following high-risk flood hazard areas:** **1. Flood hazard areas subject to high-velocity wave action (V zones) and Coastal A zones[e]** 2. Floodways Exception: **Community safe rooms shall be permitted in flood hazard areas subject to high-velocity wave action (V zones) and Coastal A zones[e] where permitted by the Board of Appeals in accordance with the provisions of the International Building Code and after completing the 8-step Decision Process for Executive Order (EO) 11988, as amended, and as provided by Title 44 of the Code of Federal Regulations Part 9.6, Decision-Making Process.**
Residential Shelter Siting	*[ICC 500 does not provide restrictions for siting residential shelters in flood hazard areas]*	**Residential safe rooms shall be located outside of the following high-risk flood hazard areas:** **1. Flood hazard areas subject to high-velocity wave action (V zones) and Coastal A zones[e];** **2. Floodways;** **3. Any areas subject to storm surge inundation associated with any modeled hurricane category, including coastal wave effects.**
Section 702.4 First aid kit	A first aid kit shall be supplied in all tornado shelters with a shelter occupant load of greater than 50.	**A first aid kit rated for the number of safe room occupants, as listed in the construction documents, shall be supplied in all tornado safe rooms.**
Section 703.7 First aid kit	A first aid kit shall be supplied in all community hurricane shelters.	**A first aid kit rated for the number of safe room occupants, as listed in the construction documents, shall be supplied in all hurricane safe rooms.**

***Bolded text denotes differences between the ICC 500 Requirement and the FEMA Recommended Criteria.**

Table notes:

(a) Table only lists differences between FEMA P-361 and referenced ICC 500 Chapter. All ICC 500 requirements not listed in the table should also be met in their entirety.

(b) ICC 500 tornado wind speeds for all storm shelters range from 130 mph to 250 mph. ICC 500 hurricane wind speeds for all storm shelters range from 160 mph to 235 mph.

(c) Where an approximate or detailed flood hazard study has been completed but the 1-percent- and/or 0.2-percent-annual-chance flood elevations have not been determined, those elevations should be obtained from the authority having jurisdiction or determined in accordance with accepted hydrologic and hydraulic engineering practices used to define Special Flood Hazard Areas.

(d) Not applicable because residential safe rooms should not be located in areas subject to storm surge inundation associated with any modeled hurricane category; refer to Residential Shelter Siting with respect to flood hazards in this table.

(e) Coastal A Zones are defined as the area landward of Zone V or landward of an open coast without mapped Zone V. The inland limit of the Coastal A Zone is the Limit of Moderate Wave Action if delineated on a Flood Insurance Rate Map or designated by the authority having jurisdiction.

consistent with current FEMA guidance for a maximum five minute walk time to reach the tornado shelter.

Cost Impact: This proposal will increase the cost of construction.

The most recent information on costs is available in FEMA P-361, *Design and Construction Guidance for Community Safe Rooms (Second Edition, August, 2008).* All of the values described below related to cost come from that publication. It should be noted that tornado shelters designed and constructed in accordance with FEMA P-361 guidelines are called safe rooms. FEMA's safe room guidelines are similar to ICC 500, but there are some differences. Where there are differences, in all cases, FEMA requirements are *more* stringent than ICC 500, as documented on page 1-2 of FEMA P-361, which states "All safe room criteria in this publication meet or exceed the shelter requirements of ICC 500." Shelters built to ICC 500 would therefore cost less, but there is no data available to quantify that cost reduction.

FEMA 361 describes safe room costs for new building projects as follows. "For large new building projects, however, the percent increase in the overall project cost is quite small. For example, many safe rooms protecting 200 to 300 occupants being constructed as part of a new school have added only 1 to 2 percent to the total project cost when the safe room was included in the design process at the beginning of the project."

Based on review of 36 safe room grant applications from 2008, the average safe room cost per square foot for projects considered technically feasible and effective for providing protection was $188/sf. From more expanded grant application data from years 2005 to 2008, the percent increase in building cost to harden a portion of a building to meet the safe room requirements ranged from 5-32 percent (cost increase per square foot of the safe room area being hardened). More information on safe room costs can be found in Chapter 2 of FEMA P-361.

Costs for storm shelters are anticipated to decrease as their use becomes more widespread. The adoption of requirements for storm shelters in tornado prone areas for Group E Occupancies and first responder facilities in the 2015 IBC will lead to installation of many more storm shelters than are currently being built. Subsequently, shelters will become less of a specialty item from a design and construction standpoint.[5] As the market expands for specialty products needed in shelters, like tornado resistant doors, windows and shutters, economies of scale and new manufacturers joining the industry will also lead to cost reductions.

[5] Previous studies have shown that the premium for new-technology introduction costs disappear once the designer is satisfied with the technology's performance, the technology enters full implementation, and its application has become routine. See for example Ehlen, Mark A., and Harold E. Marshall. 1996. The Economics of New-Technology Materials: A Case Study of FRP Bridge Decking. NISTIR 5864. Gaithersburg, MD: National Institute of Standards and Technology.

15B

- ORDINANCE AMENDING SECTIONS 4-105 AND 4-109 OF THE CODE OF THE CITY OF LEAWOOD, 2000, PERTAINING TO ADMINISTRATION OF THE BUILDING CODE AND REPEALING EXISTING SECTIONS 4-105 AND 4-109, AND OTHER SECTIONS IN CONFLICT HEREWITH.

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 or fire code official relative to the application and interpretation of the Leawood Building Code and Chapter VII, Article 2 Fire Prevention, 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)

4-109. **VIOLATION, PENALTIES.** Any person who violates a provision of this Chapter~~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.

Ordinance Published on ___/___/___

ORDINANCE NO. _____ DRAFT 15B

ORDINANCE AMENDING SECTIONS 4-105 AND 4-109 OF THE CODE OF THE CITY OF LEAWOOD, 2000, PERTAINING TO ADMINISTRATION OF THE BUILDING CODE AND REPEALING EXISTING SECTIONS 4-105 AND 4-109, 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 4-105 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

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 or fire code official relative to the application and interpretation of the Leawood Building Code and Chapter VII, Article 2 Fire Prevention, 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)

SECTION TWO: That Section 4-109 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-109. VIOLATION, PENALTIES. Any person who violates a provision of this Chapter 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.

SECTION THREE: 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 FOUR: That existing Sections 4-105 and 4-109 of Article 1 of Chapter 4 and any provisions in conflict herewith are hereby repealed.

SECTION FIVE: This ordinance shall become effective on May 1, 2020, following adoption and publication in accordance with K.S.A. 12-3007 and amendments thereto.

PASSED by the Governing Body this 21st day of January, 2020.

APPROVED by the Mayor this 21st day of January, 2020.

[SEAL]

Peggy Dunn, Mayor

ATTEST:

Kelly L. Varner, City Clerk

APPROVED AS TO FORM:

Patricia A. Bennett, City Attorney

15C

- ORDINANCE AMENDING CHAPTER 4, ARTICLE 2 OF THE CODE OF THE CITY OF LEAWOOD, 2000, INCORPORATING BY REFERENCE THE INTERNATIONAL BUILDING CODE, 2018 EDITION, SAVE AND EXCEPT SUCH ARTICLES, SECTIONS, PARTS OR PORTIONS WHICH ARE OMITTED, DELETED, MODIFIED, CHANGED, OR ADDED, AND REPEALING EXISTING ARTICLE 2, AND OTHER SECTIONS IN CONFLICT HEREWITH.

(Ord. 1930C; 01-22-02)
(Code 2000)
(Ord. 1711C; 03-23-98)

4-208. **INTERNATIONAL BUILDING CODE; SECTION 105.2. WORK EXEMPTED FROM PERMIT.** Section 105.2 of the IBC is hereby amended to read as follows: **Work exempted from permit.** Exemptions from permit requirements of this Building Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Building Code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. Retaining walls that are not over four (4) feet (1219 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.
2. Sidewalks and driveways not more than thirty (30) inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route and are not located in the public right-of-way.
3. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
4. Temporary motion picture, television and theater stage sets and scenery.
5. Swings and other playground equipment accessory to detached one- and two-family dwellings.
6. Window awnings supported by an exterior wall that do not project more than thirty six (36) inches (914 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.
7. Nonfixed and movable fixtures, cases, racks, counters and partitions not over five (5) feet nine (9) inches (1753 mm) in height.

Electrical:

1. Repairs and maintenance: Minor repair work, including the replacement of lamps and the replacement of smoke or carbon monoxide alarms, or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. Radio and television transmitting stations: The provisions of this Building 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.

Gas:

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

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 Building 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 ten (10) pounds ~~(5 kg)~~ or less of refrigerant and actuated by motors of one (1) horsepower ~~(746 W)~~ or less.
8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

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 Building Code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)
(Code 2000)
(Ord. 1711C; 03-23-98)

4-209. INTERNATIONAL BUILDING CODE; SECTION 105.3. APPLICATION FOR PERMIT. Section 105.3 of the IBC is hereby amended to read as follows:

(a) Application for permit.

To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the building official for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 107.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.

7. Give such other data and information as required by the building official.

(b) **Application for complete structure demolition permit.**
To obtain a fifteen (15)-day complete structure demolition permit, the applicant shall first file an application therefore in writing on a form furnished by the building official for that purpose. Such application shall provide:

1. A site plan showing the location of the building or structure to be demolished and of all existing buildings on the property. The plan shall additionally show any necessary means of pedestrian protection as required by the Leawood Building Code.
2. The location where the demolition debris will be deposited.
3. The height and the total square footage of the building.
4. Evidence of required street closure permit.
5. The name and address of the owner of the building.
6. The type of equipment or method used to demolish the building.
7. Evidence that all public utilities have been disconnected.
8. Proof of rat-abating of any building at least ten days before the demolition may be required.
9. Proof of permission from the owner to demolish the building.
10. Evidence that proper erosion control will be provided for the site during demolition as well as during seeding and final grading of site.
11. Evidence that the structure has been inspected for asbestos. If asbestos is found, evidence shall be provided to indicate how the asbestos is to be removed and where it will be disposed.
11. Site plan, which shall indicate proposed grading and seeding.
12. Said permit will be issued in conjunction with permit for proposed new construction where applicable.

(c) **Application for partial structure or interior demolition permit.**
To obtain a thirty (30)-day partial structure or interior demolition permit, the applicant shall first file an application therefore in writing on a form furnished by the building official for that purpose. Such application shall provide:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required by building official.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

8. Said permit will be issued in conjunction with permit for proposed new construction.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)
(Ord. 1930C; 01-22-02)
(Code 2000)
(Ord. 1711C; 03-23-98)

4-210. INTERNATIONAL BUILDING CODE; SECTION 105.5. EXPIRATION. Section 105.5 of the IBC is hereby amended to read as follows:

Expiration. Permits shall expire under the following circumstances:

(a) Permits for new construction will expire in three hundred sixty five (365) days unless the work authorized by the permit is not commenced within one hundred eighty (180) days after issuance, in which case, the permit will expire in one hundred eighty (180) days. If the work is at any time during the permitting period, suspended or abandoned, then the permit shall expire on the earlier of its one year term, or one hundred eighty (180) days after the suspension or abandonment.

(b) Moving permits shall expire five days after issuance.

(c) Complete structure demolition permits shall expire fifteen (15) days after issuance.

(d) Partial structure and interior demolition permits shall expire thirty (30) days after issuance.

(e) Re-roof, fence, and general miscellaneous permits shall expire sixty (60) days after issuance.

(f) Permits for decks, hot tubs, outdoor kitchens, patios, grading, and footing/foundations shall expire ninety (90) days after issuance.

(g) Every other type of permit, not otherwise listed above, shall expire one hundred eighty (180) days after issuance.

(h) For all permits other than moving or demolition permits, the building official is authorized to grant, in writing, one extension of time, for a period not exceeding the original length of the permit issued, but in no event longer 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 building 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, in the opinion of the building official, the project applicant has the capability to finish the work permitted within the time period extension. If substantial progress has not been provided, the permit will expire ~~and is subject to a re-instatement fee.~~ . After a permit has expired a permit can be reissued, upon payment of reinstatement fees, for one extension of time for a period not exceeding the original length of the permit issued, but in no event longer than one hundred eighty (180) days.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)
(Ord. 1930C; 01-22-02)
(Code 2000)

(Ord. 1711C; 03-23-98)

4-211. **INTERNATIONAL BUILDING CODE; SECTION 107.1. SUBMITTAL DOCUMENTS, GENERAL.** Section 107.1 of the IBC is hereby amended to read as follows: **General.** Construction documents, statement of special inspections, geotechnical report and other data shall be submitted in one or more sets with each permit application. At least five (5) set(shard copies and one (1) digital copy of plans shall be submitted for all new construction with at least three (3) set(shard copies and one (1) digital copy being submitted for all alteration projects. The construction documents shall be prepared by a registered design professional licensed by the State of Kansas. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

EXCEPTION: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this Building Code.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)
(Ord. 1930C; 01-22-02)
(Code 2000)
(Ord. 1711C; 03-23-98)

4-212. **INTERNATIONAL BUILDING CODE; SECTION 107.2.2 FIRE PROTECTION SYSTEM SHOP DRAWINGS.** Section 107.2.2 of the IBC is hereby amended to read as follows: **Fire protection system shop drawings.** Shop drawings and supporting documentation for the fire protection system(s), which shall include but not be limited to provisions for fire alarm systems and sprinkler systems, shall be submitted to the fire official and shall indicate conformance with this Building Code, the *Fire Protection Code (Chapter VII)*, and the construction documents. The shop drawings shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in this Building Code.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)
(Ord. 1930C; 01-22-02)
(Code 2000)
(Ord. 1711C; 03-23-98)

4-213. **INTERNATIONAL BUILDING CODE; SECTION 107.2.5 6 SITE PLAN.** Section 107.2.56 of the IBC is hereby amended to read as follows: **Site Plan.** There shall be a site plan showing, to scale, the size and location of all the new construction

and all existing structures on the site including easements, sewers, drains, utilities, etc., distances from lot lines, established street grades, and the proposed finished grades, and it shall be drawn in accordance with an accurate boundary line survey. All decks, balconies, overhangs, or other building protrusions shall be indicated and dimensioned. In the case of demolition, the plot plan shall show all construction to be demolished and the location and size of all existing structures and construction that are to remain on the site of the plot. Fire apparatus access roads provided and fire hydrant coverage as approved by the fire official shall be indicated as such on the site plan. The property owner or his or her agent shall certify to the building official that the top of the foundation for a building will be in conformance with the approved site plan, including building elevations, site grading, erosion control devices, and building setbacks. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair and does not affect the exterior features of the building.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)
(Ord. 1930C; 01-22-02)
(Code 2000)
(Ord. 1711C; 03-23-98)

4-214. INTERNATIONAL BUILDING CODE; SECTION 108.1. GENERAL. Section 108.1 of the IBC is hereby amended to read as follows: **Temporary Structures and Uses, General.** The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service and are only allowed if authorized under the Leawood Development Ordinance and the provisions of this Building Code, the building official may grant extensions for these uses for demonstrated cause.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)
(Ord. 1930C; 01-22-02)
(Code 2000)
(Ord. 1711C; 03-23-98)

4-215. INTERNATIONAL BUILDING CODE; SECTION 108.2. CONFORMANCE. ***Repealed.***

~~Section 108.2 is hereby amended to read as follows: Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this Building Code as necessary to ensure the public health, safety and general welfare.~~

(Ord. 1930C; 01-22-02)
(Code 2000)
(Ord. 1711C; 03-23-98)

4-216. INTERNATIONAL BUILDING CODE; SECTION 108.3. TEMPORARY POWER. ***Repealed.***

~~Section 108.3 is hereby amended to read as follows: Temporary power. The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in *NFPA 70 National Electrical Code, 2005*.~~

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)
(Ord. 1930C; 01-22-02)

4-217. INTERNATIONAL BUILDING CODE; SECTION 109.2. SCHEDULE OF PERMIT FEES. Section 109.2 of the IBC is hereby amended to read as follows: **Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical, elevator equipment, and plumbing systems or alterations or repairs requiring a permit, a fee for each permit shall be paid as required, in accordance with the City of Leawood Fee Schedule, adopted by Resolution of the Governing Body.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

4-218. INTERNATIONAL BUILDING CODE; SECTION 109.6. REFUNDS. Section 109.6 of the IBC is hereby amended to read as follows: **Refunds.** Unless specifically set forth herein, all fees paid are non-refundable. The building official may authorize refunding of any fee paid hereunder, which was erroneously paid or collected. The building 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 the Leawood Building Code. The building official shall upon request authorize refunding of not more than ~~eighteighty~~ (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 building 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. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

4-219. INTERNATIONAL BUILDING CODE; SECTION ~~109110~~.3. REQUIRED INSPECTIONS. Section 110.3 through 110.3.13.1 of the IBC is hereby amended

to read as follows: **Required inspections.** The building official, upon notification, shall make the inspections set forth in Sections 110.3.1 through 110.3.1213.

110.3.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

110.3.2 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

110.3.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the building official.

110.3.4 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

110.3.5 Lath and gypsum board inspection, and gypsum panel product inspection. Lath and gypsum board and gypsum panel product inspections shall be made after lathing and , gypsum board and gypsum panel products, interior and exterior, isare in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

EXCEPTION: Gypsum board and gypsum panel products that isare not part of a fire-resistance-rated assembly or a shear assembly.

10103110.3.**6** Weather-exposed balcony and walking surface waterproofing. Where balconies or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious moisture barrier system shall not be concealed until inspected and approved.

EXCEPTION: Where special inspections are provided in accordance with Section 1705.1.1, Item 3.

110.3.7 **Fire-** and smoke-**resistant penetrations.** Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

110.3.78 **Energy efficiency inspections.** Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation *R* and *U* values, fenestration *U* value, duct system *R* value, and HVAC and water-heating equipment efficiency.

110.3.89 **Roofing inspections.** Roofing inspections shall be made at the mid-point of roofing installation and after roofing installation is complete.

110.3.910 **Other inspections.** In addition to the inspections specified above, the

building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this Building Code and other laws that are enforced by the department of building safety.

110.3.1011 Special inspections. For special inspections, see Section 1704Chapter 17.

110.3.1112 Fire protection inspections. Inspection of all fire protection systems. The fire official or his or her designee shall make this inspection.

110.3.1213 Final inspection. The final inspection shall be made after all work required by the building permit is completed.

110.3.13.1 Flood hazard documentation. If located in a flood hazard area, documentation of the elevation of the lowest floor as required in Section 1612.4 shall be submitted to the building official prior to the final inspection.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

4-220. INTERNATIONAL BUILDING CODE; SECTION 111.1. USE AND OCCUPANCY. Section 111.1 of the IBC is hereby amended to read as follows: **Use and occupancy.** No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the *Leawood Building Code* or of other ordinances of the City of Leawood.

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

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

4-221. INTERNATIONAL BUILDING CODE; SECTION 111.2. CERTIFICATE ISSUED. Section 111.2 of the IBC is hereby amended to read as follows: **Certificate Issued.** After the building official inspects the building or structure and finds no violations of the provisions of this Building Code, *Leawood Development Ordinance, Fire Protection Code (Chapter VII), Property Maintenance Code (Chapter VIII)* or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.
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 Building 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 name of the fire official.
8. The edition of the code under which the permit was issued.
9. The use and occupancy, in accordance with the provisions of Chapter 3.
10. The type of construction as defined in Chapter 6.
11. The design occupant load.
12. If an automatic sprinkler system is provided, whether the sprinkler system is required.
13. Any special stipulations and conditions of the building permit.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

4-222. INTERNATIONAL BUILDING CODE; SECTION 111.3. TEMPORARY OCCUPANCY. Section 111.3 of the IBC is hereby amended to read as follows: **Temporary occupancy.** The building official is authorized to issue a Temporary Certificate of Occupancy (TCO) before the completion of the entire work covered by the permit, ~~provide~~provided that such portion or portions shall be occupied safely. The Building Official shall set a time period during which the temporary certificate of occupancy is valid, provided, however that such time period shall not exceed sixty (60) days. The Building Official is authorized to renew the Temporary Certificate of Occupancy for two (2) additional periods not exceeding sixty (60) days for each renewal.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

4-223. INTERNATIONAL BUILDING CODE; SECTION 112.3. AUTHORITY TO DISCONNECT SERVICE UTILITIES. Section 112.3 of the IBC is hereby amended to read as follows: **Authority to Disconnect Service Utilities.** The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this *Building Code, Fire Protection Code, or Property Maintenance Code,* or otherwise in violation of the Code of the City of Leawood, 2000, or in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 112.1 or 112.2. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect before taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

4-224. **INTERNATIONAL BUILDING CODE; SECTION 113. BOARD OF APPEALS.** SectionSections 113.1 through 113.3 of the IBC are hereby omitted and deleted in itsthair entirety. [See Section 4-105 et seq.]

2593C; 12-03-12)

4-225. **INTERNATIONAL BUILDING CODE, SECTION 114.4. VIOLATION PENALTIES.** Section 114.4 of the IBC is hereby amended to read as follows: **Violation Penalties.** Any person who violates a provision of this code or this Article or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provisions of this code 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. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

4-226. **INTERNATIONAL BUILDING CODE; SECTION 116. UNSAFE STRUCTURES AND EQUIPMENT.** ***Repealed.*** ~~Section 116 is hereby deleted in its entirety.~~

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

4-226A **INTERNATIONAL BUILDING CODE, SECTION 305.2.3 SIX OR FEWER CHILDREN IN A DWELLING UNIT.** Section 305.2.3 of the IBC is hereby amended to read as follows: **Six or fewer children in a dwelling unit.** A facility such as the above within a dwelling unit and having six or fewer children receiving such day care shall comply with the Johnson County Home Daycare Handbook and shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. No sprinkler system shall be required.

4-226B. **INTERNATIONAL BUILDING CODE, SECTION 423.2, STORM SHELTERS, GENERAL.** Section 423.2 of the IBC is hereby amended to read as follows: ~~General~~Construction. In addition to other applicable requirements in this code, storm shelters shall be constructed in accordance with ICC-500. Buildings or structures that are also designated as emergency shelters shall also comply with Table 1604.5 as Risk Category IV structures.

EXCEPTION:

The following are exceptions and additions to ICC-500 requirements.

1. Sanitation facilities shall only be required for Community Shelters as defined by the ICC-500. Community Shelters with a design occupant load of 100 or less shall be permitted to provide only 1 toilet facility.

2. Community Shelters shall be provided with fixed seating for 1/3 of the design occupant load.
2.3. Community Shelters shall be provided with an approved first aid kit.

(Ord. 2593C; 12-03-12)

~~4-226C.~~ INTERNATIONAL BUILDING CODE, SECTION 423.4, GROUP E, R-1, R-2, R-3, R-4, I-1, OR I-2 OCCUPANCIES. Section 423.4 of the IBC is hereby amended to read as follows: Section 423.4. Group E, R-1, R-2, R-3, R-4, I-1, or I-2 Occupancies. In areas where the shelter design wind speed for tornados is 250 mph in accordance with Figure 304.2(1) of ICC 500, all Group E occupancies with an occupant load of 50 or more, and all R-1, R-2, R-3, R-4, I-1, or I-2 occupancies ~~which~~ of any occupant load ~~of 50 or more~~ shall have a storm shelter constructed in accordance with ICC 500 as modified and adopted by the City.

EXCEPTIONS:
1. Group E occupancies accessory to places of religious worship.
2. Buildings meeting the requirements for shelter design in ICC 500.

~~4-226D~~ INTERNATIONAL BUILDING CODE, SECTION 423.4.1, REQUIRED OCCUPANT CAPACITY. Section 423.4.1 of the IBC is hereby amended to read as follows: Section 423.4.1. Required Occupant Capacity. The required occupant capacity of the storm shelter shall include all buildings on the site. For an E occupancy, the shelter capacity shall be the greater of the following:
1. The total occupant load of the classrooms, vocational rooms and offices in the Group E occupancy.
2. The occupant load of any indoor assembly space that is associated with the Group E occupancy.

EXCEPTIONS:
1. Where a new building is being added on an existing site, and where the new building is not of sufficient size to accommodate the required occupant capacity of the storm shelter for all of the buildings on the site, the storm shelter shall at a minimum accommodate the required occupant capacity for the new building.
2. Where approved by the code official, the required occupant capacity of the shelter shall be permitted to be reduced by the occupant capacity of any existing storm shelters on site.

~~4-226E.~~ INTERNATIONAL BUILDING CODE, SECTION 429, BASEMENT REQUIRED. A new section 429

~~4-226B.~~ ~~INTERNATIONAL BUILDING CODE, SECTION 425, BASEMENT REQUIRED.~~ ~~A new section 425~~ is hereby added to read as follows: **Basement Required.** Buildings classified as apartment houses under Group R-2 occupancies as defined in the Building Code shall be constructed with a basement ~~which contains a storm shelter or safe room constructed in accordance with IBC Section 423~~.

EXCEPTIONS:

(a) The provisions of this section shall not apply to Group R-2 occupancy buildings which are designed and constructed specifically for the use of disabled individuals and which contain a storm shelter or safe room constructed in accordance with IBC Section 423.

(b) The provisions of this section shall not apply to Group R-2 occupancy buildings when it would be impractical to construct a basement in light of subsurface conditions verified by an engineer and when such dwellings contain a storm shelter or safe room constructed in accordance with IBC Section 423.

(c) The provisions of this section shall not apply to the repair or reconstruction of any existing Group R-2 occupancy building, unless such building is being 100% reconstructed.

(Ord. 2593C; 12-03-12)

4-227. **INTERNATIONAL BUILDING CODE; SECTION 903.2, "WHERE REQUIRED".** ~~All of~~ Section 903.2 ~~of the IBC~~ is hereby amended to read as follows: An approved automatic sprinkler system shall be provided in all buildings regulated by the *Leawood Building Code*.

EXCEPTIONS:

~~(a)~~

~~(a) Any occupancy specifically exempted from automatic sprinkler requirements by Kansas Statute or Administrative Regulation.~~

~~(a)~~(b) New or existing buildings regulated by the International Residential Code that are within 500 feet of an approved fire hydrant.

(~~b~~c) Group S-2 Open Parking Garages, and all Group U occupancies.

(~~c~~d) All new buildings for occupancy Groups other than H, I, and R with a total area less than one thousand (1,000) square feet.

(~~d~~e) Rooms or areas protected with an approved automatic fire detection system in accordance with Section 907.2 of the International Building Code that will respond to visible or invisible particles of combustion if: (1) application of water, or flame and water, to such room would constitute a serious life or fire hazard; or (2) such rooms or area are of noncombustible construction with wholly noncombustible contents.

(~~e~~f) Temporary buildings allowed under the Leawood Development Ordinance for a period not to exceed two years.

(fg) Renovations or improvements to existing buildings where no occupancy Group classification change occurs and/or no additional building area is being created, and the cost of the sprinkler system installation downstream of the riser would exceed twenty percent (20) of the total cost of renovation. In such cases, an approved sprinkler or other life safety improvement to the building may be required, provided that the cost of such requirement will not exceed twenty percent (20) of the cost of the renovation.

(h) In home day care facilities for the care of 6 or fewer children for less than 12 hours per day.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

4-227A. **INTERNATIONAL BUILDING CODE; SECTION 903.3 INSTALLATION REQUIREMENTS.** Section 903.3 of the IBC is hereby amended to read as follows: 903.3 Installation requirements. Automatic sprinkler systems shall be designed and installed in accordance with Sections 903.3.1 through 903.3.8 of this code. In addition, automatic sprinkler systems shall be protected in accordance with the adopted International Plumbing Code.

4-228. INTERNATIONAL BUILDING CODE; SECTION 905.3. GENERAL. Section 905.3 is hereby amended to read as follows: Standpipe systems shall be installed where required by the Leawood Building Code. Standpipe systems are permitted of the IBC is hereby amended to be combined with automatic sprinkler systems. read as follows: An approved Class I standpipesstandpipe system shall be required in any building exceeding three stories in height from the lowest level of fire department vehicle access or whereall occupancies where the travel distance from the exterior nearest point of approved fire department access to any point inwithin the building exceeds 200 feet. All Class I standpipe systems may be combined with sprinkler system piping.

EXCEPTION: Standpipe systems are not required in Group R-3, R-4 and U occupancies as applicable in 101.2.

4-228A INTERNATIONAL BUILDING CODE; TABLE 1004.1.2, MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT. Table 1004.1.2 is hereby amended as follows: –

Table 1004.1.2
MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT

FUNCTION OF SPACE	OCCUPANT LOAD FACTOR[a]

Accessory storage areas, mechanical equipment room	300 gross
Agricultural building	300 gross
Aircraft hangars	500 gross
Airport terminal Baggage claim Baggage handling Concourse Waiting	 20 gross 300 gross 100 gross 15 gross
Assembly Gaming floors (keno, slots, etc.) Exhibit Gallery and Museum	 11 gross 30 net
Assembly with fixed seats	See Section 1004.4
Assembly without fixed seats Concentrated (chairs only not fixed) Standing space Unconcentrated (tables and chairs)	 7 net 5 net 15 net
Bowling centers, allow 5 persons for each lane including 15 feet of runway, and for additional areas	7 net
Business areas	100 gross
Courtrooms other than fixed seating areas	40 net
Day care	35 net
Dormitories	50 gross
Educational Classroom area Shops and other vocational room areas	 20 net 50 net
Exercise rooms	50 gross
Group H-5 Fabrication and manufacturing areas	200 gross

Industrial areas Inpatient treatment areas Outpatient areas Sleeping areas	240 gross 480 gross 120 gross
Kitchens, commercial	200 gross
Library Reading rooms Stack area	50 net 100 gross
Mall buildings - covered and open	See Section 402.8.2
Mercantile Floor areas - Sprinkled Buildings Floor areas - Non-Sprinkled Buildings Storage, stock, shipping areas	60 gross 30 gross 300 gross
Parking garages	200 gross
Residential	200 gross
Skating rinks, swimming pools Rink and pool Decks	50 gross 15 gross
Stages and platforms	15 net
Warehouses	500 gross

4-228A *Repealed.*

(Ord. 2593C; 12-03-12)

4-229 **INTERNATIONAL BUILDING CODE; SECTION 1008.1010.4, PHYSICAL SECURITY.** A new Section 1008.1010.4 of the IBC is hereby added to read as follows:

1008.1010.4. **Purpose.** The purpose of this Section 1010.4 is to establish minimum standards that incorporate physical security to make dwelling units resistant to unlawful entry.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

4-230. **INTERNATIONAL BUILDING CODE; SECTION 1008.1010.4.1, SCOPE.** A new

Section 10081010.4.1 of the IBC is hereby added to read as follows:
101008.4.1 Scope. The provisions of this section Section 1010.4.1 shall apply to all new structures and to alterations, additions, and repairs as set forth in the International Existing Building Code adopted in Section 4-701 of this Code.stipulated in Chapter 34 of this Building Code.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

4-231. **INTERNATIONAL BUILDING CODE; SECTION 10081010.4.2, DOORS.** Section 10081010.4.2 of the IBC is hereby added to read as follows:
10081010.4.2 **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 following for the type of door installed.

(a) **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 inch (1") 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.

(b) **Steel doors.** Where installed, exterior steel doors shall be a minimum thickness of 24 gauge.

(c) **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.

(d) **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.

(e) **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.

(Ord. 2593C; 12-03-12)

(Ord. 2291C; 02-04-08)

4-232. INTERNATIONAL BUILDING CODE; SECTION ~~1008~~1010.4.3, DOOR FRAMES. Section ~~1008~~1010.4.3 of the IBC is hereby added to read as follows:

~~1008~~1010.4.3 **Door frames.** The exterior door frames shall be installed prior to a rough-in inspection. Door frames shall comply with the following for the type of assembly installed:

(a) **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.

(b) **Steel frames.** All exterior door frames shall be constructed of eighteen (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.

(c) **Door jambs:**

1. 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.
2. 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.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

4-233. INTERNATIONAL BUILDING CODE; SECTION ~~1008~~1010.4.4, DOOR HARDWARE. A new Section ~~1008~~1010.4.4 of the IBC is hereby added to read as follows:

~~1008~~1010.4.4 **Door hardware.** Exterior door hardware shall comply with the following:

(a) **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.

(b) **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 (f) below.

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

(d) **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 (¼) inch in diameter and two and one-fourth (2¼) inches in length. Bolt assembly (bolt housing) unit shall be of single piece construction. All deadbolts shall meet ANSI grade 2 specifications.

(e) **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.

(f) **Side lighted entry doors.** Side light door units shall have framing of double stud construction or equivalent construction complying with Sections 1008.4.3.(a), (b) and (c). 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 1008.4.3. (a) and (b). Double stud construction or construction of equivalent strength shall exist between the glazing unit of the side light and wall structure of the dwelling.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

4-234. INTERNATIONAL BUILDING CODE; SECTION 1008.1.10.4.5, STREET NUMBERS. A new Section 1008.1.10.4.5 of the IBC is hereby added to read as follows: **1008.4.5 Street numbers.** Street numbers shall comply with Section 501.2. shall be as approved by the Fire Official so as to provide legible property identification at the distance of approach of emergency vehicles under conditions

which can be normally anticipated but shall be 6" minimum and not exceed 12" in height and be of starkly contrasting color to background. Street names shall not be required and all numbers shall be characters and not written words and shall be horizontal in orientation.

EXCEPTION: All occupancies governed by the International Residential Code.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

4-235. INTERNATIONAL BUILDING CODE; SECTION 10081010.4.6, EXTERIOR LIGHTING. A new Section 10081010.4.6 of the IBC is hereby added to read as follows:

10081010.4.6 Exterior lighting. Exterior lighting shall comply with NFPA National Electric Code, 20112017, Section 210.70.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

4-236. INTERNATIONAL BUILDING CODE; SECTION 10141018.2, EGRESS THROUGH INTERVENING SPACES. Section 10141016.2 of the IBC is hereby amended to read as follows:

10141016.2 Egress through intervening spaces. Egress through intervening spaces shall comply with this section.

1. Exit access through an enclosed elevator lobby is permitted. Access to not less than one of the required exits shall be provided without travel through the enclosed elevator lobbies required by Section 3006. Where the path of exit access travel passes through an enclosed elevator lobby, the level of protection required for the enclosed elevator lobby is not required to be extended to the exit unless direct access to an exit is required by other sections of this code.
2. Egress from a room or space shall not pass through adjoining or intervening rooms or areas, except where such adjoining rooms or areas and the area served are accessory to one or the area servedother, are not a high hazardGroup H occupancy and provide a discernible path of egress travel to an exit.

EXCEPTION: Means of egress are not prohibited through adjoining or intervening rooms or spaces in a Group H, S or F occupancy whenwhere the adjoining or intervening rooms or spaces are the same or a lesser hazard occupancy group.

23. Egress shall not pass through kitchens, storage rooms, closets or spaces used for similar purposes.

EXCEPTIONS:

1. Means of egress are not prohibited through a kitchen area serving adjoining rooms constituting part of the same dwelling unit or sleeping unit.
2. Means of egress are not prohibited through stockrooms in Group M occupancies when all of the following are met:
   - 2.1 The stock is of the same hazard classification as that found in the main retail area;
   - 2.2 Not more than 50 percent of the exit access is through the stockroom;
   - 2.3 The stockroom is not subject to locking from the egress side; and
   - 2.4 There is a demarcated, minimum 44-inch wide (1118 mm) aisle defined by full or partial height fixed walls or similar construction that will maintain the required width and lead directly from the retail area to the exit without obstructions.

34. An exit access shall not pass through a room that can be locked to prevent egress.

45. Means of egress from dwelling units or sleeping areas shall not lead through other sleeping areas, toilet rooms or bathrooms.

56. Means of egress from the showroom floor in Type M occupancies shall not include any space which also serves as a point of delivery for stock, or for the staging of stock awaiting placement, or for trash awaiting removal from the occupancy, unless such area is designed to remain open to the showroom floor from which exiting is required.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

4-236A. INTERNATIONAL BUILDING CODE; SECTION 12031202.1. VENTILATION GENERAL. Section 12031202.1 of the IBC is hereby amended to read as follows: **1203.1 General.** Buildings shall be provided with natural ventilation in accordance with Section 1203.41202.5, 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 whenwhere 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 – Residential Provisions, the dwelling unit shall be ventilated by mechanical means in accordance with Section 403 of the International Mechanical Code. Ambulatory care facilities and Group I-2 occupancies shall be ventilated by mechanical means in accordance with Section 407 of the International Mechanical Code.

(Ord. 2593C; 12-03-12)

4-237. INTERNATIONAL BUILDING CODE; SECTION 1501.1. ~~GENERAL~~SCOPE. Section 1501.1 of the IBC is hereby amended to read as follows: 1501.1 Scope. The provisions of this chapter shall govern the design, materials, construction and quality of roof assemblies, and rooftop structures. All roof ~~coverings~~covering assemblies shall comply with the *Leawood Development Ordinance*.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

4-237A. INTERNATIONAL BUILDING CODE; SECTION ~~1510~~1511.1. GENERAL. Section ~~1510~~1511.1 of the IBC is hereby amended to read as follows: General. Materials and methods of application used for recovering or replacing an existing roof covering shall comply with the Leawood Development Ordinance. Such materials and methods of application shall also comply with the requirements of Chapter 15 of the International Building Code incorporated herein.

~~EXCEPTION: Reroofing~~EXCEPTIONS:

1. Roof replacement or roof recover of existing low-slope roof coverings shall not be required to meet the minimum design slope requirement of one-quarter unit vertical in 12 units horizontal (2 percent slope) in Section 1507 for roofs that provide positive roof drainage.
2. Recovering or replacing an existing roof covering shall not be required to meet the requirement for secondary (emergency overflow) drains or scuppers in Section 1502 for roofs that provide for positive roof drainage. For the purposes of this exception, existing secondary drainage or scupper systems required in accordance with this code shall not be removed unless they are replaced by secondary drains or scuppers designed and installed in accordance with Section 1502.

(Ord. 2593C; 12-03-12)

~~4-237B~~ INTERNATIONAL BUILDING CODE; SECTION 1612.3. ESTABLISHMENT OF FLOOD HAZARD AREAS. Section 1612.3 of the IBC is hereby amended to read as follows: 1612.3 Establishment of Flood Hazard Areas. The flood hazard map shall include areas of special flood hazard as identified by the Federal Emergency Management Agency. The flood hazard map shall include the most current Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM). These maps and supporting data are hereby adopted by reference and declared to be part of this section. Additional flood hazard maps can be adopted at the discretion of the Governing Body of the City of Leawood.

4-238. **INTERNATIONAL BUILDING CODE; TABLE 2902.1. MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES.** Table 2902.1 of the IBC is hereby amended to provide the following footnotes:

(a) The fixtures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated. The number of occupants shall be determined by the *International Building Code*.

(b) Toilet facilities for employees shall be separate from facilities for inmates or patients.

(c) A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient sleeping units shall be permitted where such room is provided with direct access from each patient room and with provisions for privacy.

(d) The occupant load for seasonal outdoor seating and entertainment areas shall be included when determining the minimum number of facilities required.

(e) The minimum number of required drinking fountains shall comply with Table 2902.1 and Chapter 11.

(f) Drinking fountains are not required for an occupant load of 15 or fewer.

(g) Service sinks are not required for business occupancies with an occupant load of 15 or fewer.

(h) A drinking fountain is not required in M occupancies with an occupant load less than 50.

(i) A service sink is not required in M occupancies with an occupant load less than 50.

(j) The required number and type of plumbing fixtures for outdoor swimming pools shall be in accordance with Section 609 of the International Swimming Pool and Spa Code as adopted in Section 4-1001 of this Code.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

4-239. **INTERNATIONAL BUILDING CODE, SECTION 3001.5 6, ACCEPTANCE INSPECTIONS.** A new Section 3001.56 of the IBC is hereby added to read as follows: **Acceptance Inspections.** All elevator equipment shall have an acceptance inspection and test performed and approved in accordance with ASME A17.1/ CSA B44 requirements. Prior to the issuance of a Certificate of Occupancy, a copy of this inspection shall be forwarded to the City of Leawood.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

4-240. **INTERNATIONAL BUILDING CODE, SECTION 3001.67, PERIODIC INSPECTIONS.** A new Section 3001.67 of the IBC is hereby added to read as

follows: **Periodic Inspections.** All existing elevator equipment shall have a periodic inspections and testing performed and approved in accordance with ASME A17.13/ CSA B44 requirements. A copy of these tests shall be forwarded to the City of Leawood.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

4-240A. **INTERNATIONAL BUILDING CODE, SECTION 3001.8. CERTIFICATION OF INSPECTION REQUIRED.** A new Section 3001.8 of the IBC is hereby added to read as follows: **Certification of Inspection Required.** It shall be unlawful to operate any elevator, dumbwaiter, escalator, or moving walk without a current certificate of inspection provided by a Qualified Elevator Inspector who is certified by the National Association of Elevator Safety Authorities or other similar certification from another nationally recognized organization.

4-240B. **INTERNATIONAL BUILDING CODE, SECTION 3001.9. EXISTING ELEVATORS.** A new section 3001.9 of the IBC is hereby added to read as follows: **Existing Elevators.** In addition to all other applicable Existing Building Code requirements, existing elevators shall comply with ASME A17.3/CSA B44.

4-241. **INTERNATIONAL BUILDING CODE, SECTION 3403.6, ELEVATORS.** ~~3001.8. CERTIFICATION OF INSPECTION REQUIRED. *Repealed.* A new Section 3403.6 is hereby added to read as follows: Elevators. Where there is an elevator or elevators for public use, at least one elevator serving the area shall comply with this section. Existing elevators with a travel distance of 25 feet (7620 mm) or more above or below the main floor or other level of a building and intended to serve the needs of emergency personnel for fire fighting or rescue purposes shall be provided with emergency operation in accordance with ASME A17.3. New elevators shall be provided with Phase I emergency recall operation and Phase II emergency in car operation in accordance with ASME A17.1/ CSA B44.~~

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

Commented [TT1]: Add requirement to existing building code. Chapter 34 for existing buildings no longer in IBC.

4-241A. **INTERNATIONAL BUILDING CODE, SECTION 3404.7, ELEVATORS.** ~~*Repealed.* Section 3404.7 is hereby added to read as follows: Elevators. Where there is an elevator or elevators for public use, at least one elevator serving the area shall comply with this section. Existing elevators with a travel distance of 25 feet (7620 mm) or more above or below the main floor or other level of a building and intended to serve the needs of emergency personnel for fire fighting or rescue purposes shall be provided with emergency operation in accordance with ASME A17.3. New elevators shall be provided with Phase I emergency recall operation~~

and Phase II emergency in-car operation in accordance with ASME A17.1/ CSA B44.

(Ord. 2593C; 12-03-12)

4-242. INTERNATIONAL BUILDING CODE, SECTION 3410.2, LEAWOOD DEVELOPMENT ORDINANCE CONFORMANCE. ***Repealed.*** Section 3410.2 is hereby added to read as follows: Leawood Development Ordinance Conformance. Structures moved into or within the City of Leawood, Kansas, shall comply with the Leawood Development Ordinance.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

4-243. INTERNATIONAL BUILDING CODE, SECTION 3410.3, DUTIES OF STRUCTURE MOVING PERMITTEE. ***Repealed.*** Section 3410.3 is hereby added to read as follows: Duties of Structure Moving Permittee. Every structure moving permit holder shall abide by the all of the following:

(a) Move a building or structure only over streets designated for such use in the written permit.

(b) Notify the building official within forty eight (48) hours of move, in writing, of a desired change in moving date and hour and route of move as proposed in the application and such change must be approved by the building official.

(c) Notify the building official in writing of any and all damages done to property belonging to the public and private property within twenty four (24) hours after the damage or injury has occurred.

(d) During the move, display red lanterns or other warning devices used in compliance with city traffic ordinances or state statutes thereon in such a manner as to show the extreme height and width thereof from thirty (30) minutes after sunset to thirty (30) minutes before sunrise.

(e) At all times erect and maintain barricades across the street in such manner as to protect the public from damage or injury by reason of removal of the building or structure, and shall have sufficient escort as provided by city ordinance, state statutes, or as determined as necessary for the public safety by the chief of police.

(f) Not allow any building or structure or part thereof to be left in the parkway, street, or on the dedicated right-of-way between the curb and the front property line of any lot.

(g) Comply with the building code, fire zone, zoning ordinances and all other applicable traffic ordinances and laws upon relocating the building or structure in the city or move the same through the city.

(h) Remove all rubbish and materials and fill in excavations to existing grade at the original building or structure site so that the premises are left in a safe and sanitary condition within thirty (30) days from the date of the move.

(i) Notify all utilities having service connections within the building or structure

and otherwise located within the city limit whose facilities and services to the public may be affected by the movement of the building or structure and provide copies of such notification to the building official.

(j) Comply with the regulations and specifications contained in such permit granted by the building official to such permit holder.

(k) The permit holder shall be liable for any expenses, damages, costs in excess of deposited amounts of securities, and the city attorney shall prosecute an action against the permit holder in a court of competent jurisdiction for the recovery of such excessive amounts.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

Ordinance Published on ___/___/___

DRAFT 15.C.

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 4, ARTICLE 2 OF THE CODE OF THE CITY OF LEAWOOD, 2000, INCORPORATING BY REFERENCE THE INTERNATIONAL BUILDING CODE, 2018 EDITION, SAVE AND EXCEPT SUCH ARTICLES, SECTIONS, PARTS OR PORTIONS WHICH ARE OMITTED, DELETED, MODIFIED, CHANGED, OR ADDED, AND REPEALING EXISTING ARTICLE 2, 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 4-201 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-201. **INTERNATIONAL BUILDING CODE ADOPTED.** There is hereby incorporated by reference that certain code known as the International Building Code, 2018 edition, ["IBC"] prepared and published in book form by the International Code Council, Inc., including appendices C, G and I save and except such articles, sections, parts or portions as are hereafter omitted, deleted, amended, modified or changed or added thereto, such incorporation being authorized by K.S.A. § 12-3009 through 12-3012, as amended. At least one copy 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. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)
(Ord. 1930C; 01-22-02)
(Code 2000)
(Ord. 1711C; 03-23-98)

SECTION TWO: That Section 4-202 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-202. **INTERNATIONAL BUILDING CODE, SECTION 101.1. TITLE.** Section 101.1 of the IBC is hereby amended to read as follows: **Title.** These regulations shall be known and referred to as this code, the IBC or the Building Code of the City of Leawood, Kansas.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)
(Ord. 1930C; 01-22-02)
(Code 2000)
(Ord. 1711C; 03-23-98)

SECTION THREE: That Section 4-203 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-203. **INTERNATIONAL BUILDING CODE, SECTION 101.2. SCOPE.** Section 101.2 of the IBC is hereby amended to read as follows: **Scope.** The provisions of this code and the Leawood Development Ordinance shall apply to the construction,

alteration, relocation, 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.

EXCEPTION: Detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code and the Leawood Development Ordinance.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)
(Ord. 1930C; 01-22-02)
(Code 2000)
(Ord. 1711C; 03-23-98)

SECTION FOUR: That Section 4-204 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-204. **INTERNATIONAL BUILDING CODE, SECTION 102.6. APPLICABILITY, EXISTING STRUCTURES.** Section 102.6 of the IBC is hereby amended to read as follows: **Existing structures.** The legal occupancy of any structure existing on the date of adoption of this Building Code shall be permitted to continue without change, except as is specifically covered in the Leawood Development Ordinance, the Code of the City of Leawood, this Building Code, the *Property Maintenance Code (Chapter VIII)* or the *Leawood Fire Protection Code (Chapter VII)*, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)
(Ord. 1930C; 01-22-02)
(Code 2000)
(Ord. 1711C; 03-23-98)

SECTION FIVE: That Section 4-205 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-205. **INTERNATIONAL BUILDING CODE, SECTION 104.1. DUTIES AND POWERS OF THE BUILDING OFFICIAL, GENERAL.** Section 104.1 of the IBC is hereby amended to read as follows: **General.** The Building Official is hereby authorized and directed to enforce the provisions of this Building Code. The Building Official shall have the authority to render interpretations of this Building Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall comply with the intent and purpose of this Building Code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Building Code. The Building Official shall be known as the codes administrator, and such term shall include his/her authorized representatives. Further, whenever the term or title "administrative authority," "code enforcement officer," "responsible official," "codes administrator," or other similar designation is used in any of the codes adopted by reference by this Building Code, it shall be construed to mean the

Building Official, except in matters rightfully under the jurisdiction of the *Fire Protection Code (Chapter VII).* In addition, the fire official shall have the above-mentioned duties and powers where fire apparatus emergency access drives, fire suppression and fire alarm systems are concerned. Except as expressly set forth herein, the Building Official does not have the authority to waive any requirement of law.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)
(Ord. 1930C; 01-22-02)
(Code 2000)
(Ord. 1711C; 03-23-98)

SECTION SIX: That Section 4-206 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-206. INTERNATIONAL BUILDING CODE, SECTION 104.10. MODIFICATIONS. Section 104.10 of the IBC is hereby amended to read as follows: **Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of this Building Code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this Building Code impractical and the modification is in compliance with the intent and purpose of this Building Code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. If such requested modification involves fire apparatus emergency access drives, fire suppression and/or fire alarm systems then the modification must also be approved by the fire official. The details of action granting modifications shall be recorded and entered in the files of codes administration.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)
(Ord. 1930C; 01-22-02)
(Code 2000)
(Ord. 1711C; 03-23-98)

SECTION SEVEN: That Section 4-207 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-207. INTERNATIONAL BUILDING CODE, SECTION 104.11. ALTERNATIVE MATERIALS, DESIGN AND METHOD OF CONSTRUCTION AND EQUIPMENT. Section 104.11 of the IBC is hereby amended to read as follows: **Alternative materials, design and method of construction and equipment.** The provisions of this Building Code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this Building Code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Building Code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Building Code in quality, strength, effectiveness, fire resistance, durability and safety. If such requested alternative material, design and/or method or equipment

involves fire apparatus emergency access drives, fire suppression and/or fire alarm systems then the alternative must also be approved by the fire official.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)
(Ord. 1930C; 01-22-02)
(Code 2000)
(Ord. 1711C; 03-23-98)

SECTION EIGHT: That Section 4-208 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-208. INTERNATIONAL BUILDING CODE, SECTION 105.2. WORK EXEMPTED FROM PERMIT. Section 105.2 of the IBC is hereby amended to read as follows: **Work exempted from permit.** Exemptions from permit requirements of this Building Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Building Code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. Retaining walls that are not over four (4) feet (1219 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.
2. Sidewalks and driveways not more than thirty (30) inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route and are not located in the public right-of-way.
3. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
4. Temporary motion picture, television and theater stage sets and scenery.
5. Swings and other playground equipment accessory to detached one- and two-family dwellings.
6. Window awnings supported by an exterior wall that do not project more than thirty six (36) inches (914 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies. 7. Nonfixed and movable fixtures, cases, racks, counters and partitions not over five (5) feet nine (9) inches (1753 mm) in height.

Electrical:

1. Repairs and maintenance: Minor repair work, including the replacement of lamps and the replacement of smoke or carbon monoxide alarms, or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. Radio and television transmitting stations: The provisions of this Building 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.

Gas:

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

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 Building 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 ten (10) pounds or less of refrigerant and actuated by motors of one (1) horsepower or less.
8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid. **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 Building Code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)
(Code 2000)
(Ord. 1711C; 03-23-98)

SECTION NINE: That Section 4-209 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-209. INTERNATIONAL BUILDING CODE, SECTION 105.3. APPLICATION FOR PERMIT. Section 105.3 of the IBC is hereby amended to read as follows:

(a) Application for permit.

To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the building official for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 107.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

(b) Application for complete structure demolition permit.

To obtain a fifteen (15)-day complete structure demolition permit, the applicant shall first file an application therefore in writing on a form furnished by the building official for that purpose. Such application shall provide:

1. A site plan showing the location of the building or structure to be demolished and of all existing buildings on the property. The plan shall additionally show any necessary means of pedestrian protection as required by the Leawood Building Code.
2. The location where the demolition debris will be deposited.
3. The height and the total square footage of the building.
4. Evidence of required street closure permit.
5. The name and address of the owner of the building.
6. The type of equipment or method used to demolish the building.
7. Evidence that all public utilities have been disconnected.
8. Proof of rat-abating of any building at least ten days before the demolition may be required.
9. Proof of permission from the owner to demolish the building.
10. Evidence that proper erosion control will be provided for the site during demolition as well as during seeding and final grading of site.
11. Evidence that the structure has been inspected for asbestos. If asbestos is found, evidence shall be provided to indicate how the asbestos is to be removed and where it will be disposed.
11. Site plan, which shall indicate proposed grading and seeding.
12. Said permit will be issued in conjunction with permit for proposed new construction where applicable.

(c) **Application for partial structure or interior demolition permit.**
To obtain a thirty (30)-day partial structure or interior demolition permit, the applicant shall first file an application therefore in writing on a form furnished by the building official for that purpose. Such application shall provide:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required by building official.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the building official.
8. Said permit will be issued in conjunction with permit for proposed new construction.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)
(Ord. 1930C; 01-22-02)
(Code 2000)
(Ord. 1711C; 03-23-98)

SECTION TEN: That Section 4-210 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-210. INTERNATIONAL BUILDING CODE, SECTION 105.5. EXPIRATION. Section 105.5 of the IBC is hereby amended to read as follows:

Expiration. Permits shall expire under the following circumstances:

(a) Permits for new construction will expire in three hundred sixty five (365) days unless the work authorized by the permit is not commenced within one hundred eighty (180) days after issuance, in which case, the permit will expire in one hundred eighty (180) days. If the work is at any time during the permitting period, suspended or abandoned, then the permit shall expire on the earlier of its one year term, or one hundred eighty (180) days after the suspension or abandonment.

(b) Moving permits shall expire five days after issuance.

(c) Complete structure demolition permits shall expire fifteen (15) days after issuance.

(d) Partial structure and interior demolition permits shall expire thirty (30) days after issuance.

(e) Re-roof, fence, and general miscellaneous permits shall expire sixty (60) days after issuance.

(f) Permits for decks, hot tubs, outdoor kitchens, patios, grading, and footing/foundations shall expire ninety (90) days after issuance.

(g) Every other type of permit, not otherwise listed above, shall expire one hundred eighty (180) days after issuance.

(h) For all permits other than moving or demolition permits, the building official is authorized to grant, in writing, one extension of time, for a period not exceeding the original length of the permit issued, but in no event longer 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 building 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, in the opinion of the building official, the project applicant has the capability to finish the work permitted within the time period extension. If substantial progress has not been provided, the permit will expire. After a permit has expired a permit can be reissued, upon payment of reinstatement fees, for one extension of time for a period not exceeding the original length of the permit issued, but in no event longer than one hundred eighty (180) days.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)
(Ord. 1930C; 01-22-02)
(Code 2000)
(Ord. 1711C; 03-23-98)

SECTION ELEVEN: That Section 4-211 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-211. INTERNATIONAL BUILDING CODE, SECTION 107.1. SUBMITTAL DOCUMENTS, GENERAL. Section 107.1 of the IBC is hereby amended to read as follows: **General.** Construction documents, statement of special inspections, geotechnical report and other data shall be submitted in one or more sets with each permit application. At least five (5) hard copies and one (1) digital copy of plans shall be submitted for all new construction with at least three (3) hard copies and one (1) digital copy being submitted for all alteration projects. The construction documents shall be prepared by a registered design professional licensed by the State of Kansas. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

EXCEPTION: The building official is authorized to waive the submission of construction documents and other data not required to be prepared

by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this Building Code.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)
(Ord. 1930C; 01-22-02)
(Code 2000)
(Ord. 1711C; 03-23-98)

SECTION TWELVE: That Section 4-212 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-212. **INTERNATIONAL BUILDING CODE, SECTION 107.2.2. FIRE PROTECTION SYSTEM SHOP DRAWINGS.** Section 107.2.2 of the IBC is hereby amended to read as follows: **Fire protection system shop drawings.** Shop drawings and supporting documentation for the fire protection system(s), which shall include but not be limited to provisions for fire alarm systems and sprinkler systems, shall be submitted to the fire official and shall indicate conformance with this Building Code, the *Fire Protection Code (Chapter VII)*, and the construction documents. The shop drawings shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in this Building Code.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)
(Ord. 1930C; 01-22-02)
(Code 2000)
(Ord. 1711C; 03-23-98)

SECTION THIRTEEN: That Section 4-213 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-213. **INTERNATIONAL BUILDING CODE, SECTION 107.2.6. SITE PLAN.** Section 107.2.6 of the IBC is hereby amended to read as follows: **Site Plan.** There shall be a site plan showing, to scale, the size and location of all the new construction and all existing structures on the site including easements, sewers, drains, utilities, etc., distances from lot lines, established street grades, and the proposed finished grades, and it shall be drawn in accordance with an accurate boundary line survey. All decks, balconies, overhangs, or other building protrusions shall be indicated and dimensioned. In the case of demolition, the plot plan shall show all construction to be demolished and the location and size of all existing structures and construction that are to remain on the site of the plot. Fire apparatus access roads provided and fire hydrant coverage as approved by the fire official shall be indicated as such on the site plan. The property owner or his or her agent shall certify to the building official that the top of the foundation for a building will be in conformance with the approved site plan, including building elevations, site grading, erosion control devices, and building setbacks. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair and does not affect the exterior features of the building.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

(Ord. 1930C; 01-22-02)
(Code 2000)
(Ord. 1711C; 03-23-98)

SECTION FOURTEEN: That Section 4-214 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-214. INTERNATIONAL BUILDING CODE, SECTION 108.1. GENERAL. Section 108.1 of the IBC is hereby amended to read as follows: **Temporary Structures and Uses, General.** The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service and are only allowed if authorized under the Leawood Development Ordinance and the provisions of this Building Code, the building official may grant extensions for these uses for demonstrated cause.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)
(Ord. 1930C; 01-22-02)
(Code 2000)
(Ord. 1711C; 03-23-98)

SECTION FIFTEEN: That Section 4-215 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-215 INTERNATIONAL BUILDING CODE, SECTION 108.2. CONFORMANCE. ***Repealed.***

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)
(Ord. 1930C; 01-22-02)
(Code 2000)
(Ord. 1711C; 03-23-98)

SECTION SIXTEEN: That Section 4-216 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-216 INTERNATIONAL BUILDING CODE, SECTION 108.3. TEMPORARY POWER. ***Repealed.***

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)
(Ord. 1930C; 01-22-02)

SECTION SEVENTEEN: That Section 4-217 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-217. INTERNATIONAL BUILDING CODE, SECTION 109.2. SCHEDULE OF PERMIT FEES. Section 109.2 of the IBC is hereby amended to read as follows: **Schedule of permit fees.** On buildings, structures, electrical, gas, mechanical, elevator equipment, and plumbing systems or alterations or repairs requiring a permit, a fee for each permit shall be paid as required, in accordance with the City of Leawood Fee Schedule, adopted by Resolution of the Governing Body.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

SECTION EIGHTEEN: That Section 4-218 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-218. **INTERNATIONAL BUILDING CODE, SECTION 109.6. REFUNDS.** Section 109.6 of the IBC is hereby amended to read as follows: **Refunds.** Unless specifically set forth herein, all fees paid are non-refundable. The building official may authorize refunding of any fee paid hereunder, which was erroneously paid or collected. The building 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 the Leawood Building Code. The building 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 building 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. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

SECTION NINETEEN: That Section 4-219 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-219. **INTERNATIONAL BUILDING CODE, SECTION 110.3. REQUIRED INSPECTIONS.** Section 110.3 through 110.3.13.1 of the IBC is hereby amended to read as follows: **Required inspections.** The building official, upon notification, shall make the inspections set forth in Sections 110.3.1 through 110.3.13.

110.3.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

110.3.2 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

110.3.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the building official.

110.3.4 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

110.3.5 Lath and gypsum board inspection and gypsum panel product inspection. Lath and gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

EXCEPTION: Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.

110.3.6 Weather-exposed balcony and walking surface waterproofing. Where balconies or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious moisture barrier system shall not be concealed until inspected and approved.

EXCEPTION: Where special inspections are provided in accordance with Section 1705.1.1, Item 3.

110.3.7 Fire- and smoke-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

110.3.8 Energy efficiency inspections. Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation *R* and *U* values, fenestration *U* value, duct system *R* value, and HVAC and water-heating equipment efficiency.

110.3.9 Roofing inspections. Roofing inspections shall be made at the mid-point of roofing installation and after roofing installation is complete.

110.3.10 Other inspections. In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this Building Code and other laws that are enforced by the department of building safety.

110.3.11 Special inspections. For special inspections, see Chapter 17.

110.3.12 Fire protection Inspections. Inspection of all fire protection systems. The fire official or his or her designee shall make this inspection.

110.3.13 Final inspection. The final inspection shall be made after all work required by the building permit is completed.

110.3.13.1 Flood hazard documentation. If located in a flood hazard area, documentation of the elevation of the lowest floor as required in Section 1612.4 shall be submitted to the building official prior to the final inspection.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

SECTION TWENTY: That Section 4-220 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-220. INTERNATIONAL BUILDING CODE, SECTION 111.1. USE AND OCCUPANCY. Section 111.1 of the IBC is hereby amended to read as follows: **Use and occupancy.** No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the *Leawood Building Code* or of other ordinances of the City of Leawood.

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

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

SECTION TWENTY-ONE: That Section 4-221 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-221. **INTERNATIONAL BUILDING CODE, SECTION 111.2. CERTIFICATE ISSUED.** Section 111.2 of the IBC is hereby amended to read as follows: **Certificate Issued.** After the building official inspects the building or structure and finds no violations of the provisions of this Building Code, *Leawood Development Ordinance, Fire Protection Code (Chapter VII), Property Maintenance Code (Chapter VIII)* or other laws that are enforced by the department of building safety, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.
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 Building 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 name of the fire official.
8. The edition of the code under which the permit was issued.
9. The use and occupancy, in accordance with the provisions of Chapter 3.
10. The type of construction as defined in Chapter 6.
11. The design occupant load.
12. If an automatic sprinkler system is provided, whether the sprinkler system is required.
13. Any special stipulations and conditions of the building permit.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

SECTION TWENTY-TWO: That Section 4-222 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-222. **INTERNATIONAL BUILDING CODE, SECTION 111.3. TEMPORARY OCCUPANCY.** Section 111.3 of the IBC is hereby amended to read as follows: **Temporary occupancy.** The building official is authorized to issue a Temporary Certificate of Occupancy (TCO) before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Building Official shall set a time period during which the temporary certificate of occupancy is valid, provided, however that such time period shall not exceed sixty (60) days. The Building Official is authorized to renew the Temporary Certificate of Occupancy for two (2) additional periods not exceeding sixty (60) days for each renewal.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

SECTION TWENTY-THREE: That Section 4-223 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-223. **INTERNATIONAL BUILDING CODE, SECTION 112.3. AUTHORITY TO DISCONNECT SERVICE UTILITIES.** Section 112.3 of the IBC is hereby amended to read as follows: **Authority to Disconnect Service Utilities.** The building

official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this *Building Code, Fire Protection Code, or Property Maintenance Code,* or otherwise in violation of the Code of the City of Leawood, 2000, or in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 112.1 or 112.2. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect before taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

SECTION TWENTY-FOUR: That Section 4-224 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-224. INTERNATIONAL BUILDING CODE, SECTION 113. BOARD OF APPEALS. Sections 113.1 through 113.3 of the IBC are hereby omitted and deleted in their entirety. [See Section 4-105 et seq.]

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

SECTION TWENTY-FIVE: That Section 4-225 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-225. INTERNATIONAL BUILDING CODE, SECTION 114.4. VIOLATION PENALTIES. Section 114.4 of the IBC is hereby amended to read as follows: **Violation Penalties.** Any person who violates a provision of this code or this Article or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official or of a permit or certificate issued under the provisions of this code 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. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

SECTION TWENTY-SIX: That Section 4-226 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-226 INTERNATIONAL BUILDING CODE, SECTION 116. UNSAFE STRUCTURES AND EQUIPMENT. *Repealed.*

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

SECTION TWENTY-SEVEN: That Section 4-226A of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-226A **INTERNATIONAL BUILDING CODE, SECTION 305.2.3. SIX OR FEWER CHILDREN IN A DWELLING UNIT.** Section 305.2.3 of the IBC is hereby amended to read as follows: **Six or fewer children in a dwelling unit.** A facility such as the above within a dwelling unit and having six or fewer children receiving such day care shall comply with the Johnson County Home Daycare Handbook and shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. No sprinkler system shall be required.

(Ord. 2593C; 12-03-12)

SECTION TWENTY-EIGHT: That Section 4-226B of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-226B. **INTERNATIONAL BUILDING CODE, SECTION 423.2. STORM SHELTERS, GENERAL.** Section 423.2 of the IBC is hereby amended to read as follows: **Construction.** In addition to other applicable requirements in this code, storm shelters shall be constructed in accordance with ICC-500. Buildings or structures that are also designated as emergency shelters shall also comply with Table 1604.5 as Risk Category IV structures.

The following are exceptions and additions to ICC-500 requirements.

1. Sanitation facilities shall only be required for Community Shelters as defined by the ICC-500. Community Shelters with a design occupant load of 100 or less shall be permitted to provide only 1 toilet facility.
2. Community Shelters shall be provided with fixed seating for 1/3 of the design occupant load.
3. Community Shelters shall be provided with an approved first aid kit.

(Ord. 2593C; 12-03-12)

SECTION TWENTY-NINE: That Section 4-226C of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

4-226C. **INTERNATIONAL BUILDING CODE, SECTION 423.4. GROUP E, R-1, R-2, R-3, R-4, I-1, OR I-2 OCCUPANCIES.** Section 423.4 of the IBC is hereby amended to read as follows: **Section 423.4. Group E, R-1, R-2, R-3, R-4, I-1, or I-2 Occupancies.** In areas where the shelter design wind speed for tornados is 250 mph in accordance with Figure 304.2(1) of ICC 500, all Group E occupancies with an occupant load of 50 or more, and all R-1, R-2, R-3, R-4, I-1, or I-2 occupancies of any occupant load shall have a storm shelter constructed in accordance with ICC 500 as modified and adopted by the City.

EXCEPTIONS:

1. Group E occupancies accessory to places of religious worship.
2. Buildings meeting the requirements for shelter design in ICC 500.

SECTION THIRTY: That Section 4-226D of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

4-226D **INTERNATIONAL BUILDING CODE, SECTION 423.4.1. REQUIRED OCCUPANT CAPACITY.** Section 423.4.1 of the IBC is hereby amended to read as follows: **Section 423.4.1. Required Occupant Capacity.** The required

occupant capacity of the storm shelter shall include all buildings on the site. For an E occupancy, the shelter capacity shall be the greater of the following:

1. The total occupant load of the classrooms, vocational rooms and offices in the Group E occupancy.
2. The occupant load of any indoor assembly space that is associated with the Group E occupancy.

EXCEPTIONS:

1. Where a new building is being added on an existing site, and where the new building is not of sufficient size to accommodate the required occupant capacity of the storm shelter for all of the buildings on the site, the storm shelter shall at a minimum accommodate the required occupant capacity for the new building.
2. Where approved by the code official, the required occupant capacity of the shelter shall be permitted to be reduced by the occupant capacity of any existing storm shelters on site.

SECTION THIRTY-ONE: That Section 4-226E of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

4-226E. **INTERNATIONAL BUILDING CODE, SECTION 429. BASEMENT REQUIRED.** A new Section 429 is hereby added to read as follows: **Basement Required.** Buildings classified as apartment houses under Group R-2 occupancies as defined in the Building Code shall be constructed with a basement.

EXCEPTIONS:

(a) The provisions of this section shall not apply to Group R-2 occupancy buildings which are designed and constructed specifically for the use of disabled individuals and which contain a storm shelter or safe room constructed in accordance with IBC Section 423.

(b) The provisions of this section shall not apply to Group R-2 occupancy buildings when it would be impractical to construct a basement in light of subsurface conditions verified by an engineer and when such dwellings contain a storm shelter or safe room constructed in accordance with IBC Section 423.

(c) The provisions of this section shall not apply to the repair or reconstruction of any existing Group R-2 occupancy building, unless such building is being 100% reconstructed.

(Ord. 2593C; 12-03-12)

SECTION THIRTY-TWO: That Section 4-227 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-227. **INTERNATIONAL BUILDING CODE, SECTION 903.2. WHERE REQUIRED.** Section 903.2 of the IBC is hereby amended to read as follows: An approved automatic sprinkler system shall be provided in all buildings regulated by the *Leawood Building Code.*

EXCEPTIONS:

(a) Any occupancy specifically exempted from automatic sprinkler requirements by Kansas Statute or Administrative Regulation.

(b) New or existing buildings regulated by the International Residential Code that are within 500 feet of an approved fire hydrant.

(c) Group S-2 Open Parking Garages, and all Group U occupancies.

(d) All new buildings for occupancy Groups other than H, I, and R with a total area less than one thousand (1,000) square feet.

(e) Rooms or areas protected with an approved automatic fire detection system in accordance with Section 907.2 of the International Building Code that will respond to visible or invisible particles of combustion if: (1) application of water, or flame and water, to such room would constitute a serious life or fire hazard; or (2) such rooms or area are of noncombustible construction with wholly noncombustible contents.

(f) Temporary buildings allowed under the Leawood Development Ordinance for a period not to exceed two years.

(g) Renovations or improvements to existing buildings where no occupancy Group classification change occurs and/or no additional building area is being created, and the cost of the sprinkler system installation downstream of the riser would exceed twenty percent (20) of the total cost of renovation. In such cases, an approved sprinkler or other life safety improvement to the building may be required, provided that the cost of such requirement will not exceed twenty percent (20) of the cost of the renovation.

(h) In home day care facilities for the care of 6 or fewer children for less than 12 hours per day.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

SECTION THIRTY-THREE: That Section 4-227A of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

4-227A. INTERNATIONAL BUILDING CODE, SECTION 903.3. INSTALLATION REQUIREMENTS. Section 903.3 of the IBC is hereby amended to read as follows: **903.3 Installation requirements.** Automatic sprinkler systems shall be designed and installed in accordance with Sections 903.3.1 through 903.3.8 of this code. In addition, automatic sprinkler systems shall be protected in accordance with the adopted International Plumbing Code.

SECTION THIRTY- FOUR: That Section 4-228 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-228. INTERNATIONAL BUILDING CODE, SECTION 905.3. GENERAL. Section 905.3 of the IBC is hereby amended to read as follows: An approved Class I standpipe system shall be required in all occupancies where the travel distance from the nearest point of approved fire department access to any point within the building exceeds 200 feet. All Class I standpipe systems may be combined with sprinkler system piping.

EXCEPTION: Standpipe systems are not required in Group R-3, R-4 and U occupancies as applicable in 101.2.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

SECTION THIRTY- FIVE: That Section 4-228A of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-228A INTERNATIONAL BUILDING CODE, TABLE 1004.1.2. MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT. *Repealed.*

(Ord. 2593C; 12-03-12)

SECTION THIRTY- SIX: That Section 4-229 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-229 INTERNATIONAL BUILDING CODE, SECTION 1010.4. PHYSICAL SECURITY. A new Section 1010.4 of the IBC is hereby added to read as follows:
1010.4. Purpose. The purpose of this Section 1010.4 is to establish minimum standards that incorporate physical security to make dwelling units resistant to unlawful entry.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

SECTION THIRTY-SEVEN: That Section 4-230 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-230. INTERNATIONAL BUILDING CODE, SECTION 1010.4.1. SCOPE. A new Section 1010.4.1 of the IBC is hereby added to read as follows:
1010.4.1 Scope. The provisions of Section 1010.4.1 shall apply to all new structures and to alterations, additions, and repairs as set forth in the International Existing Building Code adopted in Section 4-701 of this Code..

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

SECTION THIRTY-EIGHT: That Section 4-231 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-231. INTERNATIONAL BUILDING CODE, SECTION 1010.4.2. DOORS. A new Section 1010.4.2 of the IBC is hereby added to read as follows:
1010.4.2 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 following for the type of door installed.

(a) 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 inch (1") 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.

(b) Steel doors. Where installed, exterior steel doors shall be a minimum

thickness of 24 gauge.

(c) **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.

(d) **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.

(e) **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.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

SECTION THIRTY-NINE: That Section 4-232 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-232. INTERNATIONAL BUILDING CODE, SECTION 1010.4.3. DOOR FRAMES. A new Section 1010.4.3 of the IBC is hereby added to read as follows:

1010.4.3 Door frames. The exterior door frames shall be installed prior to a rough-in inspection. Door frames shall comply with the following for the type of assembly installed:

(a) **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.

(b) **Steel frames.** All exterior door frames shall be constructed of eighteen (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.

(c) **Door jambs:**

1. 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.
2. 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.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

SECTION FORTY: That Section 4-233 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-233. INTERNATIONAL BUILDING CODE, SECTION 1010.4.4. DOOR HARDWARE. A new Section 1010.4.4 of the IBC is hereby added to read as follows:

1010.4.4 Door hardware. Exterior door hardware shall comply with the following:

(a) **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.

(b) **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 (f) below.

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

(d) **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 (¼) inch in diameter and two and one-fourth (2¼) inches in length. Bolt assembly (bolt housing) unit shall be of single piece construction. All deadbolts shall meet ANSI grade 2 specifications.

(e) **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.

(f) **Side lighted entry doors.** Side light door units shall have framing of double stud construction or equivalent construction complying with Sections 1008.4.3.(a), (b) and (c). 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 1008.4.3. (a) and (b). Double stud construction or construction of equivalent strength shall exist between the glazing unit of the side light and wall structure of the dwelling.

(Ord. 2593C; 12-03-12)

(Ord. 2291C; 02-04-08)

SECTION FORTY-ONE: That Section 4-234 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-234. INTERNATIONAL BUILDING CODE, SECTION 1010.4.5. STREET NUMBERS. A new Section 1010.4.5 of the IBC is hereby added to read as follows:
1010.4.5 Street numbers. Street numbers shall be as approved by the Fire Official so as to provide legible property identification at the distance of approach of emergency vehicles under conditions which can be normally anticipated but shall be 6" minimum and not exceed 12" in height and be of starkly contrasting color to background. Street names shall not be required and all numbers shall be characters and not written words and shall be horizontal in orientation.

EXCEPTION: All occupancies governed by the International Residential Code.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

SECTION FORTY-TWO: That Section 4-235 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-235. INTERNATIONAL BUILDING CODE, SECTION 1010.4.6. EXTERIOR LIGHTING. A new Section 1010.4.6 of the IBC is hereby added to read as follows:
1010.4.6 Exterior lighting. Exterior lighting shall comply with NFPA National Electric Code, 2017, Section 210.70.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

SECTION FORTY-THREE: That Section 4-236 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-236. INTERNATIONAL BUILDING CODE, SECTION 1016.2. EGRESS THROUGH INTERVENING SPACES. Section 1016.2 of the IBC is hereby amended to read as follows:
1016.2 Egress through intervening spaces. Egress through intervening spaces shall comply with this section.

1. Exit access through an enclosed elevator lobby is permitted. Access to not less than one of the required exits shall be provided without travel through the enclosed elevator lobbies required by Section 3006. Where the path of exit access travel passes through an enclosed elevator lobby, the level of protection required for the enclosed elevator lobby is not required to be extended to the exit unless direct access to an exit is required by other sections of this code.
2. Egress from a room or space shall not pass through adjoining or intervening rooms or areas, except where such adjoining rooms or areas and the area served are accessory to one or the other, are not a Group H occupancy and provide a discernible path of egress travel to an exit.

EXCEPTION: Means of egress are not prohibited through adjoining or intervening rooms or spaces in a Group H, S or F occupancy

where the adjoining or intervening rooms or spaces are the same or a lesser hazard occupancy group.

3. Egress shall not pass through kitchens, storage rooms, closets or spaces used for similar purposes.

EXCEPTIONS:

1. Means of egress are not prohibited through a kitchen area serving adjoining rooms constituting part of the same dwelling unit or sleeping unit.
2. Means of egress are not prohibited through stockrooms in Group M occupancies when all of the following are met:
   - 2.1 The stock is of the same hazard classification as that found in the main retail area;
   - 2.2 Not more than 50 percent of the exit access is through the stockroom;
   - 2.3 The stockroom is not subject to locking from the egress side; and
   - 2.4 There is a demarcated, minimum 44-inch wide (1118 mm) aisle defined by full or partial height fixed walls or similar construction that will maintain the required width and lead directly from the retail area to the exit without obstructions.
4. An exit access shall not pass through a room that can be locked to prevent egress.
5. Means of egress from dwelling units or sleeping areas shall not lead through other sleeping areas, toilet rooms or bathrooms.
6. Means of egress from the showroom floor in Type M occupancies shall not include any space which also serves as a point of delivery for stock, or for the staging of stock awaiting placement, or for trash awaiting removal from the occupancy, unless such area is designed to remain open to the showroom floor from which exiting is required.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

SECTION FORTY-FOUR: That Section 4-236A of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-236A. INTERNATIONAL BUILDING CODE, SECTION 1202.1. VENTILATION GENERAL. Section 1202.1 of the IBC is hereby amended to read as follows:
1203.1 General. Buildings shall be provided with natural ventilation in accordance with Section 1202.5, 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 where 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 – Residential Provisions, the dwelling unit shall be ventilated by mechanical means in accordance with Section 403 of the International Mechanical Code. Ambulatory care facilities and Group I-2 occupancies shall be ventilated by mechanical means in accordance with Section 407 of the International Mechanical Code.

(Ord. 2593C; 12-03-12)

SECTION FORTY-FIVE: That Section 4-237 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-237. **INTERNATIONAL BUILDING CODE, SECTION 1501.1. SCOPE.** Section 1501.1 of the IBC is hereby amended to read as follows: **1501.1 Scope.** The provisions of this chapter shall govern the design, materials, construction and quality of roof assemblies, and rooftop structures. All roof covering assemblies shall comply with the *Leawood Development Ordinance*.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

SECTION FORTY-SIX: That Section 4-237A of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-237A. **INTERNATIONAL BUILDING CODE, SECTION 1511.1. GENERAL.** Section 1511.1 of the IBC is hereby amended to read as follows: **General.** Materials and methods of application used for recovering or replacing an existing roof covering shall comply with the Leawood Development Ordinance. Such materials and methods of application shall also comply with the requirements of Chapter 15 of the International Building Code incorporated herein.

EXCEPTIONS:

1. Roof replacement or roof recover of existing low-slope roof coverings shall not be required to meet the minimum design slope requirement of one-quarter unit vertical in 12 units horizontal (2-percent slope) in Section 1507 for roofs that provide positive roof drainage.
2. Recovering or replacing an existing roof covering shall not be required to meet the requirement for secondary (emergency overflow) drains or scuppers in Section 1502 for roofs that provide for positive roof drainage. For the purposes of this exception, existing secondary drainage or scupper systems required in accordance with this code shall not be removed unless they are replaced by secondary drains or scuppers designed and installed in accordance with Section 1502.

(Ord. 2593C; 12-03-12)

SECTION FORTY-SEVEN: That Section 4-237B of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

4-237B **INTERNATIONAL BUILDING CODE, SECTION 1612.3. ESTABLISHMENT OF FLOOD HAZARD AREAS.** Section 1612.3 of the IBC is hereby amended to read as follows: **1612.3 Establishment of Flood Hazard Areas.** The flood hazard map shall include areas of special flood hazard as identified by the Federal Emergency Management Agency. The flood hazard map shall include the most current Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM). These maps and supporting data are hereby adopted by reference and declared to be part of this section. Additional flood hazard maps can be adopted at the discretion of the Governing Body of the City of Leawood.

SECTION FORTY-EIGHT: That Section 4-238 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-238. INTERNATIONAL BUILDING CODE, TABLE 2902.1. MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES. Table 2902.1 of the IBC is hereby amended to provide the following footnotes:

(a) The fixtures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated. The number of occupants shall be determined by the *International Building Code*.

(b) Toilet facilities for employees shall be separate from facilities for inmates or patients.

(c) A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient sleeping units shall be permitted where such room is provided with direct access from each patient room and with provisions for privacy.

(d) The occupant load for seasonal outdoor seating and entertainment areas shall be included when determining the minimum number of facilities required.

(e) The minimum number of required drinking fountains shall comply with Table 2902.1 and Chapter 11.

(f) Drinking fountains are not required for an occupant load of 15 or fewer.

(g) Service sinks are not required for business occupancies with an occupant load of 15 or fewer.

(h) A drinking fountain is not required in M occupancies with an occupant load less than 50.

(i) A service sink is not required in M occupancies with an occupant load less than 50.

(j) The required number and type of plumbing fixtures for outdoor swimming pools shall be in accordance with Section 609 of the International Swimming Pool and Spa Code as adopted in Section 4-1001 of this Code.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

SECTION FORTY-NINE: That Section 4-239 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-239. INTERNATIONAL BUILDING CODE, SECTION 3001.6. ACCEPTANCE INSPECTIONS. A new Section 3001.6 of the IBC is hereby added to read as follows: **Acceptance Inspections.** All elevator equipment shall have an acceptance inspection and test performed and approved in accordance with ASME A17.1/ CSA B44 requirements. Prior to the issuance of a Certificate of Occupancy, a copy of this inspection shall be forwarded to the City of Leawood.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

SECTION FIFTY: That Section 4-240 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-240. INTERNATIONAL BUILDING CODE, SECTION 3001.7, PERIODIC INSPECTIONS. A new Section 3001.7 of the IBC is hereby added to read as follows: **Periodic Inspections.** All existing elevator equipment shall have a periodic inspections and testing performed and approved in accordance with

ASME A17.3/ CSA B44 requirements. A copy of these tests shall be forwarded to the City of Leawood.

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

SECTION FIFTY-ONE: That Section 4-240A of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

4-240A. INTERNATIONAL BUILDING CODE, SECTION 3001.8. CERTIFICATION OF INSPECTION REQUIRED. A new Section 3001.8 of the IBC is hereby added to read as follows: **Certification of Inspection Required.** It shall be unlawful to operate any elevator, dumbwaiter, escalator, or moving walk without a current certificate of inspection provided by a Qualified Elevator Inspector who is certified by the National Association of Elevator Safety Authorities or other similar certification from another nationally recognized organization.

SECTION FIFTY-TWO: That Section 4-240B of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

4-240B. INTERNATIONAL BUILDING CODE, SECTION 3001.9. EXISTING ELEVATORS. A new Section 3001.9 of the IBC is hereby added to read as follows: **Existing Elevators.** In addition to all other applicable Existing Building Code requirements, existing elevators shall comply with ASME A17.3/ CSA B44.

SECTION FIFTY-THREE: That Section 4-241 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-241. INTERNATIONAL BUILDING CODE, SECTION 3403.6. ELEVATORS. ***Repealed.***

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

SECTION FIFTY-FOUR: That Section 4-241A of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-241A. INTERNATIONAL BUILDING CODE, SECTION 3404.7. ELEVATORS. ***Repealed.***

(Ord. 2593C; 12-03-12)

SECTION FIFTY-FIVE: That Section 4-242 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-242. INTERNATIONAL BUILDING CODE, SECTION 3410.2. LEAWOOD DEVELOPMENT ORDINANCE CONFORMANCE. ***Repealed.***

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

SECTION FIFTY-SIX: That Section 4-243 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-243. INTERNATIONAL BUILDING CODE, SECTION 3410.3. DUTIES OF STRUCTURE MOVING PERMITTEE. *Repealed.*

(Ord. 2593C; 12-03-12)
(Ord. 2291C; 02-04-08)

SECTION FIFTY-SEVEN: 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 FIFTY-EIGHT: That existing Article 2 of Chapter 4 and any provisions in conflict herewith are hereby repealed.

SECTION FIFTY-NINE: This ordinance shall become effective on May 1, 2020, following adoption and publication in accordance with K.S.A. 12-3007 and amendments thereto.

PASSED by the Governing Body this 21st day of January, 2020.

APPROVED by the Mayor this 21st day of January, 2020.

[SEAL]

_____
Peggy Dunn, Mayor

ATTEST:

_____
Kelly L. Varner, City Clerk

APPROVED AS TO FORM:

_____
Patricia A. Bennett, City Attorney

CHAPTER IV. BUILDINGS AND CONSTRUCTION

ARTICLE 3. ELECTRICAL CODE

4-301. **NATIONAL ELECTRICAL CODE ADOPTED.** There is hereby incorporated by reference that certain code known as the National Electrical Code, ~~2011~~ 2017 edition, ["NEC"] prepared and published in book form by the National Fire Protection Association (NFPA No. 70-~~2005~~2017), including annexes A, B, C, D, F, G and I, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed or added hereto, such incorporation being authorized by K.S.A. § 12-3009 through 12-3012, as amended. At least~~No fewer than three copies~~one copy of said Code shall be marked or stamped "Official copy as incorporated by Ordinance No. ~~2594C~~ _____" 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. 2594C; 12-03-12)
(Ord. 2292C; 02-04-08)
(Ord. 1931C; 01-22-02)
(Code 2000)
(Ord. 1630C; 11-04-96)

4-302. **NATIONAL ELECTRICAL CODE~~; ARTICLE 90, INTRODUCTION, DELETED~~DELETED SECTIONS.** The following sections ~~All sections of Article 90~~of the NEC ~~entitled Introduction~~ are hereby deleted and omitted:

(a) Section 90.1 Purpose
(b) Section 90.3 Code Arrangement
(c) Section 90.4 Enforcement
(d) Section 90.5 Mandatory Rules, Permissive Rules, and Explanatory Material
(e) Section 90.6 Formal Interpretations
(f) Section 90.7 Examination of Equipment for Safety
(g) Section 90.8 Wiring Planning
~~(a)~~(h) Section 90.9 Units of Measurement

(Ord. 2594C; 12-03-12)
(Ord. 2292C; 02-04-08)
(Ord. 1931C; 01-22-02)
(Code 2000)
(Ord. 1630C; 11-04-96)

4-303. **NATIONAL ELECTRICAL CODE~~;~~, SECTION 90.~~1~~2, SCOPE.** ~~A new section~~Section 90.~~1~~2 of the NEC ~~National Electrical Code~~ is ~~enacted~~ amended to read as follows:

_____(a) Covered. This Electrical Code covers the following:

1. Installations of electric conductors and equipment within or on public and private buildings or other structures, including mobile homes, recreational vehicles, and floating buildings, and other premises such as yards, carnivals, parking, and other lots, and industrial substations.
2. Installations of conductors and equipment that connect to the supply of electricity.
3. Installations of other outside conductors and equipment on the premises.
4. Installations of optical fiber cables and raceways.
5. Installations in building used by the electric utility, such as office buildings, warehouses, garages, machine shops, and recreational buildings, that are not an integral part of a generating plant, substation, or control center.

(b) Not Covered. The ~~Leawood Building Code~~NEC does not cover the following:

1. Installations in ships, watercraft other than floating buildings, railway rolling stock, aircraft, or automotive vehicles other than mobile homes and recreational vehicles.
2. Installations underground in mines and self-propelled mobile surface mining machinery and its attendant electrical trailing cable.
3. Installations of railways for generation, transformation, transmission, or distribution of power used exclusively for operation of rolling stock or installations used exclusively for signaling and communications purposes.
4. Installations of communications equipment under the exclusive control of communications utilities located outdoors or in building spaces used exclusively for such installations.

5. Installations, including associated lighting, under the exclusive control of electric utilities for the purpose of communications, metering, generation, control, transformation, transmission, or distribution of electric energy. Such installations shall be located in buildings used exclusively by utilities for such purposes; outdoors on property owned or leased by the utility; on or along public highways, streets, roads, etc.; or outdoors on private property by established rights such as easements provided that any such installation is otherwise in accordance law with appropriate consent.

(Ord. 2594C; 12-03-12)
(Ord. 2292C; 02-04-08)
(Ord. 1931C; 01-22-02)

4-304. NATIONAL ELECTRICAL CODE; ARTICLE 110.5~~.~~ , CONDUCTORS. Article 110.5 of the NEC is hereby~~, entitled Conductors is~~ amended to read as follows: **Conductors.** Conductors normally used to carry current shall be of copper.

EXCEPTIONS:

(a) Service lateral conductors, service entrance conductors, and feeder conductors two AWG and larger in all Group R occupancies (as defined by the most currently adopted Building Code) are allowed to be of any type as allowed by this code.

(b) Conductors four AWG and larger in all commercial and industrial occupancies other than Group R are allowed to be of any type as allowed by this code.

(Ord. 2594C; 12-03-12)
(Ord. 2560C; 08-06-12)
(Ord. 2292C; 02-04-08)
(Ord. 2166; 05-01-06)
(Ord. 1931C; 01-22-02)
(Code 2000)
(Ord. 1630C; 11-04-96)

4-305. NATIONAL ELECTRICAL CODE; ARTICLE 210.12, ARC-FAULT CIRCUIT-INTERRUPTER PROTECTION. Article 210.12 of the NEC is hereby~~, entitled Arc-Fault Circuit-Interrupter Protection is~~ amended to read as follows: **Arc-Fault Circuit-Interrupter Protection.** Arc-fault circuit-interrupter protection shall be provided as required in 210.12(a), (b), (c), and (d). The arc-fault circuit interrupter shall be installed in a readily accessible location.

(~~A~~a) **Dwelling Units.** All 120-volt, single phase, 15- and 20- ampere branch circuits supplying outlets or devices installed in dwelling unit kitchens, family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, laundry areas, or similar rooms or areas shall be protected by any of the means described in 210.12(~~A~~a) (1) through (6) For these purposes, a smoke alarm or carbon monoxide alarm shall not be considered an outlet and is not required to be on an arc-fault circuit.

(1) A listed combination-type arc-fault circuit interrupter installed to provide protection of the entire branch circuit.

(2) A listed branch/feeder-type AFCI installed at the origin of the branch-circuit in combination with a listed outlet branch-circuit type arc-fault circuit interrupter installed at the first outlet box on the branch circuit. The first outlet box in the branch circuit shall be marked to indicate that it is the first outlet of the circuit.

(3) A listed supplemental arc protection circuit breaker installed at the origin of the branch-circuit type arc-fault circuit interrupter installed at the firest outlet box on the branch circuit where all of the following conditions are met:

a. The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch-circuit arc-fault circuit interrupter.

b. The maximum length of the branch-circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 50 ft for a 14 AWG conductor or 70 ft for a 12 AWG conductor.

c. The first outlet box in the branch circuit shall be marked to indicate that it is the first outlet of the circuit.

(4) A listed outlet branch-circuit type arc-fault circuit interrupter installed at the first outlet on the branch circuit in combination with a listed branch-circuit overcurrent protective device where all of the following conditions are met:

a. The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch-circuit arc-fault circuit interrupter.

b. The maximum length of the branch-circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 50 ft for a 14 AWG conductor or 70 ft for a 12 AWG conductor.

c. The first outlet box in the branch circuit shall be marked to indicate that it is the first outlet of the circuit.

d. The combination of the branch-circuit overcurrent device and outlet branch-circuit AFCI shall be identified as meeting the requirements for a system combination-type AFCI and shall be listed as such.

(5) If RMC, IMC, EMT, Type MC, or steel armored Type AC cables meeting the requirements of 250.118, metal wireways, metal auxiliary gutters, and metal outlet and junction boxes are installed for the portion of the branch-circuit between the branch-circuit overcurrent device and the first outlet, it shall be permitted to install an outlet branch-circuit type AFCI at the first outlet to provide protection for the remaining portion of the branch-circuit.

(6) Where a listed metal or nonmetallic conduit or tubing is encased in not less than ~~(~~2 in.~~)~~ of concrete for the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet, it shall be permitted to install an outlet branch-circuit type AFCI at the first outlet to provide protection for the remaining portion of the branch circuit.

EXCEPTION: Where an individual branch-circuit to a fire alarm system installed in accordance with 760.41(B) or 760.121(B) is installed in RMC, IMC, EMT, or steel-sheathed cable, Type AC or Type MC, meeting the requirements of 250.118, with metal outlet and junction boxes, AFCI protection shall be permitted to be omitted.

(~~B~~b) **Dormitory Units.** All 120-volt, single-phase, 15- and 20-ampere branch circuits supplying outlets and devices installed in dormitory unit bedrooms, living rooms, hallways, closets, bathrooms, and similar rooms shall be protected by any of the means described in 210.12 (~~A~~a) (1) through (6).

(~~C~~c) **Guest Rooms and Guest Suites.** All 120-volt, single-phase, 15- and 20-ampere branch circuits supplying outlets and devices installed in guest rooms and guest suites of hotels and motels shall be protected by any of the means described in 210.12 (~~A~~a) (1) through (6).

(~~D~~d) **Branch Circuit Extensions or Modifications – Dwelling Units.** In any of the areas specified in 210.12(~~A~~a) or (~~B~~b), where branch-circuit wiring is modified, replaced, or extended, the branch-circuit shall be protected by one of the following:

1. A listed combination-type AFCI located at the origin of the branch circuit.
2. A listed outlet branch-circuit type AFCI located at the first receptacle outlet of the existing branch circuit.

EXCEPTION: AFCI protection shall not be required where the extension of the existing conductors is not more than 6 ft and does not include any additional outlets or devices.

(Ord. 2594C; 12-03-12)
(Ord. 2292C; 02-04-08)
(Ord. 1931C; 01-22-02)

4-306. NATIONAL ELECTRICAL CODE; NEW ARTICLE ARTICLE 111. PERMITS. ADDED. A new Article 111, Permits, of the National Electrical Code NEC is hereby added to read as follows:

ARTICLE 111. PERMITS.

111.1 Work Exempt from Permit. Work shall be exempt from permit requirements as provided in Article 2 of this Chapter.

111.2 Expiration. Permits shall expire as provided in Article 2 of this Chapter.

111.3 Extensions. The code official is authorized to grant extensions as provided in Article 2 of this Chapter.

111.4 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.

111.5 Fee Schedule. The fees for electrical work shall be as indicated in the City of Leawood Fee Schedule.

111.6 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.

111.7 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. 2594C; 12-03-12)
(Ord. 2292C; 02-04-08)

4-307. NATIONAL ELECTRICAL CODE, Application for Permit. *Repealed.*

(Ord. 2594C; 12-03-12)
(Ord. 2292C; 02-04-08)

4-308. NATIONAL ELECTRICAL CODE, Expiration. *Repealed.*

(Ord. 2594C; 12-03-12)
(Ord. 2292C; 02-04-08)

4-309. NATIONAL ELECTRICAL CODE, Extensions. *Repealed.*

(Ord. 2594C; 12-03-12)
(Ord. 2292C; 02-04-08)

4-310. **NATIONAL ELECTRICAL CODE, Work commencing before permit issuance. *Repealed.***

(Ord. 2594C; 12-03-12)
(Ord. 2292C; 02-04-08)

4-311. **NATIONAL ELECTRICAL CODE, Fee schedule. *Repealed.***

(Ord. 2594C; 12-03-12)
(Ord. 2292C; 02-04-08)

4-312. **NATIONAL ELECTRICAL CODE, Fee Refunds. *Repealed.***

(Ord. 2594C; 12-03-12)
(Ord. 2292C; 02-04-08)

4-313. **NATIONAL ELECTRICAL CODE, Placement of Permit. *Repealed.***

(Ord. 2594C; 12-03-12)
(Ord. 2292C; 02-04-08)

4-314. **NATIONAL ELECTRICAL CODE, 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 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. 2594C; 12-03-12)
(Ord. 2292C; 02-04-08)

Ordinance Published on __/__/____

15.D

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 4, ARTICLE 3 OF THE CODE OF THE CITY OF LEAWOOD, 2000, INCORPORATING BY REFERENCE THE NATIONAL ELECTRICAL CODE, 2018 EDITION, SAVE AND EXCEPT SUCH ARTICLES, SECTIONS, PARTS OR PORTIONS WHICH ARE OMITTED, DELETED, MODIFIED, CHANGED, OR ADDED, AND REPEALING EXISTING ARTICLE 3, 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 4-301 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-301. NATIONAL ELECTRICAL CODE ADOPTED. There is hereby incorporated by reference that certain code known as the National Electrical Code, 2017 edition, ["NEC"] prepared and published in book form by the National Fire Protection Association (NFPA No. 70-2017), including annexes A, B, C, D, F, G and I, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed or added hereto, such incorporation being authorized by K.S.A. § 12-3009 through 12-3012, as amended. At least one copy 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. 2594C; 12-03-12)
(Ord. 2292C; 02-04-08)
(Ord. 1931C; 01-22-02)
(Code 2000)
(Ord. 1630C; 11-04-96)

SECTION TWO: That Section 4-302 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-302. NATIONAL ELECTRICAL CODE, DELETED SECTIONS. The following sections of the NEC are hereby deleted and omitted:

(a) Section 90.1 Purpose
(b) Section 90.3 Code Arrangement
(c) Section 90.4 Enforcement
(d) Section 90.5 Mandatory Rules, Permissive Rules, and Explanatory Material
(e) Section 90.6 Formal Interpretations
(f) Section 90.7 Examination of Equipment for Safety
(g) Section 90.8 Wiring Planning
(h) Section 90.9 Units of Measurement

(Ord. 2594C; 12-03-12)
(Ord. 2292C; 02-04-08)
(Ord. 1931C; 01-22-02)
(Code 2000)
(Ord. 1630C; 11-04-96)

SECTION THREE: That Section 4-303 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-303. NATIONAL ELECTRICAL CODE, SECTION 90.2. SCOPE. Section 90.2 of the NEC is amended to read as follows:

(a) Covered. This Electrical Code covers the following:

1. Installations of electric conductors and equipment within or on public and private buildings or other structures, including mobile homes, recreational vehicles, and floating buildings, and other premises such as yards, carnivals, parking, and other lots, and industrial substations.
2. Installations of conductors and equipment that connect to the supply of electricity.
3. Installations of other outside conductors and equipment on the premises.
4. Installations of optical fiber cables and raceways.
5. Installations in building used by the electric utility, such as office buildings, warehouses, garages, machine shops, and recreational buildings, that are not an integral part of a generating plant, substation, or control center.

(b) Not Covered. The NEC does not cover the following:

1. Installations in ships, watercraft other than floating buildings, railway rolling stock, aircraft, or automotive vehicles other than mobile homes and recreational vehicles.
2. Installations underground in mines and self-propelled mobile surface mining machinery and its attendant electrical trailing cable.
3. Installations of railways for generation, transformation, transmission, or distribution of power used exclusively for operation of rolling stock or installations used exclusively for signaling and communications purposes.
4. Installations of communications equipment under the exclusive control of communications utilities located outdoors or in building spaces used exclusively for such installations.
5. Installations, including associated lighting, under the exclusive control of electric utilities for the purpose of communications, metering, generation, control, transformation, transmission, or distribution of electric energy. Such installations shall be located in buildings used exclusively by utilities for such purposes; outdoors on property owned or leased by the utility; on or along public highways, streets, roads, etc.; or outdoors on private property by established rights such as easements provided that any such installation is otherwise in accordance law with appropriate consent.

(Ord. 2594C; 12-03-12)
(Ord. 2292C; 02-04-08)
(Ord. 1931C; 01-22-02)

SECTION FOUR: That Section 4-304 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-304. NATIONAL ELECTRICAL CODE, ARTICLE 110.5. CONDUCTORS. Article 110.5 of the NEC is hereby amended to read as follows: **Conductors.** Conductors normally used to carry current shall be of copper.

EXCEPTIONS:

(a) Service lateral conductors, service entrance conductors, and feeder conductors

two AWG and larger in all Group R occupancies (as defined by the most currently adopted Building Code) are allowed to be of any type as allowed by this code.

(b) Conductors four AWG and larger in all commercial and industrial occupancies other than Group R are allowed to be of any type as allowed by this code.

(Ord. 2594C; 12-03-12)
(Ord. 2560C; 08-06-12)
(Ord. 2292C; 02-04-08)
(Ord. 2166; 05-01-06)
(Ord. 1931C; 01-22-02)
(Code 2000)
(Ord. 1630C; 11-04-96)

SECTION FIVE: That Section 4-305 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-305. NATIONAL ELECTRICAL CODE, ARTICLE 210.12. ARC-FAULT CIRCUIT-INTERRUPTER PROTECTION. Article 210.12 of the NEC is hereby amended to read as follows: **Arc-Fault Circuit-Interrupter Protection.** Arc-fault circuit-interrupter protection shall be provided as required in 210.12(a), (b), (c), and (d). The arc-fault circuit interrupter shall be installed in a readily accessible location.

(a) **Dwelling Units.** All 120-volt, single phase, 15- and 20- ampere branch circuits supplying outlets or devices installed in dwelling unit kitchens, family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, laundry areas, or similar rooms or areas shall be protected by any of the means described in 210.12(a) (1) through (6) For these purposes, a smoke alarm or carbon monoxide alarm shall not be considered an outlet and is not required to be on an arc-fault circuit.

(1) A listed combination-type arc-fault circuit interrupter installed to provide protection of the entire branch circuit.

(2) A listed branch/feeder-type AFCI installed at the origin of the branch-circuit in combination with a listed outlet branch-circuit type arc-fault circuit interrupter installed at the first outlet box on the branch circuit. The first outlet box in the branch circuit shall be marked to indicate that it is the first outlet of the circuit.

(3) A listed supplemental arc protection circuit breaker installed at the origin of the branch-circuit type arc-fault circuit interrupter installed at the first outlet box on the branch circuit where all of the following conditions are met:

a. The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch-circuit arc-fault circuit interrupter.

b. The maximum length of the branch-circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 50 ft for a 14 AWG conductor or 70 ft for a 12 AWG conductor.

c. The first outlet box in the branch circuit shall be marked to indicate that it is the first outlet of the circuit.

(4) A listed outlet branch-circuit type arc-fault circuit interrupter installed at the first outlet on the branch circuit in combination with a listed branch-circuit overcurrent protective device where all of the following conditions are met:
   a. The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch-circuit arc-fault circuit interrupter.
   b. The maximum length of the branch-circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 50 ft for a 14 AWG conductor or 70 ft for a 12 AWG conductor.
   c. The first outlet box in the branch circuit shall be marked to indicate that it is the first outlet of the circuit.
   d. The combination of the branch-circuit overcurrent device and outlet branch-circuit AFCI shall be identified as meeting the requirements for a system combination-type AFCI and shall be listed as such.

(5) If RMC, IMC, EMT, Type MC, or steel armored Type AC cables meeting the requirements of 250.118, metal wireways, metal auxiliary gutters, and metal outlet and junction boxes are installed for the portion of the branch-circuit between the branch-circuit overcurrent device and the first outlet, it shall be permitted to install an outlet branch-circuit type AFCI at the first outlet to provide protection for the remaining portion of the branch-circuit.

(6) Where a listed metal or nonmetallic conduit or tubing is encased in not less than 2 in. of concrete for the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet, it shall be permitted to install an outlet branch-circuit type AFCI at the first outlet to provide protection for the remaining portion of the branch circuit.

EXCEPTION: Where an individual branch-circuit to a fire alarm system installed in accordance with 760.41(B) or 760.121(B) is installed in RMC, IMC, EMT, or steel-sheathed cable, Type AC or Type MC, meeting the requirements of 250.118, with metal outlet and junction boxes, AFCI protection shall be permitted to be omitted.

(b) **Dormitory Units.** All 120-volt, single-phase, 15- and 20-ampere branch circuits supplying outlets and devices installed in dormitory unit bedrooms, living rooms, hallways, closets, bathrooms, and similar rooms shall be protected by any of the means described in 210.12 (a) (1) through (6).

(c) **Guest Rooms and Guest Suites.** All 120-volt, single-phase, 15- and 20-ampere branch circuits supplying outlets and devices installed in guest rooms and guest suites of hotels and motels shall be protected by any of the means described in 210.12 (a) (1) through (6).

(d) **Branch Circuit Extensions or Modifications – Dwelling Units.** In any of the areas specified in 210.12(a) or (b), where branch-circuit wiring is modified, replaced, or extended, the branch-circuit shall be protected by one of the following:
   1. A listed combination-type AFCI located at the origin of the branch circuit.
   2. A listed outlet branch-circuit type AFCI located at the first receptacle outlet of the existing branch circuit.

EXCEPTION: AFCI protection shall not be required where the extension of the existing conductors is not more than 6 ft and does not include any additional outlets or devices.

(Ord. 2594C; 12-03-12)
(Ord. 2292C; 02-04-08)
(Ord. 1931C; 01-22-02)

SECTION SIX: That Section 4-306 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-306. NATIONAL ELECTRICAL CODE, ARTICLE 111. PERMITS. A new Article 111 of the NEC is hereby added to read as follows: **PERMITS.**

111.1 Work Exempt from Permit. Work shall be exempt from permit requirements as provided in Article 2 of this Chapter.

111.2 Expiration. Permits shall expire as provided in Article 2 of this Chapter.

111.3 Extensions. The code official is authorized to grant extensions as provided in Article 2 of this Chapter.

111.4 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.

111.5 Fee Schedule. The fees for electrical work shall be as indicated in the City of Leawood Fee Schedule.

111.6 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.

111.7 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. 2594C; 12-03-12)
(Ord. 2292C; 02-04-08)

SECTION SEVEN: That Section 4-307 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-307. NATIONAL ELECTRICAL CODE, APPLICATION FOR PERMIT. *Repealed.*

(Ord. 2594C; 12-03-12)
(Ord. 2292C; 02-04-08)

SECTION EIGHT: That Section 4-308 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-308. NATIONAL ELECTRICAL CODE, EXPIRATION. *Repealed.*

(Ord. 2594C; 12-03-12)
(Ord. 2292C; 02-04-08)

SECTION NINE: That Section 4-309 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-309. NATIONAL ELECTRICAL CODE, EXTENSIONS. *Repealed.*

(Ord. 2594C; 12-03-12)
(Ord. 2292C; 02-04-08)

SECTION TEN: That Section 4-310 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-310. NATIONAL ELECTRICAL CODE, WORK COMMENCING BEFORE PERMIT ISSUANCE. *Repealed.*

(Ord. 2594C; 12-03-12)
(Ord. 2292C; 02-04-08)

SECTION ELEVEN: That Section 4-311 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-311. NATIONAL ELECTRICAL CODE, FEE SCHEDULE. *Repealed.*

(Ord. 2594C; 12-03-12)
(Ord. 2292C; 02-04-08)

SECTION TWELVE: That Section 4-312 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-312. NATIONAL ELECTRICAL CODE, FEE REFUNDS. *Repealed.*

(Ord. 2594C; 12-03-12)
(Ord. 2292C; 02-04-08)

SECTION THIRTEEN: That Section 4-313 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-313. NATIONAL ELECTRICAL CODE, PLACEMENT OF PERMIT. *Repealed.*

(Ord. 2594C; 12-03-12)
(Ord. 2292C; 02-04-08)

SECTION FOURTEEN: That Section 4-314 of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

4-314. NATIONAL ELECTRICAL CODE, 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 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. 2594C; 12-03-12)
(Ord. 2292C; 02-04-08)

SECTION FIFTEEN: 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 SIXTEEN: That existing Article 3 of Chapter 4 and any provisions in conflict herewith are hereby repealed.

SECTION SEVENTEEN: This ordinance shall become effective on May 1, 2020, following adoption and publication in accordance with K.S.A. 12-3007 and amendments thereto.

PASSED by the Governing Body this 21st day of January, 2020.

APPROVED by the Mayor this 21st day of January, 2020.

[SEAL]

Peggy Dunn, Mayor

ATTEST:

Kelly L. Varner, City Clerk

APPROVED AS TO FORM:

Patricia A. Bennett, City Attorney

15.E

15E

- ORDINANCE AMENDING CHAPTER 4, ARTICLE 4 OF THE CODE OF THE CITY OF LEAWOOD, 2000, INCORPORATING BY REFERENCE THE INTERNATIONAL PLUMBING CODE, 2018 EDITION, SAVE AND EXCEPT SUCH ARTICLES, SECTIONS, PARTS OR PORTIONS WHICH ARE OMITTED, DELETED, MODIFIED, CHANGED, OR ADDED, AND REPEALING EXISTING ARTICLE 4, AND OTHER SECTIONS IN CONFLICT HEREWITH.

CHAPTER IV. BUILDINGS AND CONSTRUCTION

ARTICLE 4. PLUMBING CODE

4-401. INTERNATIONAL PLUMBING CODE ADOPTED. There is hereby incorporated by reference that certain code known as the International Plumbing Code, ~~2012~~ 2018 edition, ["IPC"] prepared and published in book form by the International Code Council, Inc., including appendices B, D and E, 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~~At least ~~three~~ one ~~copies~~ copy of said Code shall be marked or stamped "Official copy as incorporated by Ordinance No. ~~2595C~~ _____," 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. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)
(Ord. 1932C; 01-22-02)
(Code 2000)
(Ord. 1713C; 03-23-98)

4-402. INTERNATIONAL PLUMBING CODE; SECTION 101.1. TITLE. Section 101.1 of the IPC is hereby amended to read as follows: **Title.** These regulations shall be known and referred to ~~as the *International Plumbing Code* of the City of Leawood, Kansas hereinafter referred to~~ as this code, the IPC, or the~~is~~ Plumbing Code of the City of Leawood, Kansas."

(Ord. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)
(Ord. 1932C; 01-22-02)
(Code 2000)
(Ord. 1713C; 03-23-98)

4-403. **INTERNATIONAL PLUMBING CODE; SECTION 106.3. APPLICATION FOR PERMIT.** Section 106.3 of the IPC 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. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)
(Ord. 1932C; 01-22-02)

4-404. **INTERNATIONAL PLUMBING CODE; SECTION 106.5.3. EXPIRATION.** Section 106.5.3 of the IPC is hereby amended to read as follows: **Expiration.** Permits shall expire as provided in Article 2 of this Chapter.

(Ord. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)
(Ord. 1932C; 01-22-02)
(Code 2000)
(Ord. 1713C; 03-23-98)

4-405. **INTERNATIONAL PLUMBING CODE; SECTION 106.5.4. EXTENSIONS.** Section 106.5.4 of the IPC is hereby amended to read as follows: **Extensions.** The code official is authorized to grant extensions as provided in Article 2 of this Chapter.

(Ord. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)
(Ord. 1932C; 01-22-02)
(Code 2000)
(Ord. 1713C; 03-23-98)

4-406. **INTERNATIONAL PLUMBING CODE; SECTION 106.6.1. WORK COMMENCING BEFORE PERMIT ISSUANCE.** Section 106.6.1 of the IPC 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. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)
(Ord. 1932C; 01-22-02)
(Code 2000)
(Ord. 1713C; 03-23-98)

4-407. **INTERNATIONAL PLUMBING CODE; SECTION 106.6.2. FEE SCHEDULE.** Section 106.6.2 of the IPC 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. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)
(Ord. 1932C; 01-22-02)
(Code 2000)
(Ord. 1713C; 03-23-98)

4-408. **INTERNATIONAL PLUMBING CODE; SECTION 106.6.3. FEE REFUNDS.** Section 106.6.3 of the IPC 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 percent (80%) 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 percent (80%) 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. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)
(Ord. 1932C; 01-22-02)
(Code 2000)
(Ord. 1713C; 03-23-98)

4-409. **INTERNATIONAL PLUMBING CODE ~~SECTION ADDED~~; SECTION 106.7. PLACEMENT OF PERMIT.** A new Section 106.7 of the IPC 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. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)
(Ord. 1932C; 01-22-02)

4-410. **INTERNATIONAL PLUMBING CODE; SECTION 108.4. VIOLATION, PENALTIES.** Section 108.4 of the IPC 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. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)

4-411. **INTERNATIONAL PLUMBING CODE; SECTION 108.5. STOP WORK NOTICES.** Section 108.5 of the IPC is hereby amended to read as follows: **Stop Work Notices.** 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. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)

4-412. **INTERNATIONAL PLUMBING CODE; SECTION 109. MEANS OF APPEAL.** Section 109 of the IPC is hereby deleted in its entirety.

(Ord. 2595C; 12-03-12)
See Section 4-105
(Ord. 2293C; 02-04-08)

4-415. **INTERNATIONAL PLUMBING CODE; SECTION 502.1. WATER HEATERS, GENERAL.** ~~Repealed.~~ ~~REPEALED~~

(Ord. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)

4-416. **INTERNATIONAL PLUMBING CODE; SECTION 504.3. SHUTDOWN.** ~~Repealed.~~ ~~REPEALED~~

(Ord. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)

4-417. **INTERNATIONAL PLUMBING CODE; SECTION 701.2. CONNECTION TO SEWER REQUIRED.** Section 701.2 of the IPC is hereby amended to read as follows: Connection to Sewer Required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer.

(Ord. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)

4-418. **INTERNATIONAL PLUMBING CODE; SECTION 715.1. SEWAGE BACKFLOW.** ~~Repealed.~~ ~~REPEALED~~

(Ord. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)

4-419. **INTERNATIONAL PLUMBING CODE; SECTION 903.1. ROOF EXTENSIONS.** Section 903.1 of the IPC is hereby amended to read as follows: **Roof extension.** ~~All~~ ~~open~~ Open vent pipes that extend through a roof shall be terminated at least six (6) inches ~~(914 mm)~~ 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 (7) feet (2134 mm) above the roof~~. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than seven (7) feet above the roof.

(Ord. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)

4-420. **INTERNATIONAL PLUMBING CODE; SECTION 1113.1.3. ELECTRICAL.** ~~Repealed.~~ ~~REPEALED~~

(Ord. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)

Ordinance Published on __/__/____

ORDINANCE NO. _____ Item 15. E

ORDINANCE AMENDING CHAPTER 4, ARTICLE 4 OF THE CODE OF THE CITY OF LEAWOOD, 2000, INCORPORATING BY REFERENCE THE INTERNATIONAL PLUMBING CODE, 2018 EDITION, SAVE AND EXCEPT SUCH ARTICLES, SECTIONS, PARTS OR PORTIONS WHICH ARE OMITTED, DELETED, MODIFIED, CHANGED, OR ADDED, AND REPEALING EXISTING ARTICLE 4, 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 4-401 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-401. **INTERNATIONAL PLUMBING CODE ADOPTED.** There is hereby incorporated by reference that certain code known as the International Plumbing Code, 2018 edition, ["IPC"] prepared and published in book form by the International Code Council, Inc., including appendices B, D and E, 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. At least one copy 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. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)
(Ord. 1932C; 01-22-02)
(Code 2000)
(Ord. 1713C; 03-23-98)

SECTION TWO: That Section 4-402 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-402. **INTERNATIONAL PLUMBING CODE, SECTION 101.1. TITLE.** Section 101.1 of the IPC is hereby amended to read as follows: **Title.** These regulations shall be known and referred to as this code, the IPC, or the Plumbing Code of the City of Leawood.

(Ord. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)
(Ord. 1932C; 01-22-02)
(Code 2000)
(Ord. 1713C; 03-23-98)

SECTION THREE: That Section 4-403 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-403. **INTERNATIONAL PLUMBING CODE, SECTION 106.3. APPLICATION FOR PERMIT.** Section 106.3 of the IPC 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. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)
(Ord. 1932C; 01-22-02)

SECTION FOUR: That Section 4-404 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-404. **INTERNATIONAL PLUMBING CODE, SECTION 106.5.3. EXPIRATION.** Section 106.5.3 of the IPC is hereby amended to read as follows: **Expiration.** Permits shall expire as provided in Article 2 of this Chapter.

(Ord. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)
(Ord. 1932C; 01-22-02)
(Code 2000)
(Ord. 1713C; 03-23-98)

SECTION FIVE: That Section 4-405 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-405. **INTERNATIONAL PLUMBING CODE, SECTION 106.5.4. EXTENSIONS.** Section 106.5.4 of the IPC is hereby amended to read as follows: **Extensions.** The code official is authorized to grant extensions as provided in Article 2 of this Chapter.

(Ord. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)
(Ord. 1932C; 01-22-02)
(Code 2000)
(Ord. 1713C; 03-23-98)

SECTION SIX: That Section 4-406 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-406. **INTERNATIONAL PLUMBING CODE, SECTION 106.6.1. WORK COMMENCING BEFORE PERMIT ISSUANCE.** Section 106.6.1 of the IPC 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. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)
(Ord. 1932C; 01-22-02)
(Code 2000)
(Ord. 1713C; 03-23-98)

SECTION SEVEN: That Section 4-407 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-407. INTERNATIONAL PLUMBING CODE, SECTION 106.6.2. FEE SCHEDULE. Section 106.6.2 of the IPC 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. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)
(Ord. 1932C; 01-22-02)
(Code 2000)
(Ord. 1713C; 03-23-98)

SECTION EIGHT: That Section 4-408 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-408. INTERNATIONAL PLUMBING CODE, SECTION 106.6.3. FEE REFUNDS. Section 106.6.3 of the IPC 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 percent (80%) 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 percent (80%) 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. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)
(Ord. 1932C; 01-22-02)
(Code 2000)
(Ord. 1713C; 03-23-98)

SECTION NINE: That Section 4-409 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-409. INTERNATIONAL PLUMBING CODE, SECTION 106.7. PLACEMENT OF PERMIT. A new Section 106.7 of the IPC 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. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)
(Ord. 1932C; 01-22-02)

SECTION TEN: That Section 4-410 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-410. **INTERNATIONAL PLUMBING CODE, SECTION 108.4. VIOLATION, PENALTIES.** Section 108.4 of the IPC 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. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)

SECTION ELEVEN: That Section 4-411 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-411. **INTERNATIONAL PLUMBING CODE, SECTION 108.5. STOP WORK NOTICES.** Section 108.5 of the IPC is hereby amended to read as follows: **Stop Work Notices.** 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. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)

SECTION TWELVE: That Section 4-412 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-412. **INTERNATIONAL PLUMBING CODE, SECTION 109. MEANS OF APPEAL.** Section 109 of the IPC is hereby deleted in its entirety.

(Ord. 2595C; 12-03-12)
See Section 4-105
(Ord. 2293C; 02-04-08)

SECTION THIRTEEN: That Section 4-413 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-413. **INTERNATIONAL PLUMBING CODE, SECTION 305.4.1. SEWER DEPTH.** Section 305.4.1 of the IPC is hereby amended to read as follows: Building sewers connected to public and private sewage disposal systems shall be installed in accordance with Johnson County Wastewater District regulations.

(Ord. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)

SECTION FOURTEEN: That Section 4-413A of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-413A. INTERNATIONAL PLUMBING CODE, SECTION 312.10.3. MAINTENANCE. A new Section 312.10.3 of the IPC is hereby added to read as follows: **Maintenance.** Inspections and testing of backflow prevention assemblies performed after a Certificate of Occupancy or a Certificate of Compliance has been issued by the City of Leawood, are to be reported to and in accordance with the requirements of Water District No. 1 of Johnson County.

(Ord. 2595C; 12-03-12)

SECTION FIFTEEN: That Section 4-414 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-414. INTERNATIONAL PLUMBING CODE, TABLE 403.1. MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES. The footnotes for Table 403.1 of the IPC are hereby amended to read as follows:

(a) The fixtures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated. The number of occupants shall be determined by the *International Building Code*.

(b) Toilet facilities for employees shall be separate from facilities for inmates or patients.

(c) A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient sleeping units shall be permitted where such room is provided with direct access from each patient room and with provisions for privacy.

(d) The occupant load for seasonal outdoor seating and entertainment areas shall be included when determining the minimum number of facilities required.

(e) The minimum number of required drinking fountains in any occupancy shall comply with table 403.1 and Chapter 11 of the International Building Code.

(f) Drinking fountains are not required for an occupant load of 15 or fewer in any occupancy.

(g) Service sinks shall not be required for business occupancies with an occupant load of 15 or fewer.

(h) A drinking fountain is not required in mercantile occupancies with an occupant load less than 50.

(i) A service sink is not required in mercantile occupancies with an occupant load less than 50.

(Ord. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)

SECTION SIXTEEN: That Section 4-415 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-415. INTERNATIONAL PLUMBING CODE, SECTION 502.1. WATER HEATERS, GENERAL. ***Repealed.***

(Ord. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)

SECTION SEVENTEEN: That Section 4-416 of the Code of the City of Leawood, Kansas, 2000 is hereby amended to read as follows:

4-416. INTERNATIONAL PLUMBING CODE, SECTION 504.3. SHUTDOWN. ***Repealed.***

(Ord. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)

SECTION EIGHTEEN: That Section 4-417 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-417. INTERNATIONAL PLUMBING CODE, SECTION 701.2. CONNECTION TO SEWER REQUIRED. Section 701.2 of the IPC is hereby amended to read as follows: **Connection to Sewer Required.** Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer.

(Ord. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)

SECTION NINETEEN: That Section 4-418 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-418. INTERNATIONAL PLUMBING CODE, SECTION 715.1. SEWAGE BACKFLOW. ***Repealed.***

(Ord. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)

SECTION TWENTY: That Section 4-419 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-419. INTERNATIONAL PLUMBING CODE, SECTION 903.1. ROOF EXTENSION. Section 903.1 of the IPC is hereby amended to read as follows: **Roof extension.** Open vent pipes that extend through a roof shall be terminated at least six (6) inches above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck or similar purposes, open vent pipes shall terminate not less than (7) feet above the roof.

(Ord. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)

SECTION TWENTY-ONE: That Section 4-420 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-420. INTERNATIONAL PLUMBING CODE, SECTION 1113.1.3. ELECTRICAL. ***Repealed.***

(Ord. 2595C; 12-03-12)
(Ord. 2293C; 02-04-08)

SECTION TWENTY-TWO: 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-THREE: That existing Article 4 of Chapter 4 and any provisions in conflict herewith are hereby repealed.

SECTION TWENTY-FOUR: This ordinance shall become effective on May 1, 2020, following adoption and publication in accordance with K.S.A. 12-3007 and amendments thereto.

PASSED by the Governing Body this 21st day of January, 2020.

APPROVED by the Mayor this 21st day of January, 2020.

[SEAL]

_____
Peggy Dunn, Mayor

ATTEST:

_____
Kelly L. Varner, City Clerk

APPROVED AS TO FORM:

_____
Patricia A. Bennett, City Attorney

15F

- ORDINANCE AMENDING CHAPTER 4, ARTICLE 5 OF THE CODE OF THE CITY OF LEAWOOD, 2000, INCORPORATING BY REFERENCE THE INTERNATIONAL MECHANICAL CODE, 2018 EDITION, SAVE AND EXCEPT SUCH ARTICLES, SECTIONS, PARTS OR PORTIONS WHICH ARE OMITTED, DELETED, MODIFIED, CHANGED, OR ADDED, AND REPEALING EXISTING ARTICLE 5, AND OTHER SECTIONS IN CONFLICT HEREWITH.

CHAPTER IV. BUILDINGS AND CONSTRUCTION

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, ~~2012~~ 2018 edition, ["IMC"] 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. At least ~~No fewer than three~~ one ~~copies~~ copy of said Code shall be marked or stamped "Official copy as incorporated by Ordinance No. ~~2596C~~ _____," 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. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)
(Ord. 1933C; 01-22-02)
(Code 2000)
(Ord. 1629C; 11-04-96)

4-502. **INTERNATIONAL MECHANICAL CODE; 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~~ and referred to as this code, the IMC, or the~~is~~ Mechanical Code of the City of Leawood, Kansas.

(Ord. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)
(Ord. 1933C; 01-22-02)
(Code 2000)
(Ord. 1629C; 11-04-96)

4-503. INTERNATIONAL MECHANICAL CODE; SECTION 106.2. PERMITS NOT REQUIRED. Repealed. ~~REPEALED~~

(Ord. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)
(Ord. 1933C; 01-22-02)

4-504. INTERNATIONAL MECHANICAL CODE; SECTION 106.3. APPLICATION FOR PERMIT. Section 106.3 of the IMC 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. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)
(Ord. 1933C; 01-22-02)

4-505. INTERNATIONAL MECHANICAL CODE; SECTION 106.4.3. EXPIRATION. Section 106.4.3 of the IMC is hereby amended to read as follows: **Expiration.** Permits shall expire as provided in Article 2 of this Chapter.

(Ord. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)
(Ord. 1933C; 01-22-02)

4-506. INTERNATIONAL MECHANICAL CODE; SECTION 106.4.4. EXTENSIONS. Section 106.4.4 of the IMC is hereby amended to read as follows: **Extensions.** The code official is authorized to grant extensions as provided in Article 2 of this Chapter.

(Ord. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

4-507. **INTERNATIONAL MECHANICAL CODE; SECTION 106.5.1. WORK COMMENCING BEFORE PERMIT ISSUANCE.** Section 106.5.1 of the IMC 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. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

4-508. **INTERNATIONAL MECHANICAL CODE; SECTION 106.5.2. FEE SCHEDULE.** Section 106.5.2 of the IMC 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. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

4-509. **INTERNATIONAL MECHANICAL CODE; SECTION 106.5.3. FEE REFUNDS.** Section 106.5.3 of the IMC 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. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

4-510. **INTERNATIONAL MECHANICAL CODE SECTION 106.6. PLACEMENT OF PERMIT.** Section 106.6 of the IMC 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. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

4-511. **INTERNATIONAL MECHANICAL CODE; SECTION 108.4. VIOLATION PENALTIES.** Section 108.4 of the IMC 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, or who erects, installs, alters, or repairs mechanical work in violation of the approved construction documents or approved permit 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. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

4-512. **INTERNATIONAL MECHANICAL CODE; SECTION 108.5. STOP WORK ORDERS.** Section 108.5 of the IMC is hereby amended to read as follows: **Stop Work Orders.** 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. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

(Ord. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

4-513. **INTERNATIONAL MECHANICAL CODE; SECTION 109, MEANS OF APPEAL, DELETED.** Section 109 of the IMC is hereby omitted and deleted in its entirety.

See Section 4-105
(Ord. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

4-514. **INTERNATIONAL MECHANICAL CODE; SECTION 301.7. ELECTRICAL.** *Repealed.* ~~*REPEALED*~~

(Ord. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

4-515. **INTERNATIONAL MECHANICAL CODE; SECTION 306.3.1. ELECTRICAL REQUIREMENTS.** *Repealed.* ~~*REPEALED*~~

(Ord. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

4-516. **INTERNATIONAL MECHANICAL CODE; SECTION 306.4.1. ELECTRICAL REQUIREMENTS.** *Repealed.* ~~*REPEALED*~~

(Ord. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

4-517. INTERNATIONAL MECHANICAL CODE; SECTION 306.5.2. ELECTRICAL REQUIREMENTS. *Repealed.* ~~*REPEALED*~~

(Ord. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

4-518. INTERNATIONAL MECHANICAL CODE; SECTION 401.2, VENTILATION REQUIRED. Section 401.2 of the IMC 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 R402.4.1.2 of the International Energy Conservation Code, the dwelling unit shall be ventilated by mechanical means in accordance with Section 403. Ambulatory care facilities and Group I-2 occupancies shall be ventilated by mechanical means in accordance with Section 407.

(Ord. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

4-519. INTERNATIONAL MECHANICAL CODE; SECTION 513.11, POWER SYSTEMS. *Repealed.* ~~*REPEALED*~~

(Ord. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

4-520. INTERNATIONAL MECHANICAL CODE; SECTION 513.12.1. WIRING. *Repealed.* ~~*REPEALED*~~

(Ord. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

4-521. INTERNATIONAL MECHANICAL CODE; SECTION 606.2.1. RETURN AIR SYSTEMS. Section 606.2.1 of the IMC 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~~1.88 m^3/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.

(Ord. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

4-522. INTERNATIONAL MECHANICAL CODE; SECTION 606.2.2. COMMON SUPPLY AND RETURN AIR SYSTEMS. Section 606.2.2 of the IMC 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 m3/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 m3/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. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

4-523. INTERNATIONAL MECHANICAL CODE; SECTION 1106.3. AMMONIA ROOM VENTILATION. *Repealed.* ~~*REPEALED*~~

(Ord. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

4-524. INTERNATIONAL MECHANICAL CODE; SECTION 1106.4. FLAMMABLE REFRIGERANTS. *Repealed.* ~~*REPEALED*~~

(Ord. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

Ordinance Published on __/__/____

DRAFT

15. F

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 4, ARTICLE 5 OF THE CODE OF THE CITY OF LEAWOOD, 2000, INCORPORATING BY REFERENCE THE INTERNATIONAL MECHANICAL CODE, 2018 EDITION, SAVE AND EXCEPT SUCH ARTICLES, SECTIONS, PARTS OR PORTIONS WHICH ARE OMITTED, DELETED, MODIFIED, CHANGED, OR ADDED, 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:

4-501. **INTERNATIONAL MECHANICAL CODE ADOPTED.** There is hereby incorporated by reference that certain code known as the International Mechanical Code, 2018 edition, ["IMC"] 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. At least one copy 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. 2596C; 12-03-12)
(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, SECTION 101.1. TITLE.** Section 101.1 is hereby amended to read as follows: **Title.** These regulations shall be known and referred to as this code, the IMC, or the Mechanical Code of the City of Leawood, Kansas.

(Ord. 2596C; 12-03-12)
(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 amended to read as follows:

4-503. **INTERNATIONAL MECHANICAL CODE, SECTION 106.2. PERMITS NOT REQUIRED.** ***Repealed.***

(Ord. 2596C; 12-03-12)

(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, SECTION 106.3. APPLICATION FOR PERMIT.** Section 106.3 of the IMC 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. 2596C; 12-03-12)
(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, SECTION 106.4.3. EXPIRATION.** Section 106.4.3 of the IMC is hereby amended to read as follows: **Expiration.** Permits shall expire as provided in Article 2 of this Chapter.

(Ord. 2596C; 12-03-12)
(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, SECTION 106.4.4. EXTENSIONS.** Section 106.4.4 of the IMC is hereby amended to read as follows: **Extensions.** The code official is authorized to grant extensions as provided in Article 2 of this Chapter.

(Ord. 2596C; 12-03-12)
(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, SECTION 106.5.1. WORK COMMENCING BEFORE PERMIT ISSUANCE.** Section 106.5.1 of the IMC 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. 2596C; 12-03-12)
(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, SECTION 106.5.2. FEE SCHEDULE.** Section 106.5.2 of the IMC 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. 2596C; 12-03-12)
(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, SECTION 106.5.3. FEE REFUNDS.** Section 106.5.3 of the IMC 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. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

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

4-510. **INTERNATIONAL MECHANICAL CODE, SECTION 106.6. PLACEMENT OF PERMIT.** A new Section 106.6 of the IMC 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. 2596C; 12-03-12)
(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, SECTION 108.4. VIOLATION PENALTIES.** Section 108.4 of the IMC 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, or who erects, installs, alters, or repairs mechanical work in violation of the approved construction documents or approved permit 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. 2596C; 12-03-12)
(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, SECTION 108.5. STOP WORK ORDERS.** Section 108.5 of the IMC is hereby amended to read as follows: **Stop Work Orders.** 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. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

(Ord. 2596C; 12-03-12)
(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, SECTION 109. MEANS OF APPEAL.** Section 109 of the IMC is hereby omitted and deleted in its entirety.

See Section 4-105
(Ord. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

SECTION FOURTEEN: That Section 4-514 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-514. **INTERNATIONAL MECHANICAL CODE, SECTION 301.7. ELECTRICAL.** ***Repealed.***

(Ord. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

SECTION FIFTEEN: That Section 4-515 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-515. **INTERNATIONAL MECHANICAL CODE, SECTION 306.3.1. ELECTRICAL REQUIREMENTS.** ***Repealed.***

(Ord. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

SECTION SIXTEEN: That Section 4-516 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-516. INTERNATIONAL MECHANICAL CODE, SECTION 306.4.1. ELECTRICAL REQUIREMENTS. ***Repealed.***

(Ord. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

SECTION SEVENTEEN: That Section 4-517 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-517. INTERNATIONAL MECHANICAL CODE, SECTION 306.5.2. ELECTRICAL REQUIREMENTS. ***Repealed.***

(Ord. 2596C; 12-03-12)
(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, SECTION 401.2. VENTILATION REQUIRED. Section 401.2 of the IMC 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 R402.4.1.2 of the International Energy Conservation Code, the dwelling unit shall be ventilated by mechanical means in accordance with Section 403. Ambulatory care facilities and Group I-2 occupancies shall be ventilated by mechanical means in accordance with Section 407.

(Ord. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

SECTION NINETEEN: That Section 4-519 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-519. INTERNATIONAL MECHANICAL CODE, SECTION 513.11. POWER SYSTEMS. ***Repealed.***

(Ord. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

SECTION TWENTY: That Section 4-520 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-520. INTERNATIONAL MECHANICAL CODE, SECTION 513.12.1. WIRING. ***Repealed.***

(Ord. 2596C; 12-03-12)
(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, SECTION 606.2.1. RETURN AIR SYSTEMS. Section 606.2.1 of the IMC 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 (1.88 m^3/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.

(Ord. 2596C; 12-03-12)
(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, SECTION 606.2.2. COMMON SUPPLY AND RETURN AIR SYSTEMS. Section 606.2.2 of the IMC 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 m3/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 m3/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. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

SECTION TWENTY-THREE: That Section 4-523 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-523. INTERNATIONAL MECHANICAL CODE, SECTION 1106.3. AMMONIA ROOM VENTILATION. ***Repealed.***

(Ord. 2596C; 12-03-12)
(Ord. 2294C; 02-04-08)

SECTION TWENTY-FOUR: That Section 4-524 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-524. INTERNATIONAL MECHANICAL CODE, SECTION 1106.4. FLAMMABLE REFRIGERANTS. *Repealed.*

(Ord. 2596C; 12-03-12)
(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 4 and any provisions in conflict herewith are hereby repealed.

SECTION TWENTY-SEVEN: This ordinance shall become effective on May 1, 2020, following adoption and publication in accordance with K.S.A. 12-3007 and amendments thereto.

PASSED by the Governing Body this 21st day of January, 2020.

APPROVED by the Mayor this 21st day of January, 2020.

[SEAL]

_____
Peggy Dunn, Mayor

ATTEST:

_____
Kelly L. Varner, City Clerk

APPROVED AS TO FORM:

_____
Patricia A. Bennett, City Attorney

15G

- ORDINANCE AMENDING CHAPTER 4, ARTICLE 6 OF THE CODE OF THE CITY OF LEAWOOD, 2000, INCORPORATING BY REFERENCE THE INTERNATIONAL FUEL GAS CODE, 2018 EDITION, SAVE AND EXCEPT SUCH ARTICLES, SECTIONS, PARTS OR PORTIONS WHICH ARE OMITTED, DELETED, MODIFIED, CHANGED, OR ADDED, AND REPEALING EXISTING ARTICLE 6, AND OTHER SECTIONS IN CONFLICT HEREWITH.

CHAPTER IV. BUILDINGS AND CONSTRUCTION

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, ~~2012~~ 2018 edition, ["IFGC"] 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. At least ~~No fewer than three copies~~one copy of said Code shall be marked or stamped "Official copy as incorporated by Ordinance No. ~~2597C~~_____," 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. 2597C; 12-03-12)
(Ord. 2295C; 02-04-08)
(Ord. 1934C; 01-22-02)

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

(Ord. 2597C; 12-03-12)
(Ord. 2295C; 02-04-08)
(Ord. 1934C; 01-22-02)

4-603. **INTERNATIONAL FUEL GAS CODE; SECTION 106.3. APPLICATION FOR PERMIT.** Section 106.3 of the IFGC 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. 2597C; 12-03-12)

(Ord. 2295C; 02-04-08)
(Ord. 1934C; 01-22-02)

4-604. **INTERNATIONAL FUEL GAS CODE; SECTION 106.5.3. EXPIRATION.** Section 106.5.3 of the IFGC is hereby amended to read as follows: **Expiration.** Permits shall expire as provided in Article 2 of this Chapter.

(Ord. 2597C; 12-03-12)
(Ord. 2295C; 02-04-08)
(Ord. 1934C; 01-22-02)

4-605. **INTERNATIONAL FUEL GAS CODE; SECTION 106.5.4. EXTENSIONS.** Section 106.5.4 of the IFGC is hereby amended to read as follows: **Extensions.** The code official is authorized to grant extensions as provided in Article 2 of this Chapter.

(Ord. 2597C; 12-03-12)
(Ord. 2295C; 02-04-08)
(Ord. 1934C; 01-22-02)

4-606. **INTERNATIONAL FUEL GAS CODE; SECTION 106.6.1. WORK COMMENCING BEFORE PERMIT ISSUANCE.** Section 106.6.1 of the IFGC 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. 2597C; 12-03-12)
(Ord. 2295C; 02-04-08)

4-607. **INTERNATIONAL FUEL GAS CODE; SECTION 106.6.2. FEE SCHEDULE.** Section 106.6.2 of the IFGC 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. 2597C; 12-03-12)
(Ord. 2295C; 02-04-08)

4-608. **INTERNATIONAL FUEL GAS CODE; SECTION 106.6.3. FEE REFUNDS.** Section 106.6.3 of the IFGC 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. 2597C; 12-03-12)
(Ord. 2295C; 02-04-08)

4-609. **INTERNATIONAL FUEL GAS CODE; SECTION 106.7. PLACEMENT OF PERMIT, ~~ADDED~~.** A ~~n~~New Section 106.7 of the IFGC 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. 2597C; 12-03-12)
(Ord. 2295C; 02-04-08)

4-610. **INTERNATIONAL FUEL GAS CODE; SECTION 108.4. VIOLATION, PENALTIES.** Section 108.4 of the IFGC 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. 2597C; 12-03-12)
(Ord. 2295C; 02-04-08)

4-611. **INTERNATIONAL FUEL GAS CODE; SECTION 108.5. STOP WORK ORDERS.** Section 108.5 of the IFGC is hereby amended to read as follows: **Stop Work Orders.** 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. 2597C; 12-03-12)
(Ord. 2295C; 02-04-08)

4-612. **INTERNATIONAL FUEL GAS CODE; SECTION 109. MEANS OF APPEAL.** Section 109 of the IFGC is hereby omitted and deleted in its entirety.

See Section 4-105
(Ord. 2597C; 12-03-12)
(Ord. 2295C; 02-04-08)

4-613. **INTERNATIONAL FUEL GAS CODE; SECTION 201.3. TERMS DEFINED IN OTHER CODES.** *Repealed.* ~~*REPEALED*~~

(Ord. 2597C; 12-03-12)
(Ord. 2295C; 02-04-08)

4-614. **INTERNATIONAL FUEL GAS CODE; SECTION 306.3.1. ELECTRICAL REQUIREMENTS.** *Repealed.* ~~*REPEALED*~~

(Ord. 2597C; 12-03-12)
(Ord. 2295C; 02-04-08)

4-615. INTERNATIONAL FUEL GAS CODE; SECTION 306.4.1. ELECTRICAL REQUIREMENTS. *Repealed.* ~~*REPEALED*~~

(Ord. 2597C; 12-03-12)
(Ord. 2295C; 02-04-08)

4-616. INTERNATIONAL FUEL GAS CODE; SECTION 306.5.2. ELECTRICAL REQUIREMENTS. *Repealed.* ~~*REPEALED*~~

(Ord. 2597C; 12-03-12)
(Ord. 2295C; 02-04-08)

4-617. INTERNATIONAL FUEL GAS CODE; SECTION 309.2. CONNECTIONS. *Repealed.* ~~*REPEALED*~~

(Ord. 2597C; 12-03-12)
(Ord. 2295C; 02-04-08)

4-618. INTERNATIONAL FUEL GAS CODE; SECTION 413.9.2.4. GROUNDING AND BONDING. *Repealed.* ~~*REPEALED*~~

(Ord. 2597C; 12-03-12)
(Ord. 2295C; 02-04-08)

4-619. INTERNATIONAL FUEL GAS CODE; SECTION 703.6. ELECTRICAL WIRING AND EQUIPMENT. *Repealed.* ~~*REPEALED*~~

(Ord. 2597C; 12-03-12)
(Ord. 2295C; 02-04-08)

Ordinance Published on _/_/___

DRAFT 15.G

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 4, ARTICLE 6 OF THE CODE OF THE CITY OF LEAWOOD, 2000, INCORPORATING BY REFERENCE THE INTERNATIONAL FUEL GAS CODE, 2018 EDITION, SAVE AND EXCEPT SUCH ARTICLES, SECTIONS, PARTS OR PORTIONS WHICH ARE OMITTED, DELETED, MODIFIED, CHANGED, OR ADDED, 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:

4-601. INTERNATIONAL FUEL GAS CODE ADOPTED. There is hereby incorporated by reference that certain code known as the International Fuel Gas Code, 2018 edition, ["IFGC"] 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. At least one copy 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. 2597C; 12-03-12)
(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, SECTION 101.1. TITLE. Section 101.1 of the IFGC is hereby amended to read as follows: **Title:** This code shall be known and referred to this code, the IFGC, or the International Fuel Gas Code of the City of Leawood, Kansas.

(Ord. 2597C; 12-03-12)
(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, SECTION 106.3. APPLICATION FOR PERMIT. Section 106.3 of the IFGC 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. 2597C; 12-03-12)
(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, SECTION 106.5.3. EXPIRATION. Section 106.5.3 of the IFGC is hereby amended to read as follows: **Expiration.** Permits shall expire as provided in Article 2 of this Chapter.

(Ord. 2597C; 12-03-12)
(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, SECTION 106.5.4. EXTENSIONS. Section 106.5.4 of the IFGC is hereby amended to read as follows: **Extensions.** The code official is authorized to grant extensions as provided in Article 2 of this Chapter.

(Ord. 2597C; 12-03-12)
(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, SECTION 106.6.1. WORK COMMENCING BEFORE PERMIT ISSUANCE. Section 106.6.1 of the IFGC 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. 2597C; 12-03-12)
(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, SECTION 106.6.2. FEE SCHEDULE. Section 106.6.2 of the IFGC 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. 2597C; 12-03-12)
(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, SECTION 106.6.3. FEE REFUNDS. Section 106.6.3 of the IFGC 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. 2597C; 12-03-12)
(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, SECTION 106.7. PLACEMENT OF PERMIT. A new Section 106.7 of the IFGC 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. 2597C; 12-03-12)
(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, SECTION 108.4. VIOLATION, PENALTIES. Section 108.4 of the IFGC 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. 2597C; 12-03-12)
(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, SECTION 108.5. STOP WORK ORDERS. Section 108.5 of the IFGC is hereby amended to read as follows: **Stop Work Orders.** 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. 2597C; 12-03-12)
(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, SECTION 109. MEANS OF APPEAL. Section 109 of the IFGC is hereby omitted and deleted in its entirety.

See Section 4-105
(Ord. 2597C; 12-03-12)
(Ord. 2295C; 02-04-08)

SECTION THIRTEEN: That Section 4-613 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-613. INTERNATIONAL FUEL GAS CODE, SECTION 201.3. TERMS DEFINED IN OTHER CODES. ***Repealed.***

(Ord. 2597C; 12-03-12)
(Ord. 2295C; 02-04-08)

SECTION FOURTEEN: That Section 4-614 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-614. INTERNATIONAL FUEL GAS CODE, SECTION 306.3.1. ELECTRICAL REQUIREMENTS. ***Repealed.***

(Ord. 2597C; 12-03-12)
(Ord. 2295C; 02-04-08)

SECTION FIFTEEN: That Section 4-615 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-615. INTERNATIONAL FUEL GAS CODE, SECTION 306.4.1. ELECTRICAL REQUIREMENTS. ***Repealed.***

(Ord. 2597C; 12-03-12)
(Ord. 2295C; 02-04-08)

SECTION SIXTEEN: That Section 4-616 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-616. INTERNATIONAL FUEL GAS CODE, SECTION 306.5.2. ELECTRICAL REQUIREMENTS. ***Repealed.***

(Ord. 2597C; 12-03-12)
(Ord. 2295C; 02-04-08)

SECTION SEVENTEEN: That Section 4-617 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-617. INTERNATIONAL FUEL GAS CODE, SECTION 309.2. CONNECTIONS. ***Repealed.***

(Ord. 2597C; 12-03-12)

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

SECTION EIGHTEEN: That Section 4-618 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-618. INTERNATIONAL FUEL GAS CODE, SECTION 413.9.2.4. GROUNDING AND BONDING. *Repealed.*

(Ord. 2597C; 12-03-12)
(Ord. 2295C; 02-04-08)

SECTION NINETEEN: That Section 4-619 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-619. INTERNATIONAL FUEL GAS CODE, SECTION 703.6. ELECTRICAL WIRING AND EQUIPMENT. *Repealed.*

(Ord. 2597C; 12-03-12)
(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 4 and any provisions in conflict herewith are hereby repealed.

SECTION TWENTY-TWO: This ordinance shall become effective on May 1, 2020, following adoption and publication in accordance with K.S.A. 12-3007 and amendments thereto.

PASSED by the Governing Body this 21st day of January, 2020.

APPROVED by the Mayor this 21st day of January, 2020.

[SEAL]

Peggy Dunn, Mayor

ATTEST:

Kelly L. Varner, City Clerk

APPROVED AS TO FORM:

Patricia A. Bennett, City Attorney

15H

- ORDINANCE ADDING CHAPTER 4, ARTICLE 7 OF THE CODE OF THE CITY OF LEAWOOD, 2000, INCORPORATING BY REFERENCE THE INTERNATIONAL EXISTING BUILDING CODE, 2018 EDITION, SAVE AND EXCEPT SUCH ARTICLES, SECTIONS, PARTS OR PORTIONS WHICH ARE OMITTED, DELETED, MODIFIED, CHANGED, OR ADDED, AND REPEALING EXISTING ARTICLE 7, AND OTHER SECTIONS IN CONFLICT HEREWITH.

CHAPTER IV. BUILDINGS AND CONSTRUCTION

ARTICLE 7. ~~THIS ARTICLE RESERVED FOR FUTURE USE~~EXISTING BUILDING CODE

4-701. INTERNATIONAL EXISTING BUILDING CODE ADOPTED. There is hereby incorporated by reference that certain code known as the International Existing Building Code, 2018 edition, ["IEBC"] prepared and published in book form by the International Code Council, Inc., including appendix B 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~~At least one copy 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.

4-702. INTERNATIONAL EXISTING BUILDING CODE; SECTION 101.1. TITLE. Section 101.1 of the IEBC is hereby amended to read as follows: **Title.** These regulations shall be known and referred to as this code, ~~the~~ IEBC, or the~~is~~ International Existing Building Code of the City of Leawood, Kansas.

4-703. INTERNATIONAL EXISTING BUILDING CODE; SECTION 101.2. SCOPE. Section 101.2 of the IEBC is hereby amended to read as follows: **Scope.** The provisions of this code and the Leawood Development Ordinance shall apply to the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress, and their accessory structures not more than three stories above grade plane in height, shall comply with this code or the International Residential Code.

4-704. INTERNATIONAL EXISTING BUILDING CODE DELETIONS. The following provisions of the 2018 International Existing Building Code, as adopted, shall be deleted and omitted: ~~not applicable under this code. The administration of the following provisions shall be governed as provided in Article 2 of this Chapter.~~

(a) Section 105 Permits

(b) Section 107 Temporary Structures and Uses
(c) Section 108 Fees
(d) Section 109 Inspections
(e) Section 110 Certificate of Occupancy
(f) Section 111 Service Utilities
(g) Section 112 Board of Appeals
(h) Section 113 Violations
(i) Section 114 Stop Work Order
(j) Section 115 Unsafe Buildings and Equipment
(k) Section 116 Emergency Measures
(l) Section 117 Demolition

See 4-201 et seq. ~~The administration of the following provisions shall be governed as provided in Article 2 of this Chapter.~~

4-705 **INTERNATIONAL EXISTING BUILDING CODE; SECTION 1106.1, ADDITION TO A GROUP E, R-1, R-2, R-3, R-4, I-1, OR I-2 OCCUPANCY.** Section 1106.1 of the IEBC is hereby amended to read as follows: ~~**Section 1106.1.**~~ **Addition to a Group E, R-1, R-2, R-3, R-4, I-1, or I-2 Occupancy.** Where an addition is added to a Group E occupancy with an occupant load of 50 or more, or a Group R-1, R-2, R-3, R-4, I-1, or I-2 occupancy of any occupant load, the addition shall have a storm shelter constructed in accordance with ICC 500 as amended in Chapter 2 of this Code.

Exceptions:

1. Group E occupancies accessory to places of religious worship.
2. Additions meeting the requirements for shelter design in ICC-500 as amended in Chapter 2 of this Code.
3. Group R-1, R-2, R-3, R-4, I-1, or I-2 additions where no dwelling, dwelling unit, multistory unit or sleeping unit is proposed with the addition.

4-706 **INTERNATIONAL EXISTING BUILDING CODE; SECTION 1106.1.1, REQUIRED OCCUPANT CAPACITY FOR GROUP E OCCUPANCIES.** Section 1106.1.1 of the IEBC is hereby amended to read as follows: ~~**Section 1106.1.1.**~~ **Required occupant capacity for Group E occupancies.** The required occupant capacity for Group E occupancy storm shelters shall include all buildings on the site, and shall be the greater of the following:

1. The total occupant load of the classrooms, vocational rooms and offices in the Group E occupancy.
2. The occupant load of any indoor assembly space that is associated with the Group E occupancy.

Exceptions:

1. Where an addition is being added on an existing site, and where the

addition is not of sufficient size to accommodate the required occupant capacity of the storm shelter for all of the buildings on-site, the storm shelter shall at a minimum accommodate the required capacity for the addition.

2. Where approved by the code official, the required occupant capacity of the shelter shall be permitted to be reduced by the occupant capacity of any existing storm shelters on the site.

4-707

INTERNATIONAL EXISTING BUILDING CODE, SECTION ~~3410.3~~1403, DUTIES OF STRUCTURE MOVING PERMITTEE. Section 1403~~3410.3~~ of the IEBC is hereby added to read as follows: **Duties of Structure Moving Permittee.** Every structure moving permit holder shall abide by the all of the following:

(a) Move a building or structure only over streets designated for such use in the written permit.

(b) Notify the building official within forty eight (48) hours of move, in writing, of a desired change in moving date and hour and route of move as proposed in the application and such change must be approved by the building official.

(c) Notify the building official in writing of any and all damages done to property belonging to the public and private property within twenty four (24) hours after the damage or injury has occurred.

(d) During the move, display red lanterns or other warning devices used in compliance with city traffic ordinances or state statutes thereon in such a manner as to show the extreme height and width thereof from thirty (30) minutes after sunset to thirty (30) minutes before sunrise.

(e) At all times erect and maintain barricades across the street in such manner as to protect the public from damage or injury by reason of removal of the building or structure, and shall have sufficient escort as provided by city ordinance, state statutes, or as determined as necessary for the public safety by the chief of police.

(f) Not allow any building or structure or part thereof to be left in the parkway, street, or on the dedicated right-of-way between the curb and the front property line of any lot.

(g) Comply with the building code, fire zone, zoning ordinances and all other applicable traffic ordinances and laws upon relocating the building or structure in the city or move the same through the city.

(h) Remove all rubbish and materials and fill in excavations to existing grade at the original building or structure site so that the premises are left in a safe and sanitary condition within thirty (30) days from the date of the move.

(i) Notify all utilities having service connections within the building or structure and otherwise located within the city limit whose facilities and services to the public may be affected by the movement of the building or structure and

provide copies of such notification to the building official.

(j) Comply with the regulations and specifications contained in such permit granted by the building official to such permit holder.

(k) The permit holder shall be liable for any expenses, damages, costs in excess of deposited amounts of securities, and the city attorney shall prosecute an action against the permit holder in a court of competent jurisdiction for the recovery of such excessive amounts.

Ordinance Published on __/__/____

ORDINANCE NO. _____

ORDINANCE ADDING A NEW ARTICLE 7 OF CHAPTER 4 OF THE CODE OF THE CITY OF LEAWOOD, 2000, INCORPORATING BY REFERENCE THE INTERNATIONAL EXISTING BUILDING CODE, 2018 EDITION, SAVE AND EXCEPT SUCH ARTICLES, SECTIONS, PARTS OR PORTIONS WHICH ARE OMITTED, DELETED, MODIFIED, CHANGED, OR ADDED, AND REPEALING SECTIONS IN CONFLICT HEREWITH.

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

SECTION ONE: A new Article 7 of Chapter 4 of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

4-701. INTERNATIONAL EXISTING BUILDING CODE ADOPTED. There is hereby incorporated by reference that certain code known as the International Existing Building Code, 2018 edition, ["IEBC"] prepared and published in book form by the International Code Council, Inc., including appendix B 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. At least one copy 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.

4-702. INTERNATIONAL EXISTING BUILDING CODE, SECTION 101.1. TITLE. Section 101.1 of the IEBC is hereby amended to read as follows: **Title.** These regulations shall be known and referred to as this code, the IEBC, or the Existing Building Code of the City of Leawood, Kansas.

4-703. INTERNATIONAL EXISTING BUILDING CODE, SECTION 101.2. SCOPE. Section 101.2 of the IEBC is hereby amended to read as follows: **Scope.** The provisions of this code and the Leawood Development Ordinance shall apply to the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress, and their accessory structures not more than three stories above grade plane in height, shall comply with this code or the International Residential Code.

4-704. INTERNATIONAL EXISTING BUILDING CODE, DELETIONS. The following provisions of the 2018 International Existing Building Code, as adopted, shall be deleted and omitted.

(a) Section 105 Permits
(b) Section 107 Temporary Structures and Uses

(c) Section 108 Fees
(d) Section 109 Inspections
(e) Section 110 Certificate of Occupancy
(f) Section 111 Service Utilities
(g) Section 112 Board of Appeals
(h) Section 113 Violations
(i) Section 114 Stop Work Order
(j) Section 115 Unsafe Buildings and Equipment
(k) Section 116 Emergency Measures
(l) Section 117 Demolition

See 4-201 et seq.

4-705 **INTERNATIONAL EXISTING BUILDING CODE, SECTION 1106.1. ADDITION TO A GROUP E, R-1, R-2, R-3, R-4, I-1, OR I-2 OCCUPANCY.** Section 1106.1 of the IEBC is hereby amended to read as follows: **Section 1106.1. Addition to a Group E, R-1, R-2, R-3, R-4, I-1, or I-2 Occupancy.** Where an addition is added to a Group E occupancy with an occupant load of 50 or more, or a Group R-1, R-2, R-3, R-4, I-1, or I-2 occupancy of any occupant load, the addition shall have a storm shelter constructed in accordance with ICC 500 as amended in Chapter 2 of this Code.

Exceptions:

1. Group E occupancies accessory to places of religious worship.
2. Additions meeting the requirements for shelter design in ICC-500 as amended in Chapter 2 of this Code.
3. Group R-1, R-2, R-3, R-4, I-1, or I-2 additions where no dwelling, dwelling unit, multistory unit or sleeping unit is proposed with the addition.

4-706 **INTERNATIONAL EXISTING BUILDING CODE, SECTION 1106.1.1. REQUIRED OCCUPANT CAPACITY FOR GROUP E OCCUPANCIES.** Section 1106.1.1 of the IEBC is hereby amended to read as follows: **Section 1106.1.1. Required occupant capacity for Group E occupancies.** The required occupant capacity for Group E occupancy storm shelters shall include all buildings on the site, and shall be the greater of the following:

1. The total occupant load of the classrooms, vocational rooms and offices in the Group E occupancy.
2. The occupant load of any indoor assembly space that is associated with the Group E occupancy.

Exceptions:

1. Where an addition is being added on an existing site, and where the addition is not of sufficient size to accommodate the required occupant capacity of the storm shelter for all of the buildings on-site, the storm shelter shall at a minimum accommodate the required capacity for the addition.
2. Where approved by the code official, the required occupant capacity of the shelter shall be permitted to be reduced by the occupant capacity of any existing storm shelters on the site.

4-707 **INTERNATIONAL EXISTING BUILDING CODE, SECTION 1403. DUTIES OF STRUCTURE MOVING PERMITTEE.** A new Section 1403 of the IEBC is hereby added to read as follows: **Duties of Structure Moving Permittee.** Every structure moving permit holder shall abide by the all of the following:

(a) Move a building or structure only over streets designated for such use in the written permit.

(b) Notify the building official within forty eight (48) hours of move, in writing, of a desired change in moving date and hour and route of move as proposed in the application and such change must be approved by the building official.

(c) Notify the building official in writing of any and all damages done to property belonging to the public and private property within twenty four (24) hours after the damage or injury has occurred.

(d) During the move, display red lanterns or other warning devices used in compliance with city traffic ordinances or state statutes thereon in such a manner as to show the extreme height and width thereof from thirty (30) minutes after sunset to thirty (30) minutes before sunrise.

(e) At all times erect and maintain barricades across the street in such manner as to protect the public from damage or injury by reason of removal of the building or structure, and shall have sufficient escort as provided by city ordinance, state statutes, or as determined as necessary for the public safety by the chief of police.

(f) Not allow any building or structure or part thereof to be left in the parkway, street, or on the dedicated right-of-way between the curb and the front property line of any lot.

(g) Comply with the building code, fire zone, zoning ordinances and all other applicable traffic ordinances and laws upon relocating the building or structure in the city or move the same through the city.

(h) Remove all rubbish and materials and fill in excavations to existing grade at the original building or structure site so that the premises are left in a safe and sanitary condition within thirty (30) days from the date of the move.

(i) Notify all utilities having service connections within the building or structure and otherwise located within the city limit whose facilities and services to the public may be affected by the movement of the building or structure and provide copies of such notification to the building official.

(j) Comply with the regulations and specifications contained in such permit granted by the building official to such permit holder.

(k) The permit holder shall be liable for any expenses, damages, costs in excess of deposited amounts of securities, and the city attorney shall prosecute an action against the permit holder in a court of competent jurisdiction for the recovery of such excessive amounts.

SECTION TWO: 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 THREE: Any provisions in conflict herewith, are hereby repealed.

SECTION FOUR: This ordinance shall become effective on May 1, 2020, following adoption and publication in accordance with K.S.A. 12-3007 and amendments thereto.

PASSED by the Governing Body this 21st day of January, 2020.

APPROVED by the Mayor this 21st day of January, 2020.

[SEAL]

_____
Peggy Dunn, Mayor

ATTEST:

_____
Kelly L. Varner, City Clerk

APPROVED AS TO FORM:

_____
Marcia L. Knight, Assistant City Attorney

15I

- ORDINANCE AMENDING CHAPTER 4, ARTICLE 8 OF THE CODE OF THE CITY OF LEAWOOD, 2000, INCORPORATING BY REFERENCE THE INTERNATIONAL ENERGY CONSERVATION CODE, 2018 EDITION, SAVE AND EXCEPT SUCH ARTICLES, SECTIONS, PARTS OR PORTIONS WHICH ARE OMITTED, DELETED, MODIFIED, CHANGED, OR ADDED, AND REPEALING EXISTING ARTICLE 8, AND OTHER SECTIONS IN CONFLICT HEREWITH.

CHAPTER IV. BUILDINGS AND CONSTRUCTION

ARTICLE 8. ENERGY CONSERVATION CODE

4-801. **INTERNATIONAL ENERGY CONSERVATION CODE ADOPTED.** There is hereby incorporated by reference that certain code known as the International Energy Conservation Code, ~~2012~~ 2018 edition, ["IECC"] prepared and published in book form by the International Code Council, Inc., ~~including~~ excluding appendices and IECC Residential Provisions, Sections R101 through R505 and RA101-103, ~~save and except such~~and any other 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~~At least ~~three copies~~one copy of said Code shall be marked or stamped "Official copy as incorporated by Ordinance No. ~~2598C~~_____" 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. 2296C; 02-04-08)
(Ord. 1935C; 01-22-02)

4-802. **INTERNATIONAL ENERGY CONSERVATION CODE ~~AMENDED~~; SECTION 101.1. TITLE.** Section 101.1 of the IECC is hereby amended to read as follows: **Title.** This code shall be known and ~~as the *International Energy Conservation Code* of the City of Leawood, Kansas, and shall be cited as such. It is~~ referred to ~~herein~~ as this code, the IECC, or ~~this~~ the Energy Conservation Code of the City of Leawood, Kansas.

(Ord. 2598C; 12-03-12)
(Ord. 2296C; 02-04-08)
(Ord. 1935C; 01-22-02)

4-803. **INTERNATIONAL ENERGY CONSERVATION CODE; DELETED SECTIONS ~~DELETIONS~~.** The following ~~provisions~~ sections of the IECC~~2012~~ ~~2018 International Energy Conservation Code, as adopted, shall be~~ are hereby deleted and omitted~~not applicable under this Code~~. The administration of the following provisions shall be governed as provided in Article 2 of this Chapter.

(a) Section ~~C107~~ C104 Fees
(b) Section C108 Stop Work Order
(c) Section C109 Board of Appeals
(d) ~~Section R107 Fees~~~~IECC Residential Provisions, Sections R101~~

through R505 and RA1-3
(e) Section R108 Stop Work Order
(f) Section R109 Board of Appeals

(Ord. 2598C; 12-03-12)
(Ord. 2296C; 02-04-08)
(Ord. 1935C; 01-22-02)

4-804. INTERNATIONAL ENERGY CONSERVATION CODE; SECTION R401.2 COMPLIANCE. *Repealed.* Section R401.2 is hereby amended to read as follows:

R401.2 Compliance. Projects shall comply with Sections identified as "mandatory" and with either sections identified as "prescriptive" or the performance approach in Section R405.

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. 2598C; 12-03-12)
(Ord. 2296C; 02-04-08)
(Ord. 1935C; 01-22-02)

4-805. INTERNATIONAL ENERGY CONSERVATION CODE; TABLE R402.1.1. *Repealed.* Table R402.1.1 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 U-factor[b]	Glazed Fenestration SHGC[b]	Ceiling R-Value[f]	Wood Frame Wall R-Value	Mass Wall R-Value[e]	Floor R-Value	Basement Wall R-Value[c]	Slab R-Value & Depth[d]	Crawl Space Wall R-Value[c]
4	0.35	0.55	0.4	49	13[g]	8/13	19	10/13	10, 2 ft	10/13

a. R-values are minimums. U-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed R-value of the insulation shall not be less than the R-value specified in the table.

b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
c. "10/13" means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement walls.
d. R-5 shall be added to the required slab edge R-values for heated slabs.
e. The second R-value applies when more than half the insulation is on the interior of the mass wall.
f. Loose-fill insulation shall be installed at the rate recommended by the manufacturer's statement "so many bags per 1000 sq ft." Where the pitch of the roof restricts the "minimum thickness" at the exterior wall line, the insulation shall be blown into the cavity so as to achieve a greater compacted density to a point where the "minimum thickness" can be achieved. An alternative is to install high-density batts around the perimeter edge per R402.2.
g. Where 2 x 6 framing is used, a minimum R-19 insulation is required.

(Ord. 2598C; 12-03-12)

4-806. INTERNATIONAL ENERGY CONSERVATION CODE; SECTION R402.4.1.2 TESTING. ***Repealed.*** Section 402.4.1.2 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 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). Testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the Code Official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weather-stripping or other infiltration control measures;
2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, shall be open;
4. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling systems, if installed at the time of the test, shall be turned off; and
6. Supply and return registers, if installed at the time of the test, shall be fully open.

(Ord. 2598C; 12-03-12)

4-807. INTERNATIONAL ENERGY CONSERVATION CODE; SECTION R403.2.2 SEALING (MANDATORY). *Repealed.* ~~Section R403.2.2 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 the International Mechanical Code or International Residential Code, as applicable.~~

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

~~**EXCEPTIONS:**~~

1. ~~The total leakage test is not required for ducts and air handlers located entirely within the building thermal envelope.~~
2. ~~On the 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. 2598C; 12-03-12)

4-808. INTERNATIONAL ENERGY CONSERVATION CODE; SECTION R403.2.3, BUILDING CAVITIES (MANDATORY), DELETED. ***Repealed.*** ~~Section R403.2.3 is hereby deleted.~~

(Ord. 2598C; 12-03-12)

4-809. INTERNATIONAL ENERGY CONSERVATION CODE; SECTION R403.4.2 HOT WATER PIPE INSULATION (PRESCRIPTIVE). ***Repealed.*** ~~Section R403.4.2 is hereby amended to read as follows:~~

~~**R403.4.2 Hot water pipe insulation (Prescriptive).** Insulation for hot water pipe with a minimum thermal resistance (R-value) of R-3 shall be applied to the following:~~

~~1. Piping located under a floor slab.~~

~~2. Buried piping.~~

~~3. Supply and return piping in recirculation systems other than demand recirculation systems.~~

(Ord. 2598C; 12-03-12)

4-810. INTERNATIONAL ENERGY CONSERVATION CODE; SECTION 404.1 LIGHTING EQUIPMENT (MANDATORY). ***Repealed.*** ~~Section R404.1 is hereby amended to read as follows:~~

~~**R404.1 Lighting equipment (Mandatory).** Fuel gas lighting systems shall not have continuously burning pilot lights.~~

(Ord. 2598C; 12-03-12)

4-811. INTERNATIONAL ENERGY CONSERVATION CODE, PENALTIES. ***Repealed.*** ~~Any person violating any provision of this Article or this code 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. 2598C; 12-03-12)

Ordinance Published on __/__/___

DRAFT 15. I

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 4, ARTICLE 8 OF THE CODE OF THE CITY OF LEAWOOD, 2000, INCORPORATING BY REFERENCE THE INTERNATIONAL ENERGY CONSERVATION CODE, 2018 EDITION, SAVE AND EXCEPT SUCH ARTICLES, SECTIONS, PARTS OR PORTIONS WHICH ARE OMITTED, DELETED, MODIFIED, CHANGED, OR ADDED, AND REPEALING EXISTING ARTICLE 8, 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 4-801 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-801. **INTERNATIONAL ENERGY CONSERVATION CODE ADOPTED.** There is hereby incorporated by reference that certain code known as the International Energy Conservation Code, 2018 edition, ["IECC"] prepared and published in book form by the International Code Council, Inc., excluding appendices and IECC Residential Provisions, Sections R101 through R505 and RA101-103, and any other 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. At least one copy 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. 2296C; 02-04-08)
(Ord. 1935C; 01-22-02)

SECTION TWO: That Section 4-802 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-802. **INTERNATIONAL ENERGY CONSERVATION CODE, SECTION 101.1. TITLE.** Section 101.1 of the IECC is hereby amended to read as follows: **Title.** This code shall be known and referred to as this code, the IECC, or the Energy Conservation Code of the City of Leawood, Kansas.

(Ord. 2598C; 12-03-12)
(Ord. 2296C; 02-04-08)
(Ord. 1935C; 01-22-02)

SECTION THREE: That Section 4-803 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-803. **INTERNATIONAL ENERGY CONSERVATION CODE, DELETED SECTIONS.** The following sections of the IECC are hereby deleted and omitted. The administration of the following provisions shall be governed as provided in Article 2 of this Chapter.

(a) Section C104 Fees
(b) Section C108 Stop Work Order

(c) Section C109 Board of Appeals

(Ord. 2598C; 12-03-12)
(Ord. 2296C; 02-04-08)
(Ord. 1935C; 01-22-02)

SECTION FOUR: That Section 4-804 of the Code of the City of Leawood, Kansas, 2000, is hereby repealed.

4-804. INTERNATIONAL ENERGY CONSERVATION CODE, SECTION R401.2. COMPLIANCE. *Repealed.*

(Ord. 2598C; 12-03-12)
(Ord. 2296C; 02-04-08)
(Ord. 1935C; 01-22-02)

SECTION FIVE: That Section 4-805 of the Code of the City of Leawood, Kansas, 2000, is hereby repealed.

4-805. INTERNATIONAL ENERGY CONSERVATION CODE, TABLE R402.1.1. *Repealed.*

(Ord. 2598C; 12-03-12)

SECTION SIX: That Section 4-806 of the Code of the City of Leawood, Kansas, 2000, is hereby repealed.

4-806. INTERNATIONAL ENERGY CONSERVATION CODE, SECTION R402.4.1.2. TESTING. *Repealed.*

(Ord. 2598C; 12-03-12)

SECTION SEVEN: That Section 4-807 of the Code of the City of Leawood, Kansas, 2000, is hereby repealed.

4-807. INTERNATIONAL ENERGY CONSERVATION CODE, SECTION R403.2.2. SEALING (MANDATORY). *Repealed.*

(Ord. 2598C; 12-03-12)

SECTION EIGHT: That Section 4-808 of the Code of the City of Leawood, Kansas, 2000, is hereby repealed.

4-808. INTERNATIONAL ENERGY CONSERVATION CODE, SECTION R403.2.3. BUILDING CAVITIES (MANDATORY). *Repealed.*

(Ord. 2598C; 12-03-12)

SECTION NINE: That Section 4-809 of the Code of the City of Leawood, Kansas, 2000, is hereby repealed.

4-809. INTERNATIONAL ENERGY CONSERVATION CODE, SECTION R403.4.2. HOT WATER PIPE INSULATION (PRESCRIPTIVE). *Repealed.*

(Ord. 2598C; 12-03-12)

SECTION TEN: That Section 4-810 of the Code of the City of Leawood, Kansas, 2000, is hereby repealed.

4-810. INTERNATIONAL ENERGY CONSERVATION CODE, SECTION 404.1. LIGHTING EQUIPMENT (MANDATORY). *Repealed.*

(Ord. 2598C; 12-03-12)

SECTION ELEVEN: That Section 4-811 of the Code of the City of Leawood, Kansas, 2000, is hereby repealed.

4-811. INTERNATIONAL ENERGY CONSERVATION CODE, PENALTIES. *Repealed.*

(Ord. 2598C; 12-03-12)

SECTION TWELVE: 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 THIRTEEN: That existing Article 8 of Chapter 4 and any provisions in conflict herewith are hereby repealed.

SECTION FOURTEEN: This ordinance shall become effective on May 1, 2020, following adoption and publication in accordance with K.S.A. 12-3007 and amendments thereto.

PASSED by the Governing Body this 21st day of January, 2020.

APPROVED by the Mayor this 21st day of January, 2020.

[SEAL]

_____
Peggy Dunn, Mayor

ATTEST:

_____
Kelly L. Varner, City Clerk

APPROVED AS TO FORM:

_____
Patricia A. Bennett, City Attorney

15J

- ORDINANCE AMENDING CHAPTER 4, ARTICLE 9 OF THE CODE OF THE CITY OF LEAWOOD, 2000, INCORPORATING BY REFERENCE THE INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION, SAVE AND EXCEPT SUCH ARTICLES, SECTIONS, PARTS OR PORTIONS WHICH ARE OMITTED, DELETED, MODIFIED, CHANGED, OR ADDED, AND REPEALING EXISTING ARTICLE 9, AND OTHER SECTIONS IN CONFLICT HEREWITH.

CHAPTER IV. BUILDINGS AND CONSTRUCTION

ARTICLE 9. RESIDENTIAL CODE

4-901. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, ADOPTED. There is hereby incorporated by reference that certain code known as the International Residential Code for One- and Two-Family Dwellings, ~~2012~~ 2018 edition, ["IRC"] prepared and published in book form by the International Code Council, Inc., including appendices A, B, C, E, ~~G~~, H, I ~~and~~ ~~I~~J, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, or added hereto, such incorporation being authorized by K.S.A. §12-3009 through 12-3012, as amended. ~~No fewer than three copies~~At least one copy of said Code shall be marked or stamped "Official copy as incorporated by Ordinance No. ~~2599C~~," 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. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-902. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R101.1. TITLE. Section R101.1 of the IRC is hereby amended to read as follows: **Title.** These provisions shall be known as the *Residential Code for One- and Two-family Dwellings* of the City of Leawood, Kansas, and ~~shall be cited as such and~~ will be referred to ~~herein~~ as this code, the IRC, or th~~is~~e *Residential Code* of the City of Leawood, Kansas.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-902A. **INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R101.2 SCOPE.** Section R101.2 of the IRC is hereby amended to read as follows: ~~R101.2~~ **Scope.** The provisions of the International Residential Code for One- and Two-family Dwellings (as amended), and the provisions of the Leawood Development Ordinance shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures.

EXCEPTIONS: The following shall be permitted to be constructed in accordance with this code where provided with a residential fire sprinkler system complying with Section P2904. ~~Any occupancy where fire sprinkler system requirements are specifically exempted by Kansas Statute or Administrative Regulation shall be exempt from sprinkler requirements~~:

1. Live/work units complying with the requirements of Section 419 of the International Building Code shall be permitted to be built as one- and two-family dwellings or townhouses. ~~Fire suppression required by Section 419.5 of the International Building Code when constructed under the International Residential Code for One- and Two- family Dwellings shall conform to Section P2904.~~
2. Owner-occupied lodging houses with five or fewer guestrooms. ~~shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-family Dwellings when equipped with a fire sprinkler system in accordance with the International Residential Code for One- and Two-family Dwellings when equipped with a fire sprinkler system in accordance with Section P2904.~~
3. A care facility with five or fewer persons receiving medical care within a dwelling unit.
4. A care facility with five or fewer persons receiving medical care within a dwelling unit.
5. A care facility for five or fewer persons receiving care that are within a single-family dwelling.

Any occupancy where fire sprinkler system requirements are specifically exempted by Kansas Statute or Administrative Regulation shall be exempt from the fire sprinkler requirements above.

(Ord. 2599C; 12-03-12)

4-903. **INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R102.7. EXISTING STRUCTURES.** Section R102.7 of the IRC is hereby amended to read as follows: **Existing structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code,

the *International Fire Code* or the *Leawood Property Maintenance Code (Chapter VIII),* or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-904. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R105.1. PERMITS, REQUIRED. Section R105.1 of the IRC is hereby amended to read as follows: **Permits, Required.** Any owner or authorized agent who intends to do work subject to this code or to otherwise construct, enlarge, alter, repair, move, shore, 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, or elevator 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.

(A) Any such permit that will result in a new structure or exterior alteration resulting in a change in square footage of an existing structure of ten percent or more or for demolition of an existing structure shall not be issued on residential projects unless and until copies of preliminary or final plans have been submitted to any requesting Homes Association in the City of Leawood as follows:

1. Any legally constituted and existing Homes Association [including any Homeowners Association or residential Condominium Owners Association] may file a written request with the City of Leawood Building Official to receive notice of any application for permit, including applications for permits for moving buildings or changes, additions, constructions or reconstructions to the exterior of any residential home resulting in a change in square footage of ten (10) percent or more of the existing structure in their Association area or applications for demolition of an existing residential structure in the Association area. In such request, the Homes Association shall confirm that it understands any plans received by it from the City may be subject to copyright laws and actions and will be used solely for review in accordance with the applicable declarations and restrictions and will, thereafter, be destroyed. Any mailings to such Association shall be to the designated address. By so submitting the request, the Homes Association acknowledges that it has the duty to review such plans and respond to the owner or authorized agent and also acknowledges that a failure of response within 10 working days of the date of mailing of the preliminary plans, will be presumed to mean acceptance by the Homes Association.
2. Any owner or authorized agent who intends to do work subject to the Leawood Building Code and requiring a permit hereunder in an Association area may:

(a) Submit two (2) copies of preliminary plans for the project, to include elevations, materials and footprint, to the City Building Official. If so submitted, the Building Official shall forward one (1) copy by regular mail to the requesting Homes Association at the address shown on the written request. In such case, the owner or authorized agent may submit a permit application ten (10) working days after the preliminary plans have been mailed to the requesting Association; or

(b) Submit a permit application without first submitting the preliminary plans in accordance with subsection (b)(1) above. In such case, the Owner or Agent must submit one additional set of plans and those plans shall be submitted to the requesting Association by regular mail and the Building official shall not take any action on the permit application until twenty five (25) days have elapsed since the mailing of the permit plans to the requesting Association.

(B) Applications for a re-roofing permit on a residential structure shall meet the following additional requirements:

1. Any legally constituted and existing Homes Association [including any Homeowners Association or residential Condominium Owners Association] may file a written request with the City of Leawood Building Official to receive e-mail notice of any application for a re-roofing permit for a residential structure within its jurisdiction.
2. When an application is received for a re-roofing permit to be issued within an area governed by a requesting association, then the Building Official shall immediately notify the requesting association by e-mail of the receipt of the application and the address for the proposed permit and no permit shall be issued until two full business days after the receipt of the application.

(Ord. 2599C; 12-03-12)
(Ord. 2394C; 05-18-09)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-905. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R105.2. WORK EXEMPT FROM PERMIT. Section R105.2 of the IRC is hereby amended to read as follows: **Work exempt from permit.** ~~Permits shall not be required for the following.~~ Exemption 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. Retaining walls that are not over four (4) feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
2. Sidewalks and driveways not more than thirty (30) inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route and are not located in the public right-of-way.
3. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
4. Swings and other playground equipment accessory to one-and two-family dwellings.
5. Window awnings supported by an exterior wall that do not project more than 36 inches from the exterior wall and do not require additional support of Group R-3 and Group U occupancies.
6. Window replacement where no structural modifications are made.

Electrical:

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

~~**Repairs and maintenance:** A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.~~

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing ten (10) pounds (4.54 kg) or less of refrigerant or that are actuated by motors of one (1) horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, 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.

~~1.~~2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-906. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R105.3. APPLICATION FOR PERMIT. Section R105.3 of the IRC is hereby amended to read as follows:

(a) Application for permit.

To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the building official for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section R106.1.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

(b) Application for complete structure demolition permit.

To obtain a fifteen (15) day complete structure demolition permit, the applicant shall first file an application therefor in writing on a form furnished by the building official for that purpose. Such application shall provide:

1. A site plan showing the location of the building or structure to be demolished and of all existing buildings on the property. The plan shall additionally show any necessary means of pedestrian protection as required by the Leawood Building Code.
2. The location where the demolition debris will be deposited.
3. The height and the total square footage of the building.
4. Evidence of required street closure permit.
5. The name and address of the owner of the building.
6. The type of equipment or method used to demolish the building.
7. Evidence that all public utilities have been disconnected.

8. Proof of rat-abating of any building at least ten days before the demolition may be required.
9. Proof of permission from the owner to demolish the building.
10. Evidence that proper erosion control will be provided for the site during demolition as well as during seeding and final grading of site.
11. Evidence that the structure has been inspected for asbestos. If asbestos is found, evidence shall be provided to indicate how the asbestos is to be removed and where it will be disposed.
12. Site plan, which shall indicate proposed grading and seeding.
~~13.~~ Said permit ~~will~~may be issued in conjunction with permit for proposed new construction.

(c) **Application for partial structure or interior demolition permit.** To obtain a thirty (30)~~-~~ day partial structure or interior demolition permit, the applicant shall first file an application therefor in writing on a form furnished by the building official for that purpose. Such application shall provide:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required by building official.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the building official.
~~8.~~ Said permit ~~will~~ may be issued in conjunction with permit for proposed new construction.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-907. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R105.3.1. ACTION ON APPLICATION. Section R105.3.1 of the IRC is hereby amended to read as follows: **Action on Application**. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable.

(Ord. 2599C; 12-03-12)

(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-908. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R105.3.1.1 DETERMINATION OF SUBSTANTIALLY IMPROVED OR SUBSTANTIALLY DAMAGED EXISTING BUILDINGS IN FLOOD HAZARD AREAS

REPEALED

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-909. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R105.3.1.1 DETERMINATION OF SUBSTANTIALLY IMPROVED OR SUBSTANTIALLY DAMAGED EXISTING BUILDINGS IN FLOOD HAZARD AREAS,. Section R105.3.1.1 of the IRC is hereby amended to read as follows: **Determination of Substantially Improved or Substantially Damaged Existing Buildings in Flood Hazard Areas**. For applications for reconstruction, rehabilitation, addition, alteration, repair or other improvement of existing buildings or structures located in an area prone to flooding as established by ~~Table R301.2(1),~~ the most current Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) established by the Federal Emergency Management Agency,~~. the T~~the building official shall examine or cause to be examined the construction documents and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its predamaged condition. If the building official finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, the ~~finding shall be provided to the board of appeals for a determination of substantial improvement or substantial damage. Applications determined by the board of appeals to constitute substantial improvement or substantial damage shall~~ proposed work shall be deemed~~is~~ a substantial improvement ~~or repair of substantial damage~~ and the building official shall require existing portions of the entire building or structure to meet the requirements of Section R322.

For the purpose of this determination, a substantial improvement shall mean any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. Where the building or structure has sustained substantial damage, repairs necessary to restore the building or structure to its predamaged condition shall be considered substantial improvements regardless of the actual repair work performed. The term substantial improvement shall not include either of the following:

1. Improvements to a building or structure that are required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to ensure safe living conditions.
2. Any alteration of a historic building or structure, provided that the alteration will not preclude the continued designation as a historic building or structure. For the purposes of this exclusion, a historic building shall be any of the following:
   - 2.1 Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places.
   - 2.2 Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic

district or a district preliminarily determined to qualify as an historic district.

~~Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.~~

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-910. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R105.3.2. TIME LIMITATION OF APPLICATION,. Section R105.3.2 of the IRC is hereby amended to read as follows: **Time limitation of application.** 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. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-911. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R105.5. EXPIRATION. Section R105.5 of the IRC is hereby amended to read as follows: **Expiration.** Permits shall expire as provided in Article 2 of this Chapter.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-912. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R106.1. SUBMITTAL DOCUMENTS. Section R106.1 of the IRC is hereby amended to read as follows: **Submittal documents.**

(a) At least two (2) sets of construction documents, special inspection and structural observation programs and other data shall be submitted with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the ~~statutes~~ laws of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

EXCEPTION: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that

reviewing of construction documents is not necessary to obtain compliance with this code.

(b) Additional Plans and Studies Necessary. In the case of a rebuild, reconstruction or remodel of an existing residential structure, the building official shall ensure that the following requirements have been met prior to issuance of a building permit:

If the reconstruction or remodeling is adding 400 or more square feet of impervious surface to the lot, then the applicant shall provide a drainage study and/or grading plan to be reviewed and approved by the City Engineer in accordance with the following:

1. If the reconstruction or remodeling will add impervious surfaces to the lot in an amount less than or equal to 50% of the existing impervious surface on the lot, then the applicant shall provide a grading plan prepared by a licensed engineer or land surveyor depicting the grading on the subject lot and extending into adjacent lots at least 25 feet.
2. If the reconstruction or remodeling will add impervious surfaces to the lot in an amount greater than 50% of the existing impervious surface on the lot, then the applicant shall provide a grading plan as referenced above and will also submit a storm water study addressing the increase of impervious area and the potential for drainage problems or flooding of adjacent properties. The storm water study should include solutions to contain water on the subject property or by some other means to eliminate water problems on adjacent lots.

EXCEPTION. The requirement for the study may be waived if, in the opinion of the City Engineer, the grading plan shows that an increase of water or the velocity of water is directed to the City's right-of-way in accordance with other City ordinances and policies.

3. If the application pertains to a new structure being constructed after a complete demolition ["tear down"], then the applicant shall provide the drainage study and grading plan referenced above.

(Ord. 2599C; 12-03-12)
(Ord. 2334C; 08-18-08)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-913. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R106.2. SITE PLAN OR PLOT PLAN. Section R106.2 of the IRC is hereby amended to read as follows: **Site Plan or Plot Plan.** There shall be a site plan showing, to scale, the size and location of all the new construction and all existing structures on the site including easements, sewers, drains, utilities, etc., distances from lot lines, established street grades, and the proposed finished grades, and it shall be drawn in accordance with an accurate boundary line survey. All decks, balconies, overhangs, or other building protrusions shall be indicated and

dimensioned. In the case of demolition, the plot plan shall show all construction to be demolished and the location and size of all existing structures and construction that are to remain on the site of the plot. Fire apparatus access roads provided and fire hydrant coverage as approved by the fire official shall be indicated as such on the site plan. The property owner or his or her agent shall certify to the building official that the top of the foundation for a building will be in conformance with the approved site plan, including building elevations, site grading, erosion control devices, and building setbacks. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair and does not affect the exterior features of the building.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-914. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R107.1. TEMPORARY STRUCTURES AND USES, GENERAL. Section R107.1 of the IRC is hereby amended to read as follows: **General.** The building official is authorized to issue a permit for temporary structures and temporary uses if otherwise authorized under the Code of the City of Leawood and the Leawood Development Ordinance. Such permits shall be limited in time. ~~as to time of service and are only allowed if authorized under the Leawood Development Ordinance and the provisions of this code, t~~The building official may grant extensions ~~for these uses~~ for demonstrated cause.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-915. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R107.2. CONFORMANCE.

REPEALED

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-916. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R107.3. TEMPORARY POWER.

REPEALED

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-917. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R108.2. SCHEDULE OF PERMIT FEES. Section R108.2 of

the IRC is hereby amended to read as follows: **Schedule of permit fees.** The fees for work requiring a permit shall be as indicated in the City of Leawood Fee Schedule.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-918. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R108.5. REFUNDS. Section R108.5 of the IRC is hereby amended to read as follows: **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. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-919. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R109.1. TYPES OF INSPECTIONS. Section R109.1 of the IRC is hereby amended to read as follows: **Types of inspections.** For onsite construction, from time to time the building official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this code.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-920. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R109.1.1. FOUNDATION INSPECTION. Section R109.1.1 of the IRC is hereby amended to read as follows: ~~**R109.1.1**~~ **Foundation inspection.** Inspection of the foundation shall be made after poles or piers are set or trenches or basement areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

(Ord. 2141C; 11-21-05)
(Ord. 2416C; 10-05-09)

4-921. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R109.1.2 CONCRETE SLAB OR UNDER-FLOOR INSPECTION. Section R109.1.2 of the IRC is hereby amended to read as follows: ~~R109.1.2.~~ **Concrete slab or under-floor inspection.** Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-922. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R109.1.3 PLUMBING, MECHANICAL, GAS AND ELECTRICAL SYSTEMS INSPECTION. Section R109.1.3 of the IRC is hereby amended to read as follows: ~~R109.1.3~~ **Plumbing, mechanical, gas and electrical systems inspection.** Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.

EXCEPTION: Back-filling of ground-source heat pump loop systems tested in accordance with Section M2105.~~1~~ 28 prior to inspection shall be permitted.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-923. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R109.1.4 FLOODPLAIN INSPECTIONS. Section R109.1.4 of the IRC is hereby amended to read as follows: ~~R109.1.4~~ **Floodplain inspections.** For construction in areas prone to flooding as established by ~~Table R301.2(1)~~the most current Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) established by the Federal Emergency Management Agency, upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in Section ~~R324~~R322.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-924. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R109.1.5 FRAME AND MASONRY INSPECTION. Section R109.1.5 of the IRC is hereby amended to read as follows: ~~R109.1.5~~ **Frame and masonry inspection.** Inspection of framing and masonry construction shall be made after the roof, masonry, all framing, firestopping, draftstopping and bracing are in place

and after the plumbing, mechanical and electrical rough inspections are approved.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-925. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R109.1.6 ROOFING INSPECTIONS. Section R109.1.6 of the IRC is hereby amended to read as follows: **R109.1.6 Roofing inspections.** Roofing inspections shall be made at the mid-point of roofing installation and after roofing installation is complete.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-926. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; ~~NEW~~ SECTION R109.1.7 OTHER INSPECTIONS~~, ADDED~~. A new Section R109.1.7 of the IRC is hereby added to read as follows: ~~R109.1.7~~ **Other inspections.** In addition to the called inspections above, the building official may make or require any other inspections to ascertain compliance with this code and other laws enforced by the building official.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-927. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R109.1.7.1 FIRE-RESISTANCE-RATED CONSTRUCTION INSPECTION. A new Section R109.1.7.1 of the IRC is hereby added to read as follows: ~~R109.1.7.1~~ **Fire-resistance-rated construction inspection.** Where fire-resistance-rated construction is required between dwelling units or due to location on property, the building official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-928. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R109.1.7.2 REINFORCED MASONRY, INSULATING CONCRETE FORM (ICF) AND CONVENTIONALLY FORMED CONCRETE WALL INSPECTION. A new Section R109.1.7.2 of the IRC is hereby added to read as follows: ~~R109.1.7.2~~ **Reinforced masonry, insulating concrete form (ICF) and conventionally formed concrete wall inspection.** Reinforced masonry walls, insulating concrete form (ICF) walls and conventionally formed concrete walls located in Seismic Design Categories D0, D1, D2, and E shall be inspected after plumbing, mechanical, and electrical systems embedded within the walls, and reinforcing steel are in place and prior to placement of grout or concrete. Inspection shall verify the correct size, location, spacing, and lapping of reinforcing. For masonry walls, inspection shall also verify that the location of grout cleanouts and size of grout spaces comply with the requirements of this code.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-929. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; NEW SECTION R109.1.8 FINAL INSPECTION. A new Section R109.1.8 of the IRC is hereby added to read as follows: ~~**R109.1.8**~~ **Final inspection.** Final inspection shall be made after the permitted work is complete and prior to occupancy.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-929A. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R109.1.8.1 ELEVATION DOCUMENTATION. A new Section R109.1.8.1 of the IRC is hereby added to read as follows: ~~**R109.8.1**~~ **Elevation Documentation.** If located in a flood hazard area, the documentation of elevations required in Section R322.1.10 shall be submitted to the building official prior to the final inspection.

(Ord. 2599C; 12-03-12)

4-930. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R110.1. USE AND OCCUPANCY. Section R110.1 of the IRC is hereby amended to read as follows: **Use and Occupancy.** ~~No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made.~~ A building or structure shall not be used or occupied, and a change of occupancy or change of use of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the Leawood Building Code or of other ordinances of the City of Leawood. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-931. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R110.3. CERTIFICATE ISSUED. Section R110.3 of the IRC is hereby amended to read as follows: **Certificate issued.** After the building official inspects the building or structure and finds no violations of the provisions of this code, *Leawood Development Ordinance, Fire Protection Code (Chapter VII), Leawood Property Maintenance Code (Chapter VIII)* or other laws that are enforced by the department of building safety, the 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 or the owner's authorized agent.
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.
6. The name of the building official.
7. The name of the fire official, if applicable.
8. The edition of the code under which the permit was issued.
9. If an automatic sprinkler system is provided and whether the sprinkler system is required.
10. Any special stipulations and conditions of the building permit.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-932. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R110.4. TEMPORARY OCCUPANCY. Section R110.4 of the IRC is hereby amended to read as follows: **Temporary Occupancy.** The building official is authorized to issue a Temporary Certificate of Occupancy (TCO) before the completion of the entire work covered by the permit, provide that such portion or portions shall be occupied safely. The Building Official shall set a time period during which the temporary certificate of occupancy is valid, provided, however that such time period shall not exceed sixty (60) days. The Building Official is authorized to renew the Temporary Certificate of Occupancy for two (2) additional periods not exceeding sixty (60) days for each renewal.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-933. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R111.3. AUTHORITY TO DISCONNECT SERVICE UTILITIES. Section R111.3 of the IRC is hereby amended to read as follows: **Authority to Disconnect Service Utilities.** The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the *Leawood Building Code, Fire Protection Code (Chapter VII), or Leawood Property Maintenance Code (Chapter VIII),* ~~or~~ in case of emergency where necessary to eliminate an immediate hazard to life or property, or where such utility connection has been made without the approval required by Section R111.1 or R111.2. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect before taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-934. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R112. ~~MEANS~~ BOARD OF APPEALS. Section R112 of the IRC and each and every part thereof is hereby omitted and deleted in its entirety.

~~DELETED~~

(Ord. 2599C; 12-03-12)
See Section 4-105
(Ord. 2297C; 02-04-08)

4-935. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R113.4. VIOLATION, PENALTIES. Section R113.4 of the IRC 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 or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official 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. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-936. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R114.1. NOTICE TO OWNER. Section R114.1 of the IRC is hereby amended to read as follows: **Notice to Owner.** Upon notice from the building official that work on any building or structure is being ~~prosecuted~~ executed contrary to the provisions of this code or any other City of Leawood Ordinances or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work and shall state the conditions under which work will be permitted to resume.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-937. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; TABLE R301.2(1). ~~TABLE R301.2(1)~~ CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA. Table R301.2(1) of the IRC shall be amended to include the following information as if fully set out within the table as indicated ~~read as follows~~:

(a) ~~Roof~~ Ground Snow Load: 20 pounds per square foot
(b) Wind Design - Speed: ~~90~~ 115 miles per hour
(c) Wind Design - Topographic effects: No
(d) Wind Design - Special Wind Region: No
(e) Wind Design - Windborne Debris Zone: No
(~~d~~f) Seismic Design Category: A
(~~e~~g) Subject to Damage From - Weathering: Severe

(~~f~~h) Subject to Damage From - Frost Line Depth: 36 inches
(~~g~~i) Subject to Damage From - Termite: Moderate to Heavy
(~~h~~j) Decay: Slight to Moderate
(~~i~~k) Winter Design Temperature: Six degrees Fahrenheit
(~~j~~l) Ice Barrier Underlayment Required: Yes
(~~k~~m) Flood Hazards: Latest adopted FIRM and FBFM documents.
(~~l~~n) Air Freezing Index: 1000
(~~m~~o) Mean Annual Temperature: ~~54.7~~55 degrees Fahrenheit

(Ord. 2599C; 12-03-12)
(Ord. 2558C; 08-06-12)
(Ord. 2297C; 02-04-08)

4-938. **INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R301.4. DEAD LOAD.** Section R301.4 of the IRC is hereby amended to read as follows: **Dead Load.** The actual weights of materials and construction shall be used for determining dead load with consideration for the dead load of fixed service equipment, provided, however, that the following minimum dead loads shall be used in the design of building:

(a) Floors, ceilings, decks, and balconies: 10 pounds per square foot.
(b) Roofs: 20 pounds per square foot.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-939. **INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R301.9, BASEMENT REQUIRED.** A new Section R301.9 of the IRC is hereby added to read as follows: **Basement Required**: All single-family detached dwellings shall be constructed with a basement.

EXCEPTIONS:

(a) The provisions of this section shall not apply to single-family detached dwellings which are designed and constructed specifically for the use of a disabled individual and which contain a storm shelter or safe room constructed in accordance with IRC Section R323.
(b) The provisions of this section shall not apply to single-family detached dwellings when it would be impractical to construct a basement in light of subsurface conditions verified by an engineer and when such dwellings contain a storm shelter or safe room constructed in accordance with IRC Section R323. .
(c) The provisions of this section shall not apply to the repair or reconstruction of any single-family detached dwelling, unless such dwelling is being one hundred (100) percent reconstructed.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

~~4-939A. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R302.2, TOWNHOUSES.~~ ~~Section R302.2 is hereby amended to read as follows: **Townhouses.** Each townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of Section R302.1 for exterior walls.~~

~~**EXCEPTION:** A common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E119 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. 2599C; 12-03-12)

~~4-939B. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R302.2.4. STRUCTURAL INDEPENDENCE.~~ ~~Section R302.2.4 is hereby amended to read as follows: **Structural Independence.** Each individual townhouse shall be structurally independent.~~

~~**EXCEPTIONS:**~~

~~1. Foundations supporting exterior walls or common walls.~~
~~2. Structural roof and wall sheathing from each unit may fasten to the common wall framing.~~
~~3. Nonstructural wall and roof coverings.~~
~~4. Flashing at termination of roof covering over common wall.~~
~~5. Townhouses separated by a common two (2) hour fire-resistance-rated wall as provided in Section R302.2.~~

(Ord. 2599C; 12-03-12)

4-939C. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R303.4, MECHANICAL VENTILATION. Section R303.4 of the IRC is hereby amended to read as follows: **Mechanical Ventilation.** Where the air infiltration rate of a dwelling unit is less than three (3) air changes per hour when tested with a blower door at a pressure of 0.2 inch w.c. (50 Pa) in accordance with Section ~~R402.4.1.2~~N1102.4.1.2 ~~of the International Energy Conservation Code~~, the dwelling unit shall be provided with whole-house mechanical ventilation in accordance with Section ~~M1507.3~~M1505.4.

(Ord. 2599C; 12-03-12)

4-939D. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R306.5, ~~NEW SINGLE-FAMILY DWELLINGS~~ TOILET FACILITIES DURING CONSTRUCTION. A new Section R306.5 of the IRC is hereby added to read as follows: ~~**New Single-Family Dwellings**~~ **Toilet Facilities During Construction.** Toilet facilities shall be provided ~~within 500 feet (measured from the property line adjacent to the street for platted subdivisions along the public way) for all new single-family dwellings~~during construction, 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~~ at the job site and the facilities must be within 500 feet as measured from any property line of the job site or other certification provided to the Building Official to verify the availability of toilet facilities. Toilet facilities shall be placed on private property out of the right-of way, and a minimum of 10 feet from neighboring properties. The facilities on the site shall be removed prior to issuance of a Temporary Certificate of Occupancy.

(Ord. 2599C; 12-03-12)

4-940. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION ~~R310.5~~R310.2.4, EMERGENCY ESCAPE ~~WINDOWS~~ AND RESCUE OPENINGS UNDER DECKS AND PORCHES. Section ~~R310.5~~R310.2.4 of the IRC is hereby amended to read as follows: **Emergency escape ~~windows~~ and rescue openings under decks and porches.** Emergency escape ~~windows are allowed to be~~and rescue openings installed under decks and porches ~~provided the location of the deck allows the emergency escape window to~~shall be fully ~~opened~~ openable and ~~provides~~ provide a path not less than forty-eight (48) inches (1219 mm) in height to a yard or court.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-941. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION ~~R310.6~~R310.7, MAXIMUM HEIGHT OF GROUP R-3 BUILDINGS. A new Section ~~R310.6~~R310.7 of the IRC is hereby added to read as follows: **Maximum Height of Group R-3 Buildings**. The maximum height for Group R-3 buildings is to be determined by the Leawood Development Ordinance.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-941A. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R312.3, WINDOW SILLS. A new Section R312.3 of the IRC is hereby added to read as follows: Window Sills. No window from a sleeping area shall have a sill height in excess of twenty five (25) feet from grade level.

EXCEPTIONS:

1. The building is equipped with an approved automatic sprinkler system.
2. In sleeping rooms, which have two separate and distinct exits, which do not share a common interior atmosphere at any point from the sleeping room to an approved exterior exit.
3. The sleeping rooms' emergency egress windows are facing the nearest approved point of fire department vehicle access and are within thirty five (35) horizontal feet of the approved point of fire department access. Note: Residential driveways are not approved fire department access points.
4. The sleeping rooms' emergency egress windows with balconies meet the following requirements:
   (a) Balcony floor located not more than forty four (44) inches below window sill.
   (b) Balcony shall be designed to support a sixty (60) psf live load.
   (c) Balcony shall extend a minimum of thirty six (36) inches perpendicular to the exterior wall.
   (d) Balcony shall extend a minimum of twelve (12) inches beyond each side of the emergency egress windows width.
   (e) Balcony is equipped with a guard in accordance with R312.

(Ord. 2599C; 12-03-12)

4-942. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, ~~SECTION DELETED;~~ SECTION R313, AUTOMATIC FIRE SPRINKLER SYSTEMS. ~~All~~ The entirety of Section R313 and all sub-sections are ~~is~~ hereby ~~deleted~~ amended to read as follows~~:~~: **AUTOMATIC FIRE SPRINKLER SYSTEMS.** ~~Refer to Article 2 of this Chapter for fire sprinkler requirements.~~ Where automatic residential fire sprinkler systems for one- and two-family dwellings and townhouses are provided, they shall be designed and installed in accordance with Section P2904 or NFPA 13D. Refer to Article 2 of this Chapter for fire sprinkler requirements.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

~~4-942A. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R315.3, CARBON MONOXIDE ALARMS, WHERE REQUIRED IN EXISTING DWELLINGS.~~ ~~Section R315.3 is hereby amended to read as follows: **Where required in existing dwellings.** Where work requiring a permit occurs in existing dwellings that have attached garages or in existing dwellings within which fuel-fired appliances exist, carbon monoxide alarms shall be provided in accordance with Section R315.1.~~

~~**EXCEPTION:** Work involving only the exterior surfaces of dwellings, such as the replacement of windows or doors, or the addition of a porch or deck, are exempt from the requirements of this section.~~

(Ord. 2599C; 12-03-12)

4-943. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R321.1, PREMISES IDENTIFICATION.

REPEALED

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-944. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R321.4, ACCEPTANCE INSPECTIONS. A new Section R321.4 of the IRC is hereby added to read as follows: **Acceptance Inspections.** All elevator equipment shall have an acceptance inspection and test performed and approved in accordance with ASME A17.1 requirements. Prior to the issuance of a Certificate of Occupancy, a copy of this inspection shall be forwarded to the City of Leawood.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-945. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION ~~R325.1~~R335.1, PHYSICAL SECURITY, PURPOSE~~, ADDED~~. A new Section R335.1 of the IRC is hereby added to read as follows: **SECTION ~~325~~R335, PHYSICAL SECURITY~~–~~, ~~R325.1~~R335.1 Purpose.** The purpose of this Section is to establish minimum standards that incorporate physical security to make dwelling units resistant to unlawful entry.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-946. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION ~~R325~~R335.1.1, ~~PHYSICAL SECURITY~~SCOPE. A new Section ~~R325~~R335.1.1 of the IRC is hereby added to read as follows: ~~R325~~**R335.1.1**

Scope. The provisions of this Section shall apply to all new structures and to additions and alterations made to existing buildings.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-947. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION ~~R325~~R335.2, DOORS. A new Section ~~R325~~R335.2 of the IRC is hereby added to read as follows: **~~R325~~R335.2 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 the following for the type of door installed.

(a) **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 3/4") at any point. Doors with panel inserts shall be solid wood. The panels shall be a minimum of one inch (1") 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.

(b) **Steel doors.** Where installed, exterior steel doors shall be a minimum thickness of 24 gauge.

(c) **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.

(d) **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.

(e) **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.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-948. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION ~~R325~~R335.3, DOOR~~S~~ FRAMES. A new Section ~~R325~~R335.3 of the IRC is hereby added to read as follows: **~~R325~~R335.3 Door frames.** The exterior door frames shall be installed prior to a rough-in inspection. Door frames shall comply with the following for the type of assembly installed:

(a) 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.

(b) 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.

(c) Door jambs.

1. Door jambs shall be installed with solid backing in a manner so 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.
2. 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.

(d) Door hardware. Exterior door hardware shall comply with the following:

1. Hinges. Hinges for exterior swinging doors 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.

2. Strike plates. Exterior door strike plates shall be a minimum of 18 gauge metal with four 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 subsection 6 below.

~~(3)~~. **Escutcheon plates.** All exterior doors shall have escutcheon plates or wraparound door channels installed around the lock protecting the door's edge.

~~(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.

~~(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 ~~sithout~~ 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 (180) degrees through windows or through view ports.

~~(6).~~ **Side lighted entry doors.** Side light door units shall have framing of double stud construction or equivalent construction complying with Sections ~~R325~~R335.3(a), (b) and (c). 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 ~~R325~~R335.3(a) and (b). Double stud construction or construction of equivalent strength shall exist between the glazing unit of the side light and wall structure of the dwelling.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-949. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION ~~R325~~R335.4, STREET NUMBERS. A new Section ~~R325~~R335.4 of the IRC is hereby added to read as follows: **~~R325~~R335.4 ~~Street~~ numbers.** Street numbers shall comply with Section R319.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-950. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION ~~R325~~R335.5, EXTERIOR LIGHTING. A new Section ~~R325~~R335.5 of the IRC is hereby added to read as follows: **~~R325~~R335.5 ~~Exterior~~ Lighting.** Exterior lighting shall comply with the following:

(a) Front and street side exterior lighting. All front and street side door entrances should be protected with a minimum of one light outlet having a minimum of sixty (60) watts of lighting (or energy efficient equivalent), installed so that the light source is not readily accessible.

(b) Rear exterior lighting. Homes with windows or doors near ground level below eight feet (8') on the rear side of the house shall be equipped with a minimum of one light outlet having 100 watt lighting (or energy efficient equivalent) and shall

be of the flood light type. Those fixtures placed below eight feet (8') shall be fixtures manufactured such that the light source is not readily accessible.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-951. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION ~~R325~~R335.6, ALTERNATE MATERIALS AND METHODS OF CONSTRUCTION. A new Section ~~R325~~R335.6 is hereby added to read as follows: ~~**R325**~~**R335.6 Alternate materials 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 this 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 this Section in quality, strength, effectiveness, burglary resistance, durability, and safety.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-951A. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R401.3. DRAINAGE. Section R401.3 of the IRC is hereby amended to read as follows: ~~**R401.3**~~ **Drainage.** Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection so as to not create a hazard. Lots shall be graded to drain surface water away from foundation walls. The grade shall fall a minimum of 6 inches (152 mm) within the first 10 feet (3048 mm). Gutter discharge shall not extend to a point closer than 10 feet to either adjacent property lines or the public right-of-way. Sump pump discharge shall not extend to a point closer than 15 feet to either adjacent property lines or the public right-of-way.

EXCEPTION: Where lot lines, walls, slopes or other physical barriers prohibit 6 inches (152 mm) of fall within 10 feet (3048 mm), the final grade shall slope away from the foundation at a minimum slope of 5 percent and the water shall be directed to drains or swales to ensure drainage away from the structure. Swales shall be sloped a minimum of 2 percent when located within 10 feet (3048 mm) of the building foundation. Impervious surfaces within 10 feet (3048 mm) of the building foundation shall be sloped ~~a minimum of~~not less than 2 percent away from the building.

EXCEPTION: Property owners may discharge water directly into the right-of-way if such owner or owners secures a right-of-way permit and otherwise complies with

the requirements of Article 3 of Chapter 13 of the Code of the City of Leawood, 2000.

EXCEPTION: Gutter Discharge may be placed closer than 10 feet to the adjoining property line in cases where the side yard setback is less than 10 feet, provided that the placement is the best possible placement ~~and that the point of discharge is not within the sideyard setback~~.

(Ord. 2599C; 12-03-12)
(Ord. 2335C; 08-18-08)

4-952. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R602.6.1, DRILLING AND NOTCHING OF TOP PLATE. Section R602.6.1 of the IRC is hereby amended to read as follows: **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 50 percent of its width, a galvanized metal tie not less than 0.054 inch thick (16 ga) and one and one-half inches (1.5") 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 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. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-952A INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R801.3, ROOF DRAINAGE. Section R801.3 of the IRC is hereby amended to read as follows: **~~R801.3~~ Roof Drainage.** All dwellings shall have a controlled method of water disposal from roofs that will collect and discharge roof drainage to the ground surface not less than 3 feet from foundation walls or to an approved drainage system.

4-~~952A~~952B. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R901.1 SCOPE. Section R901.1 of the IRC is hereby amended to read as follows: **~~R901.1~~ Scope.** The provisions of this chapter and the Leawood Development Ordinance shall govern the design, materials, construction and quality of roof assemblies.

(Ord. 2599C; 12-03-12)

4-953. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION R902.1. ROOFING COVERING MATERIALS. Section R902.1 of the IRC is hereby amended to read as follows: **Roofing Covering**

Materials. Roofs shall be covered with materials authorized under the provisions of Sections R904 and R905, and the Leawood Development Ordinance, as amended. Class A roofing shall be installed in areas designated by law as requiring their use or when the edge of the roof is less than three (3) feet (914 mm) from a property line or when less than twenty (20)-feet separation exists between structures. Classes A, B and C roofing required to be listed by this section shall be tested in accordance with UL 790 or ASTM E 108. ~~Roof assemblies with coverings of brick, masonry, slate, clay or concrete roof tile, exposed concrete roof deck, ferrous or copper shingles or sheets, and metal sheets and shingles, shall be considered Class A roof covering.~~

Exceptions:

1. Class A roof assemblies include those with coverings of brick, masonry and exposed concrete roof deck.
2. Class A roof assemblies include ferrous or copper shingles or sheets, metal sheets and shingles, clay or concrete roof tile, or slate installed on noncombustible decks.
3. Class A roof assemblies include minimum 16 ounces per square foot copper sheets installed over combustible decks.
4. ~~1.~~ Class A roof assemblies include slate installed over underlayment over combustible decks.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-953A. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION ~~R907~~R908.1, GENERAL. Section ~~907~~R908.1 of the IRC is hereby amended to read as follows: **~~R908.1 General.~~** Materials and methods of application used for re-covering or replacing an existing roof covering shall comply with the requirements of Chapter 9, and the Leawood Development Ordinance.

EXCEPTIONS:

1. Reroofing shall not be required to meet the minimum design slope requirement of one-quarter unit vertical in 12 units horizontal (2-percent slope) in Section R905 for roofs that provide positive roof drainage.
2. For roofs that provide positive drainage, re-covering or replacing an existing roof covering shall not require the secondary (emergency overflow) drains or scuppers of Section R903.4.1 to be added to an existing roof.

(Ord. 2599C; 12-03-12)

4-954. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION ~~R907~~R908.3, ~~RE-COVERING VERSUS REPLACEMENT~~ROOF REPLACEMENT. Section ~~R907~~R908.3 of the IRC is

hereby amended to read as follows: **~~R908.3 Roof Replacement.~~** New roof coverings shall be installed as provided for in the Leawood Development Ordinance.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-954A. **INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION ~~R907~~R908.7, PARTIAL REPLACEMENT.** A new Section ~~R907~~R908.7 of the IRC is hereby added to read as follows:

~~R907~~R908.7 Partial Replacement. Where only a portion of the existing roof coverings are being replaced, the replacement roof coverings shall be the exact brand and type, shall be of a material from the City of Leawood's approved roofing list, and shall exactly match the color of the existing roof coverings. Where over 50 % of the roof coverings are being replaced, complete replacement of all roof coverings is required. Replacement roof coverings for two-family dwellings and townhouses shall be the exact brand and type, shall be of a material from the City of Leawood's approved roofing list, and shall match the color of the roof coverings for the entire building.

EXCEPTION: Wood shakes and wood shingles installed in compliance with this code, and the Leawood Development Ordinance that are the exact brand, type, and original color of the existing wood shakes or wood shingles are permitted to be replaced in amounts less than 50%.

(Ord. 2599C; 12-03-12)

4-955. **INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION N1101.~~15~~ 13 COMPLIANCE.** Section N1101.~~15~~ 13 of the IRC is hereby amended to read as follows:

~~N1101.15 13~~ Compliance. Projects shall comply with one of the following:~~Sections identified as "mandatory" and with either sections identified as "prescriptive" or the performance approach in Section N1105.~~

1. Sections N1101.14 through N1104.
2. Section N1105 and the provisions of Sections N1101.14 through N1104 indicated as "Mandatory".
3. The energy rating index (ERI) approach in Section N1106.
4. The Home Energy Rating System approach in Section N1101.13.1.

~~**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. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-955A INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION N1101.13.1 HOME ENERGY RATING SYSTEM. Section N1101.13.1 of the IRC is hereby amended to read as follows: **Home Energy Rating System**. The ERI Index rating option can be met by constructing a residence that scores 80 or less on the HERS Index. All HERS ratings shall be performed by a third-party rater accredited by the Residential Energy Services Network (RESNET/ICC). The permit applicant of record shall elect which compliance path will be followed at the time permit application is made. The Final HERS Index score must be submitted to the City before issuance of a Certificate of Occupancy. The Final HERS certificate shall identify the project address, and include the HERS raters name and contact information

4-955AB. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; TABLE N1102.1.~~1~~2. Table N1102.1.~~1~~2 of the IRC is hereby amended to read as follows:

Table N1102.1.~~1~~2

Insulation and Fenestration Requirements by Component [a]

Climate Zone	Fenestration U-factor[b]	Skylight U-factor[b]	Glazed Fenestration SHGC[b]	Ceiling R-~~Value~~[f]Value	Wood Frame Wall R-Value	Mass Wall R-Value[e]	Floor R-Value	Basement Wall R-Value[c]	Slab R-Value & Depth[d] ~~10, 2 ft~~NR	C S W V
4	0.~~35~~.32	0.55	0.4	49	~~13~~[g]13[f]	8/13	19	10/13		1

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 or crawl spaces.

d. R-5 insulation shall be ~~added~~ provided under the full slab area of a heated slab. ~~to the required~~ R-10 slab edge insulation ~~R-values~~shall be provided for heated slabs and shall extend the depth of the slab.

e. The second R-value applies when more than half the insulation is on the interior of the mass wall.

~~f. Loose-fill insulation shall be installed at the rate recommended by the manufacturer's statement "so many bags per 1000 sq ft." Where the pitch of the roof restricts the "minimum thickness" at the exterior wall line, the insulation shall be blown into the cavity so as to achieve a greater compacted density to a point where the "minimum thickness" can be achieved. An alternative is to install high-density batts around the perimeter edge per R1102.2.~~

~~g~~f. Where 2 x 6 framing is used, a minimum R-19 insulation is required.

(Ord. 2599C; 12-03-12)

4-~~955B~~955C. **INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS,; SECTION N1102.4.1.2 TESTING.** Section N1102.4.1.2 of the IRC is hereby amended to read as follows:

~~N1102.4.1.2~~ **Testing.** ~~Where required by the Building Official, the~~ The building or dwelling unit shall be tested and verified as having an air leakage rate not exceeding 5 air changes per hour. Testing shall be conducted in accordance with RESNET/ICC 380, ASTM E779 or ASTM E1827 and reported at a pressure ~~with a blower door at a pressure~~ of 0.2 inches w.g. (50 Pascals). Testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the Code Official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weather-stripping or other infiltration control measures;
2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, shall be open;
4. Exterior or interior ~~doors~~ terminations for continuous ventilation systems ~~and heat recovery ventilators~~ shall be ~~closed and~~ sealed;
5. Heating and cooling systems, ~~if~~ where installed at the time of the test, shall be turned off; and

6. Supply and return registers, ~~if~~ where installed at the time of the test, shall be fully open.

(Ord. 2599C; 12-03-12)

4-955~~C~~D. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS,; SECTION N1103.~~2.2~~3.3 ~~SEALING~~ DUCT TESTING (MANDATORY). Section N1103.~~2.2~~3.3 of the IRC is hereby amended to read as follows:

~~**N1103.2.23.3 Sealing** Duct Testing (~~**mandatory**~~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 Building 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 per 100 square feet of conditioned floor area when tested at a pressure differential of 0.1 inches w.g.(25 Pa) across the entire system, including the manufacturer's air handler enclosure. ~~All register~~ Registers ~~boots~~ shall be taped or otherwise sealed during the test.
2. Rough-in test: Total leakage shall be less than or equal to 4 cfm per 100 square feet of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the system, including the manufacturer's air handler enclosure. ~~All registers~~ Reigisters shall be taped or otherwise sealed during the test. ~~If~~ Where the air handler is not installed at the time of the test, the total leakage shall be less than or equal to 3 cfm per 100 square feet of conditioned floor area.

EXCEPTIONS:

1. The ~~total~~ duct air-leakage test ~~is~~ shall not be required ~~for~~ where ducts and air handlers are 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.
3. A duct air-leakage test shall not be required for ducts serving heat or energy recovery ventilators that are not integrated with ducts serving heating or cooling systems.

A written report of the results of the test shall be signed by the party conducting the test and provided to the building official.

(Ord. 2599C; 12-03-12)

4-955~~D~~E INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION N~~-~~1103.3.4, DUCT LEAKAGE (PRESCRIPTIVE)~~,~~ ~~DELETED~~. Section N1103.3.4 of the IRC is hereby omitted and deleted.

4-955~~D~~F. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION N1103.~~2.3~~3.5, BUILDING CAVITIES (MANDATORY)~~,~~ ~~DELETED~~. Section N1103.~~2.3~~3.5 of the IRC is hereby omitted and deleted.

(Ord. 2599C; 12-03-12)

4-955~~E~~G. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION N1103.~~4.2~~5.3, HOT WATER PIPE INSULATION (PRESCRIPTIVE). Section N1103.~~4.2~~5.3 of the IRC is hereby amended to read as follows:

~~N1103.4.25.3~~ Hot water pipe insulation (Prescriptive). Insulation for hot water pipe with a minimum thermal resistance (R-value) of R-3 shall be applied to the following:

1. Piping located under a floor slab.
2. Buried piping.
3. Supply and return piping in recirculation systems other than demand recirculation systems.

(Ord. 2599C; 12-03-12)

4-955~~F~~H. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION N1104.1, LIGHTING EQUIPMENT (MANDATORY). Section N1104.1 of the IRC is hereby amended to read as follows:

~~N1104.1~~ Lighting Equipment (Mandatory). Fuel gas lighting systems shall not have continuously burning pilot lights.

(Ord. 2599C; 12-03-12)

~~**4-956. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION M1507.2, RECIRCULATION OF AIR.** Section M1507.2 is hereby amended to read as follows: Exhaust air from bathrooms and toilet rooms shall not be recirculated within a residence or to another dwelling unit and shall be exhausted directly to the outdoors or through a roof vent, provided the exhaust is secured in place.~~

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-957. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION G2402.3, TERMS DEFINED IN OTHER CODES. Section G2402.3 of the IRC 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, ~~2011~~2017, 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. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-957A INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS;~~:~~ SECTION G2417.4.1, TEST PRESSURE. Section G2417.4.1 of the IRC is hereby amended to read as follows: **~~P2417.4.1~~ Test Pressure.** The test pressure to be used shall not be less than 1-½ times the proposed maximum working pressure, but not less than 10 psig irrespective of design pressure. For welded piping and for piping carrying gas at pressure in excess of 14 inches water column, the test pressure shall not be less than 60 psig. Where the test pressure exceeds 125 psig, the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

4-957B INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION P2503.3, RESPONSIBILITY OF PERMITTEE. Section P2503.3 of the IRC is hereby amended to read as follows: **~~P2503.3~~ Responsibility of Permittee.** The permit holder shall make the applicable tests prescribed in Section 2503.4 through Section 2503.8 to determine compliance with the provisions of this Code.

4-957C INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION P2708.1.1, ACCESS~~, DELETED~~. Section P2708.1.1 of the IRC is hereby omitted and deleted.

4-958. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION E3406.2, CONDUCTOR MATERIAL. Section E3406.2 of the IRC is hereby amended to read as follows: **Conductor Material.** Conductors normally used to carry current shall be of copper.

EXCEPTION: Service lateral conductors, service entrance conductors, and feeder conductors two AWG and larger are allowed to be of any type as allowed by this code.

(Ord. 2599C; 12-03-12)
(Ord. 2559C; 08-06-12)
(Ord. 2297C; 02-04-08)

~~4-959. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION E3608.1, GROUNDING ELECTRODE SYSTEM.~~ ~~Section E3608.1 is hereby amended to read as follows: All electrodes specified in Sections E3608.1.1, E3608.1.2, E3608.1.3, E3608.1.4 and E3508.1.5 that are present at each building or structure served shall be bonded together to form the grounding electrode system. Where none of these electrodes are available, one or more of the electrodes specified in Sections E3608.1.3, E3608.1.4 and E3608.1.5 shall be installed and used.~~

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

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-960. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION E3902.2, GARAGE AND ACCESSORY BUILDING RECEPTACLES. Section E3902.2 of the IRC is hereby amended to read as follows: **Garage and accessory building receptacles.** ~~All~~ 125-volt, single-phase, 15- or 20-ampere receptacles installed in garages and grade-level portions of unfinished accessory buildings used for storage or work areas shall have ground-fault circuit-interrupter protection for personnel.

EXCEPTIONS:
1. ~~1.~~ Dedicated receptacles supplying garage door openers.
~~1.~~2. Dedicated receptacles supplying a permanently installed fire alarm or security alarm system.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-961. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION E3902.5, UNFINISHED BASEMENT RECEPTACLES. Section E3902.5 of the IRC is hereby amended to read as follows: **Unfinished basement receptacles.** All 125-volt single-phase, 15- and 20-ampere receptacles installed in unfinished basements shall have ground-fault circuit-interrupter protection for personnel. For purposes of this section, unfinished basements are defined as portions or areas of the basement not intended as habitable rooms and limited to storage areas, work areas, and the like.

EXCEPTIONS:
1. ~~A dedicated~~Dedicated receptacles supplying ~~only~~ a permanently installed fire alarm or ~~burglar~~ security alarm system.
2. Dedicated receptacles supplying sump pumps.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-962. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION E3902.~~12~~16, ARC-FAULT CIRCUIT-INTERRUPTER PROTECTION. Section E3902.~~12~~16 of the IRC is hereby amended to read as follows: **Arc-fault circuit-interrupter protection.** All branch circuits that supply 120-volt, single-phase, 15- and 20-ampere outlets installed in kitchens, family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreations rooms, closets, hallways, laundry areas and similar rooms or areas shall be protected by any of the following: ~~a combination-type arc-fault circuit interrupter installed to provide protection of the branch circuit. For these purposes, a smoke alarm or carbon monoxide alarm shall not be considered an outlet and is not required to be on an arc-fault circuit.~~

1. A listed combination-type arc-fault circuit-interrupter, installed to provide protection of the entire branch circuit.
2. A listed branch/feeder-type AFCI installed at the origin of the branch-circuit in combination with a listed outlet branch-circuit-type arc-fault circuit-interrupter installed at the first outlet box on the branch circuit. The first outlet box in the branch circuit shall be marked to indicate that it is the first outlet of the circuit.
3. A listed supplemental arc-protection circuit breaker installed at the origin of the branch circuit in combination with a listed outlet branch-circuit-type arc-fault circuit interrupter installed at the first outlet box on the branch circuit where all of the following conditions are met:
    - 3.1 The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch-circuit arc-fault circuit-interrupter.
    - 3.2 The maximum length of the branch-circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 50 feet for 14 AWG conductors and 70 feet for 12 AWG conductors.
    - 3.3 The first outlet box on the branch circuit shall be marked to indicate that it is the first outlet on the circuit.
4. A listed outlet branch-circuit type arc-fault circuit-interrupter installed at the first outlet on the branch circuit in combination with a listed branch-circuit overcurrent protective device where all of the following conditions are met:
    - 4.1 The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch-circuit arc-fault circuit-interrupter.
    - 4.2 The maximum length of the branch-circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 50 feet for 14 AWG conductors and 70 feet for 12 AWG conductors.
    - 4.3 The first outlet box on the branch circuit shall be marked to indicate that it is the first outlet on the circuit.
    - 4.4 The combination of the branch-circuit overcurrent device and outlet branch-circuit AFCI shall be identified as meeting the requirements for a system combination-type AFCI and shall be listed as such.
5. Where metal outlet boxes and junction boxes and RMC, IMC, EMT, Type MC or steel-armored Type AC cables meeting the requirements of Section E3908.8, metal wireways or metal auxiliary gutters are installed for the portion of the branch

circuit between the branch-circuit overcurrent device and the first outlet, a listed outlet branch-circuit type AFCI installed at the first outlet shall be considered as providing protection for the remaining portion of the branch circuit.

6. Where a listed metal or nonmetallic conduit or tubing or Type MC cable is encased in not less than 2 inches of concrete for the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet, a listed outlet branch-circuit-type AFCI installed at the first outlet shall be considered as providing protection for the remaining portion of the branch circuit.

EXCEPTIONS:

1. AFCI protection is not required for an individual branch circuit supplying only a fire alarm system where the branch circuit is wired with metal outlet and junction boxes and RMC, IMC, EMT or steel-sheathed armored cable Type AC or Type MC meeting the requirements of Section E3908.8.

~~1.~~2. For these purposes, a smoke alarm or carbon monoxide alarm shall not be considered an outlet and is not required to have arc-fault protection.

~~1. Where an outlet branch-circuit type AFCI is installed at the first outlet to provide protection for the remaining portion of the branch circuit, the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet shall be installed with metal outlet and junction boxes and RMC, IMC, EMT, type MC, or steel armored type AC cables meeting the requirements of Section E 3908.8.~~

~~2. Where an outlet branch-circuit type AFCI is installed at the first outlet to provide protection for the remaining portion of the branch circuit, the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet shall be installed with metal or nonmetallic conduit or tubing that is encased in not less than 2 inches (51mm) of concrete.~~

~~3. AFCI protection is not required for an individual branch circuit supplying only a fire alarm system where the branch circuit is wired with metal outlet and junction boxes and RMC, IMC, EMT or steel-sheathed armored cable Type AC, or Type MC meeting the requirements of Section E3908.8.~~

(Ord. 2599C; 12-03-12)

4-963. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS; SECTION E3902.13, ARC-FAULT CIRCUIT INTERRUPTER PROTECTION FOR BRANCH CIRCUIT EXTENSIONS OR MODIFICATIONS. ~~Section E3902.13 is hereby amended to read as follows: **Arc-fault circuit interrupter protection for branch circuit extensions or modifications.** Where branch-circuit wiring is modified, replaced, or extended in any of the areas specified in Section E3902.12, the branch circuit shall be protected by one of the following:~~

~~1. A combination-type AFCI located at the origin of the branch circuit.~~

~~2. An outlet branch-circuit type AFCI located at the first receptacle outlet of the existing branch circuit.~~

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

(Ord. 2599C; 12-03-12)

4-964. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION AG105.5, BARRIER EXCEPTIONS~~, DELETED~~. Section AG105.5 is hereby deleted.

Formerly 4-961
(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

Ordinance Published on __/__/____

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 4, ARTICLE 9 OF THE CODE OF THE CITY OF LEAWOOD, 2000, INCORPORATING BY REFERENCE THE INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, 2018 EDITION, SAVE AND EXCEPT SUCH ARTICLES, SECTIONS, PARTS OR PORTIONS WHICH ARE HEREAFTER OMITTED, DELETED, MODIFIED, CHANGED OR ADDED, AND REPEALING EXISTING ARTICLE 9 AND OTHER SECTIONS IN CONFLICT HEREWITH.

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

SECTION ONE: That Article 9 of Chapter 4 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

4-901. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, ADOPTED. There is hereby incorporated by reference that certain code known as the International Residential Code for One- and Two-Family Dwellings, 2018 edition, prepared and published in book form by the International Code Council, Inc., including appendices A, B, C, E, H, I and J, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed, or added hereto, such incorporation being authorized by K.S.A. §12-3009 through 12-3012, as amended. At least one copy 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. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-902. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R101.1. TITLE. Section R101.1 of the IRC is hereby amended to read as follows: **Title.** These provisions shall be known as the *Residential Code for One- and Two-family Dwellings* of the City of Leawood, Kansas, and will be referred to as this code, the IRC, or the *Residential Code* of the City of Leawood Kansas.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-902A. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R101.2. SCOPE. Section R101.2 of the IRC is hereby amended to read as follows: **Scope.** The provisions of the International Residential Code for One- and Two-family Dwellings (as amended), and the provisions of the Leawood Development Ordinance shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures.

EXCEPTIONS: The following shall be permitted to be constructed in accordance with this code where provided with a residential fire sprinkler system complying with Section P2904.

1. Live/work units complying with the requirements of Section 419 of the International Building Code shall be permitted to be built as one- and two-family dwellings or townhouses.
2. Owner-occupied lodging houses with five or fewer guestrooms.
3. A care facility with five or fewer persons receiving custodial care within a dwelling unit.
4. A care facility with five or fewer persons receiving medical care within a dwelling unit.
5. A care facility for five or fewer persons receiving care that are within a single-family dwelling.

Any occupancy where fire sprinkler system requirements are specifically exempted by Kansas Statute or Administrative Regulation shall be exempt from the fire sprinkler requirements above.

(Ord. 2599C; 12-03-12)

4-903. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R102.7. EXISTING STRUCTURES. Section R102.7 of the IRC is hereby amended to read as follows: **Existing structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Fire Code* or the *Leawood Property Maintenance Code (Chapter VIII),* or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-904. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R105.1. PERMITS, REQUIRED. Section R105.1 of the IRC is hereby amended to read as follows: **Permits, Required.** Any owner or authorized agent who intends to do work subject to this code or to otherwise construct, enlarge, alter, repair, move, shore, 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, or elevator 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.

(A) Any such permit that will result in a new structure or exterior alteration resulting in a change in square footage of an existing structure of ten percent or more or for demolition of an existing structure shall not be issued on residential projects unless and until copies of preliminary or final plans have been submitted to any requesting Homes Association in the City of Leawood as follows:

1. Any legally constituted and existing Homes Association [including any Homeowners Association or residential Condominium Owners Association] may file a written request with the City of Leawood Building Official to receive notice of any application for permit, including applications for permits for moving buildings or changes, additions, constructions or

reconstructions to the exterior of any residential home resulting in a change in square footage of ten (10) percent or more of the existing structure in their Association area or applications for demolition of an existing residential structure in the Association area. In such request, the Homes Association shall confirm that it understands any plans received by it from the City may be subject to copyright laws and actions and will be used solely for review in accordance with the applicable declarations and restrictions and will, thereafter, be destroyed. Any mailings to such Association shall be to the designated address. By so submitting the request, the Homes Association acknowledges that it has the duty to review such plans and respond to the owner or authorized agent and also acknowledges that a failure of response within 10 working days of the date of mailing of the preliminary plans, will be presumed to mean acceptance by the Homes Association.

2. Any owner or authorized agent who intends to do work subject to the Leawood Building Code and requiring a permit hereunder in an Association area may:
   (a) Submit two (2) copies of preliminary plans for the project, to include elevations, materials and footprint, to the City Building Official. If so submitted, the Building Official shall forward one (1) copy by regular mail to the requesting Homes Association at the address shown on the written request. In such case, the owner or authorized agent may submit a permit application ten (10) working days after the preliminary plans have been mailed to the requesting Association; or
   (b) Submit a permit application without first submitting the preliminary plans in accordance with subsection (b)(1) above. In such case, the Owner or Agent must submit one additional set of plans and those plans shall be submitted to the requesting Association by regular mail and the Building official shall not take any action on the permit application until twenty five (25) days have elapsed since the mailing of the permit plans to the requesting Association.

(B) Applications for a re-roofing permit on a residential structure shall meet the following additional requirements:

1. Any legally constituted and existing Homes Association [including any Homeowners Association or residential Condominium Owners Association] may file a written request with the City of Leawood Building Official to receive e-mail notice of any application for a re-roofing permit for a residential structure within its jurisdiction.
2. When an application is received for a re-roofing permit to be issued within an area governed by a requesting association, then the Building Official shall immediately notify the requesting association by e-mail of the receipt of the application and the address for the proposed permit and no permit shall be issued until two full business days after the receipt of the application.

(Ord. 2599C; 12-03-12)
(Ord. 2394C; 05-18-09)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-905. **INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R105.2. WORK EXEMPT FROM PERMIT.** Section R105.2 of the IRC is hereby amended to read as follows: **Work exempt from permit.** Exemption 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. Retaining walls that are not over four (4) feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
2. Sidewalks and driveways not more than thirty (30) inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route and are not located in the public right-of-way.
3. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
4. Swings and other playground equipment accessory to one-and two-family dwellings.
5. Window awnings supported by an exterior wall that do not project more than 36 inches from the exterior wall and do not require additional support of Group R-3 and Group U occupancies.
6. Window replacement where no structural modifications are made.

Electrical:

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas:

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing ten (10) pounds (4.54 kg) or less of refrigerant or that are actuated by motors of one (1) horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, 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, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-906. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R105.3. APPLICATION FOR PERMIT. Section R105.3 of the IRC is hereby amended to read as follows:

(a) Application for permit.

To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the building official for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section R106.1.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

(b) Application for complete structure demolition permit.

To obtain a fifteen (15) day complete structure demolition permit, the applicant shall first file an application therefor in writing on a form furnished by the building official for that purpose. Such application shall provide:

1. A site plan showing the location of the building or structure to be demolished and of all existing buildings on the property. The plan shall additionally show any necessary means of pedestrian protection as required by the Leawood Building Code.
2. The location where the demolition debris will be deposited.
3. The height and the total square footage of the building.
4. Evidence of required street closure permit.
5. The name and address of the owner of the building.
6. The type of equipment or method used to demolish the building.
7. Evidence that all public utilities have been disconnected.
8. Proof of rat-abating of any building at least ten days before the demolition may be required.
9. Proof of permission from the owner to demolish the building.
10. Evidence that proper erosion control will be provided for the site during demolition as well as during seeding and final grading of site.

11. Evidence that the structure has been inspected for asbestos. If asbestos is found, evidence shall be provided to indicate how the asbestos is to be removed and where it will be disposed.
12. Site plan, which shall indicate proposed grading and seeding.

Said permit may be issued in conjunction with permit for proposed new construction.

(c) **Application for partial structure or interior demolition permit.**
To obtain a thirty (30) day partial structure or interior demolition permit, the applicant shall first file an application therefor in writing on a form furnished by the building official for that purpose. Such application shall provide:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required by building official.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

Said permit may be issued in conjunction with permit for proposed new construction.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-907. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R105.3.1. ACTION ON APPLICATION. Section R105.3.1 of the IRC is hereby amended to read as follows: **Action on Application.** The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-908. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R105.3.1.1 DETERMINATION OF SUBSTANTIALLY IMPROVED OR SUBSTANTIALLY DAMAGED EXISTING BUILDINGS IN FLOOD HAZARD AREAS. *Repealed.*

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-909. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R105.3.1.1. DETERMINATION OF SUBSTANTIALLY IMPROVED OR SUBSTANTIALLY DAMAGED EXISTING BUILDINGS IN FLOOD HAZARD AREAS. Section R105.3.1.1 of the IRC is hereby amended to read as follows: **Determination of Substantially Improved or Substantially Damaged Existing Buildings in Flood Hazard Areas.** For applications for reconstruction, rehabilitation, addition, alteration, repair or other improvement of existing buildings or structures located in an area prone to flooding as established by the most current Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) established by the Federal Emergency Management Agency. The building official shall examine or cause to be examined the construction documents and shall prepare a finding with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its predamaged condition. If the building official finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, the proposed work shall be deemed a substantial improvement and the building official shall require existing portions of the entire building or structure to meet the requirements of Section R322.

For the purpose of this determination, a substantial improvement shall mean any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. Where the building or structure has sustained substantial damage, repairs necessary to restore the building or structure to its predamaged condition shall be considered substantial improvements regardless of the actual repair work performed. The term substantial improvement shall not include either of the following:

1. Improvements to a building or structure that are required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to ensure safe living conditions.
2. Any alteration of a historic building or structure, provided that the alteration will not preclude the continued designation as a historic building or structure. For the purposes of this exclusion, a historic building shall be any of the following:
   - 2.1 Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places.
   - 2.2 Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-910. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R105.3.2. TIME LIMITATION OF APPLICATION. Section R105.3.2 of the IRC is hereby amended to read as follows: **Time limitation of application.** 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. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-911. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R105.5. EXPIRATION. Section R105.5 of the IRC is hereby amended to read as follows: **Expiration.** Permits shall expire as provided in Article 2 of this Chapter.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-912. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R106.1. SUBMITTAL DOCUMENTS. Section R106.1 of the IRC is hereby amended to read as follows: **Submittal Documents.**

(a) At least two (2) sets of construction documents, special inspection and structural observation programs and other data shall be submitted with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the laws of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

EXCEPTION: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

(b) Additional Plans and Studies Necessary. In the case of a rebuild, reconstruction or remodel of an existing residential structure, the building official shall ensure that the following requirements have been met prior to issuance of a building permit:

If the reconstruction or remodeling is adding 400 or more square feet of impervious surface to the lot, then the applicant shall provide a drainage study and/or grading plan to be reviewed and approved by the City Engineer in accordance with the following:

1. If the reconstruction or remodeling will add impervious surfaces to the lot in an amount less than or equal to 50% of the existing impervious surface on the lot, then the applicant shall provide a grading plan prepared by a licensed engineer or land surveyor depicting the grading on the subject lot and extending into adjacent lots at least 25 feet.
2. If the reconstruction or remodeling will add impervious surfaces to the lot in an amount greater than 50% of the existing impervious surface on the lot, then the applicant shall provide a grading plan as referenced above and will also submit a storm water study addressing the increase of impervious area and the potential for drainage problems or flooding of adjacent properties. The

storm water study should include solutions to contain water on the subject property or by some other means to eliminate water problems on adjacent lots.

EXCEPTION. The requirement for the study may be waived if, in the opinion of the City Engineer, the grading plan shows that an increase of water or the velocity of water is directed to the City's right-of-way in accordance with other City ordinances and policies.

3. If the application pertains to a new structure being constructed after a complete demolition ["tear down"], then the applicant shall provide the drainage study and grading plan referenced above.

(Ord. 2599C; 12-03-12)
(Ord. 2334C; 08-18-08)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-913. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R106.2. SITE PLAN OR PLOT PLAN. Section R106.2 of the IRC is hereby amended to read as follows: **Site Plan or Plot Plan.** There shall be a site plan showing, to scale, the size and location of all the new construction and all existing structures on the site including easements, sewers, drains, utilities, etc., distances from lot lines, established street grades, and the proposed finished grades, and it shall be drawn in accordance with an accurate boundary line survey. All decks, balconies, overhangs, or other building protrusions shall be indicated and dimensioned. In the case of demolition, the plot plan shall show all construction to be demolished and the location and size of all existing structures and construction that are to remain on the site of the plot. Fire apparatus access roads provided and fire hydrant coverage as approved by the fire official shall be indicated as such on the site plan. The property owner or his or her agent shall certify to the building official that the top of the foundation for a building will be in conformance with the approved site plan, including building elevations, site grading, erosion control devices, and building setbacks. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair and does not affect the exterior features of the building.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-914. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R107.1. TEMPORARY STRUCTURES AND USES, GENERAL. Section R107.1 of the IRC is hereby amended to read as follows: **General.** The building official is authorized to issue a permit for temporary structures and temporary uses if otherwise authorized under the Code of the City of Leawood and the Leawood Development Ordinance. Such permits shall be limited in time. The building official may grant extensions for demonstrated cause.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-915. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R107.2. CONFORMANCE. ***Repealed.***

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-916. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R107.3. TEMPORARY POWER. ***Repealed.***

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-917. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R108.2. SCHEDULE OF PERMIT FEES. Section R108.2 of the IRC is hereby amended to read as follows: **Schedule of permit fees.** The fees for work requiring a permit shall be as indicated in the City of Leawood Fee Schedule.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-918. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R108.5. REFUNDS. Section R108.5 of the IRC is hereby amended to read as follows: **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. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-919. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R109.1. TYPES OF INSPECTIONS. Section R109.1 of the IRC is hereby amended to read as follows: **Types of inspections.** For onsite construction, from time to time the building official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this code.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 1936C; 01-22-02)

4-920. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R109.1.1. FOUNDATION INSPECTION. Section R109.1.1 of the IRC is hereby amended to read as follows: **Foundation inspection.** Inspection of the foundation shall be made after poles or piers are set or trenches or basement areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)
(Ord. 2141C; 11-21-05)
(Ord. 2416C; 10-05-09)

4-921. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R109.1.2. CONCRETE SLAB OR UNDER-FLOOR INSPECTION. Section R109.1.2 of the IRC is hereby amended to read as follows: **Concrete slab or under-floor inspection.** Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-922. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R109.1.3. PLUMBING, MECHANICAL, GAS AND ELECTRICAL SYSTEMS INSPECTION. Section R109.1.3 of the IRC is hereby amended to read as follows: **Plumbing, mechanical, gas and electrical systems inspection.** Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.

EXCEPTION: Back-filling of ground-source heat pump loop systems tested in accordance with Section M2105.28 prior to inspection shall be permitted.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-923. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R109.1.4. FLOODPLAIN INSPECTIONS. Section R109.1.4 of the IRC is hereby amended to read as follows: **Floodplain inspections.** For construction in areas prone to flooding as established by the most current Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) established by the Federal Emergency Management Agency, upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in Section R322.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-924. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R109.1.5. FRAME AND MASONRY INSPECTION. Section R109.1.5 of the IRC is hereby amended to read as follows: **Frame and masonry inspection.** Inspection of framing and masonry construction shall be made after the roof, masonry, all framing, firestopping, draftstopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are approved.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-925. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R109.1.6. ROOFING INSPECTIONS. Section R109.1.6 of the IRC is hereby amended to read as follows: **Roofing inspections.** Roofing inspections shall be made at the mid-point of roofing installation and after roofing installation is complete.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-926. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R109.1.7. OTHER INSPECTIONS. A new Section R109.1.7 of the IRC is hereby added to read as follows: **Other inspections.** In addition to the called inspections above, the building official may make or require any other inspections to ascertain compliance with this code and other laws enforced by the building official.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-927. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R109.1.7.1. FIRE-RESISTANCE-RATED CONSTRUCTION INSPECTION. A new Section R109.1.7.1 of the IRC is hereby added to read as follows: **Fire-resistance-rated construction inspection.** Where fire-resistance-rated construction is required between dwelling units or due to location on property, the building official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-928. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R109.1.7.2. REINFORCED MASONRY, INSULATING CONCRETE FORM (ICF) AND CONVENTIONALLY FORMED CONCRETE WALL INSPECTION. A new Section R109.1.7.2 of the IRC is hereby added to read as follows: **Reinforced masonry, insulating concrete form (ICF) and conventionally formed concrete wall inspection.** Reinforced masonry walls, insulating concrete form (ICF) walls and conventionally formed concrete walls located in Seismic Design Categories D0, D1, D2, and E shall be inspected after plumbing, mechanical, and electrical systems embedded within the walls, and reinforcing steel are in place and prior to placement of grout or concrete. Inspection shall verify the correct size, location, spacing, and lapping of reinforcing. For masonry walls, inspection shall also verify that the location of grout cleanouts and size of grout spaces comply with the requirements of this code.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-929. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R109.1.8. FINAL INSPECTION. A new Section R109.1.8 of the IRC is hereby added to read as follows: **Final inspection.** Final inspection shall be made after the permitted work is complete and prior to occupancy.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-929A. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R109.1.8.1. ELEVATION DOCUMENTATION. A new Section R109.1.8.1 of the IRC is hereby added to read as follows: **Elevation Documentation.** If located in a flood hazard area, the documentation of elevations required in Section R322.1.10 shall be submitted to the building official prior to the final inspection.

(Ord. 2599C; 12-03-12)

4-930. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R110.1. USE AND OCCUPANCY. Section R110.1 of the IRC is hereby amended to read as follows: **Use and Occupancy.** A building or structure shall not be used or occupied, and a change of occupancy or change of use of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the Leawood Building Code or of other ordinances of the City of Leawood. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-931. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R110.3. CERTIFICATE ISSUED. Section R110.3 of the IRC is hereby amended to read as follows: **Certificate issued.** After the building official inspects the building or structure and finds no violations of the provisions of this code, *Leawood Development Ordinance, Fire Protection Code (Chapter VII), Leawood Property Maintenance Code (Chapter VIII)* or other laws that are enforced by the department of building safety, the 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 or the owner's authorized agent.
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.
6. The name of the building official.
7. The name of the fire official, if applicable.
8. The edition of the code under which the permit was issued.
9. If an automatic sprinkler system is provided and whether the sprinkler system is required.

10. Any special stipulations and conditions of the building permit.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-932. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R110.4. TEMPORARY OCCUPANCY. Section R110.4 of the IRC is hereby amended to read as follows: **Temporary Occupancy.** The building official is authorized to issue a Temporary Certificate of Occupancy (TCO) before the completion of the entire work covered by the permit, provide that such portion or portions shall be occupied safely. The Building Official shall set a time period during which the temporary certificate of occupancy is valid, provided, however that such time period shall not exceed sixty (60) days. The Building Official is authorized to renew the Temporary Certificate of Occupancy for two (2) additional periods not exceeding sixty (60) days for each renewal.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-933. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R111.3. AUTHORITY TO DISCONNECT SERVICE UTILITIES. Section R111.3 of the IRC is hereby amended to read as follows: **Authority to Disconnect Service Utilities.** The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the *Leawood Building Code, Fire Protection Code (Chapter VII), or Leawood Property Maintenance Code (Chapter VIII)*, in case of emergency where necessary to eliminate an immediate hazard to life or property, or where such utility connection has been made without the approval required by Section R111.1 or R111.2. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect before taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-934. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R112. BOARD OF APPEALS. Section R112 of the IRC and each and every part thereof is hereby omitted and deleted in its entirety.

(Ord. 2599C; 12-03-12)
See Section 4-105
(Ord. 2297C; 02-04-08)

4-935. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R113.4. VIOLATION, PENALTIES. Section R113.4 of the IRC 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 or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official 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. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-936. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R114.1. NOTICE TO OWNER. Section R114.1 of the IRC is hereby amended to read as follows: **Notice to Owner.** Upon notice from the building official that work on any building or structure is being executed contrary to the provisions of this code or any other City of Leawood Ordinances or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work and shall state the conditions under which work will be permitted to resume.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-937. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, TABLE R301.2(1). CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA. Table R301.2(1) of the IRC shall be amended to include the following information as if fully set out within the table as indicated:

(a) Ground Snow Load: 20 pounds per square foot
(b) Wind Design - Speed: 115 miles per hour
(c) Wind Design - Topographic effects: No
(d) Wind Design - Special Wind Region: No
(e) Wind Design - Windborne Debris Zone: No
(f) Seismic Design Category: A
(g) Subject to Damage From - Weathering: Severe
(h) Subject to Damage From - Frost Line Depth: 36 inches
(i) Subject to Damage From - Termite: Moderate to Heavy
(j) Decay: Slight to Moderate
(k) Winter Design Temperature: Six degrees Fahrenheit
(l) Ice Barrier Underlayment Required: Yes
(m) Flood Hazards: Latest adopted FIRM and FBFM documents.
(n) Air Freezing Index: 1000
(o) Mean Annual Temperature: 55 degrees Fahrenheit

(Ord. 2599C; 12-03-12)
(Ord. 2558C; 08-06-12)
(Ord. 2297C; 02-04-08)

4-938. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R301.4. DEAD LOAD. Section R301.4 of the IRC is hereby amended to read as follows: **Dead Load.** The actual weights of materials and construction shall be used for determining dead load with consideration for the dead load of fixed service equipment, provided, however, that the following minimum dead loads shall be used in the design of building:

(a) Floors, ceilings, decks, and balconies: 10 pounds per square foot.
(b) Roofs: 20 pounds per square foot.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-939. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R301.9. BASEMENT REQUIRED. A new Section R301.9 of the IRC is hereby added to read as follows: **Basement Required**: All single-family detached dwellings shall be constructed with a basement.

EXCEPTIONS:

(a) The provisions of this section shall not apply to single-family detached dwellings which are designed and constructed specifically for the use of a disabled individual and which contain a storm shelter or safe room constructed in accordance with IRC Section R323.

(b) The provisions of this section shall not apply to single-family detached dwellings when it would be impractical to construct a basement in light of subsurface conditions verified by an engineer and when such dwellings contain a storm shelter or safe room constructed in accordance with IRC Section R323. .

(c) The provisions of this section shall not apply to the repair or reconstruction of any single-family detached dwelling, unless such dwelling is being one hundred (100) percent reconstructed.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-939A. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R302.2. TOWNHOUSES. ***Repealed.***

(Ord. 2599C; 12-03-12)

4-939B. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R302.2.4. STRUCTURAL INDEPENDENCE. ***Repealed.***

(Ord. 2599C; 12-03-12)

4-939C. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R303.4. MECHANICAL VENTILATION. Section R303.4 of the IRC is hereby amended to read as follows: **Mechanical Ventilation.** Where the air infiltration rate of a dwelling unit is less than three (3) air changes per hour when tested with a blower door at a pressure of 0.2 inch 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 M1505.4.

(Ord. 2599C; 12-03-12)

4-939D. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R306.5. TOILET FACILITIES DURING CONSTRUCTION. A new Section R306.5 of the IRC is hereby added to read as follows: **Toilet Facilities During Construction.** Toilet facilities shall be provided during construction, starting from the time of the first 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 at the job site and the facilities must be within 500 feet as measured from any property line of the job site or other certification provided to the Building Official to verify the availability of toilet facilities. Toilet facilities shall be placed on private property out of the right-of way, and a minimum of 10 feet from neighboring properties. The facilities on the site shall be removed prior to issuance of a Temporary Certificate of Occupancy.

(Ord. 2599C; 12-03-12)

4-940. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R310.2.4. EMERGENCY ESCAPE AND RESCUE OPENINGS UNDER DECKS AND PORCHES. Section R310.2.4 of the IRC is hereby amended to read as follows: **Emergency escape and rescue openings under decks and porches.** Emergency escape and rescue openings installed under decks and porches shall be fully openable and provide a path not less than forty-eight (48) inches (1219 mm) in height to a yard or court.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-941. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R310.7. MAXIMUM HEIGHT OF GROUP R-3 BUILDINGS. A new Section R310.7 of the IRC is hereby added to read as follows: **Maximum Height of Group R-3 Buildings**. The maximum height for Group R-3 buildings is to be determined by the Leawood Development Ordinance.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-941A. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R312.3. WINDOW SILLS. A new Section R312.3 of the IRC is hereby added to read as follows: **Window Sills.** No window from a sleeping area shall have a sill height in excess of twenty five (25) feet from grade level.

EXCEPTIONS:

1. The building is equipped with an approved automatic sprinkler system.
2. In sleeping rooms, which have two separate and distinct exits, which do not share a common interior atmosphere at any point from the sleeping room to an approved exterior exit.
3. The sleeping rooms' emergency egress windows are facing the nearest approved point of fire department vehicle access and are within thirty five (35) horizontal feet of the approved point of fire department access. Note: Residential driveways are not approved fire department access points.
4. The sleeping rooms' emergency egress windows with balconies meet the following requirements:
   (a) Balcony floor located not more than forty four (44) inches below window sill.
   (b) Balcony shall be designed to support a sixty (60) psf live load.
   (c) Balcony shall extend a minimum of thirty six (36) inches perpendicular to the exterior wall.
   (d) Balcony shall extend a minimum of twelve (12) inches beyond each side of the emergency egress windows width.
   (e) Balcony is equipped with a guard in accordance with R312.

(Ord. 2599C; 12-03-12)

4-942. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R313. AUTOMATIC FIRE SPRINKLER SYSTEMS. The entirety of Section R313 of the IRC and all sub-sections are hereby amended to read as follows: **Automatic Fire Sprinkler Systems**. Where automatic residential fire sprinkler systems for one- and two-family dwellings and townhouses are provided, they shall be designed and installed in accordance with Section P2904 or NFPA 13D Refer to Article 2 of this Chapter for fire sprinkler requirements.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-942A. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R315.3. CARBON MONOXIDE ALARMS, WHERE REQUIRED IN EXISTING DWELLINGS. ***Repealed.***

(Ord. 2599C; 12-03-12)

4-943. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R321.1. PREMISES IDENTIFICATION. ***Repealed.***

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-944. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R321.4. ACCEPTANCE INSPECTIONS. A new Section R321.4 of the IRC is hereby added to read as follows: **Acceptance Inspections.** All elevator equipment shall have an acceptance inspection and test performed and approved in accordance with ASME A17.1 requirements. Prior to the issuance of a Certificate of Occupancy, a copy of this inspection shall be forwarded to the City of Leawood.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-945. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R335.1. PHYSICAL SECURITY, PURPOSE. A new Section R335.1 of the IRC is hereby added to read as follows: **SECTION R335, PHYSICAL SECURITY; R335.1 Purpose.** The purpose of this Section is to establish minimum standards that incorporate physical security to make dwelling units resistant to unlawful entry.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-946. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R335.1.1. SCOPE. A new Section R335.1.1 of the IRC is hereby added to read as follows: **Scope.** The provisions of this Section shall apply to all new structures and to additions and alterations made to existing buildings.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-947. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R335.2. DOORS. A new Section R335.2 of the IRC is hereby added to read as follows: **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 the following for the type of door installed.

(a) **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 3/4") at any point. Doors with panel inserts shall be solid wood. The panels shall be a minimum of one inch (1") 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.

(b) **Steel doors.** Where installed, exterior steel doors shall be a minimum thickness of 24 gauge.

(c) **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.

(d) **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.

(e) **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.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-948. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R335.3. DOOR FRAMES. A new Section R335.3 of the IRC is hereby added to read as follows: **Door frames.** The exterior door frames shall be installed prior to a rough-in inspection. Door frames shall comply with the following for the type of assembly installed:

(a) **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.

(b) **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.

(c) **Door jambs.**

1. Door jambs shall be installed with solid backing in a manner so 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.
2. 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.

(d) **Door hardware.** Exterior door hardware shall comply with the following:

1. **Hinges.** Hinges for exterior swinging doors 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.
2. **Strike plates.** Exterior door strike plates shall be a minimum of 18 gauge metal with four 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 subsection 6 below.
3. **Escutcheon plates.** All exterior doors shall have escutcheon plates or wraparound door channels installed around the lock protecting the door's edge.
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.
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 (180) degrees through windows or through view ports.
6. **Side lighted entry doors.** Side light door units shall have framing of double stud construction or equivalent construction complying with Sections R335.3(a), (b) and (c). 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 R335.3(a) and (b). Double stud construction or construction of equivalent strength shall exist between the glazing unit of the side light and wall structure of the dwelling.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-949. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R335.4. STREET NUMBERS. A new Section R335.4 of the IRC is hereby added to read as follows: **Street numbers.** Street numbers shall comply with Section R319.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-950. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R335.5. EXTERIOR LIGHTING. A new Section R335.5 of

the IRC is hereby added to read as follows: **Exterior Lighting.** Exterior lighting shall comply with the following:

(a) Front and street side exterior lighting. All front and street side door entrances should be protected with a minimum of one light outlet having a minimum of sixty (60) watts of lighting (or energy efficient equivalent), installed so that the light source is not readily accessible.

(b) Rear exterior lighting. Homes with windows or doors near ground level below eight feet (8') on the rear side of the house shall be equipped with a minimum of one light outlet having 100 watt lighting (or energy efficient equivalent) and shall be of the flood light type. Those fixtures placed below eight feet (8') shall be fixtures manufactured such that the light source is not readily accessible.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-951. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R335.6. ALTERNATE MATERIALS AND METHODS OF CONSTRUCTION. A new Section R335.6 of the IRC is hereby added as follows: **Alternate materials 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 this 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 this Section in quality, strength, effectiveness, burglary resistance, durability, and safety.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-951A. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R401.3. DRAINAGE. Section R401.3 of the IRC is hereby amended to read as follows: **Drainage.** Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection so as to not create a hazard. Lots shall be graded to drain surface water away from foundation walls. The grade shall fall a minimum of 6 inches (152 mm) within the first 10 feet (3048 mm). Gutter discharge shall not extend to a point closer than 10 feet to either adjacent property lines or the public right-of-way. Sump pump discharge shall not extend to a point closer than 15 feet to either adjacent property lines or the public right-of-way.

EXCEPTION: Where lot lines, walls, slopes or other physical barriers prohibit 6 inches (152 mm) of fall within 10 feet (3048 mm), the final grade shall slope away from the foundation at a minimum slope of 5 percent and the water shall be directed to drains or swales to ensure drainage away from the structure. Swales shall be sloped a minimum of 2 percent when located within 10 feet (3048 mm) of the building foundation. Impervious surfaces within 10 feet (3048 mm) of the building foundation shall be sloped not less than 2 percent away from the building.

EXCEPTION: Property owners may discharge water directly into the right-of-way if such owner or owners secures a right-of-way permit and otherwise complies with the requirements of Article 3 of Chapter 13 of the Code of the City of Leawood, 2000.

EXCEPTION: Gutter Discharge may be placed closer than 10 feet to the adjoining property line in cases where the side yard setback is less than 10 feet, provided that the placement is the best possible placement.

(Ord. 2599C; 12-03-12)
(Ord. 2335C; 08-18-08)

4-952. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R602.6.1. DRILLING AND NOTCHING OF TOP PLATE. Section R602.6.1 of the IRC is hereby amended to read as follows: **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 50 percent of its width, a galvanized metal tie not less than 0.054 inch thick (16 ga) and one and one-half inches (1.5") 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 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. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-952A INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R801.3. ROOF DRAINAGE. Section R801.3 of the IRC is hereby amended to read as follows: **Roof Drainage.** All dwellings shall have a controlled method of water disposal from roofs that will collect and discharge roof drainage to the ground surface not less than 3 feet from foundation walls or to an approved drainage system.

4-952B. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R901.1. SCOPE. Section R901.1 is hereby amended to read as follows: **Scope.** The provisions of this chapter and the Leawood Development Ordinance shall govern the design, materials, construction and quality of roof assemblies.

(Ord. 2599C; 12-03-12)

4-953. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R902.1. ROOFING COVERING MATERIALS. Section R902.1 of the IRC is hereby amended to read as follows: **Roofing Covering Materials.** Roofs shall be covered with materials authorized under the provisions of Sections R904 and R905, and the Leawood Development Ordinance, as amended. Class A roofing shall be installed in areas designated by law as requiring their use or when the edge of the roof is less than three (3) feet (914 mm) from a property line or when less than twenty (20)-feet separation exists between structures. Classes A, B and C roofing required to be listed by this section shall be tested in accordance with UL 790 or ASTM E 108.

EXCEPTIONS:

1. Class A roof assemblies include those with coverings of brick, masonry and exposed concrete roof deck.
2. Class A roof assemblies include ferrous or copper shingles or sheets, metal sheets and shingles, clay or concrete roof tile, or slate installed on noncombustible decks.
3. Class A roof assemblies include minimum 16 ounces per square foot copper sheets installed over combustible decks.
4. Class A roof assemblies include slate installed over underlayment over combustible decks.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-953A. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R908.1. GENERAL. Section R908.1 of the IRC is hereby amended to read as follows: **General.** Materials and methods of application used for re-covering or replacing an existing roof covering shall comply with the requirements of Chapter 9, and the Leawood Development Ordinance.

EXCEPTIONS:

1. Reroofing shall not be required to meet the minimum design slope requirement of one-quarter unit vertical in 12 units horizontal (2-percent slope) in Section R905 for roofs that provide positive roof drainage.
2. For roofs that provide positive drainage, re-covering or replacing an existing roof covering shall not require the secondary (emergency overflow) drains or scuppers of Section R903.4.1 to be added to an existing roof.

(Ord. 2599C; 12-03-12)

4-954. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R908.3. ROOF REPLACEMENT. Section R908.3 of the IRC is hereby amended to read as follows: **Roof Replacement.** New roof coverings shall be installed as provided for in the Leawood Development Ordinance.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-954A. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION R908.7. PARTIAL REPLACEMENT. A new Section R908.7 of the IRC is hereby added to read as follows: **Partial Replacement.** Where only a portion of the existing roof coverings are being replaced, the replacement roof coverings shall be the exact brand and type, shall be of a material from the City of Leawood's approved roofing list, and shall exactly match the color of the existing roof coverings. Where over 50 % of the roof coverings are being replaced, complete replacement of all roof coverings is required. Replacement roof coverings for two-family dwellings and townhouses shall be the exact brand and type, shall be of a material from the City of Leawood's approved roofing list, and shall match the color of the roof coverings for the entire building.

EXCEPTION: Wood shakes and wood shingles installed in compliance with this code, and the Leawood Development Ordinance that are the exact brand, type,

and original color of the existing wood shakes or wood shingles are permitted to be replaced in amounts less than 50%.

(Ord. 2599C; 12-03-12)

4-955. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION N1101.13. COMPLIANCE. Section N1101.13 of the IRC is hereby amended to read as follows: **Compliance.** Projects shall comply with one of the following:

1. Sections N1101.14 through N1104.
2. Section N1105 and the provisions of Sections N1101.14 through N1104 indicated as "Mandatory".
3. The energy rating index (ERI) approach in Section N1106.
4. The Home Energy Rating System approach in Section N1101.13.1.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-955A INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION N1101.13.1. HOME ENERGY RATING SYSTEM. Section N1101.13.1 of the IRC is hereby amended to read as follows: **Home Energy Rating System**. The ERI Index rating option can be met by constructing a residence that scores 80 or less on the HERS Index. All HERS ratings shall be performed by a third-party rater accredited by the Residential Energy Services Network (RESNET/ICC). The permit applicant of record shall elect which compliance path will be followed at the time permit application is made. The Final HERS Index score must be submitted to the City before issuance of a Certificate of Occupancy. The Final HERS certificate shall identify the project address, and include the HERS raters name and contact information.

4-955B. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, TABLE N1102.1.2. Table N1102.1.2 of the IRC is hereby amended to read as follows:

Table N1102.1.2

Insulation and Fenestration Requirements by Component [a]

Climate Zone	Fenestration U-factor[b]	Skylight U-factor[b]	Glazed Fenestration SHGC[b]	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value[e]	Floor R-Value	Basement Wall R-Value[c]	Slab R-Value & Depth[d]	Crawl Space Wall R Value[c]
4	0.32	0.55	0.4	49	13[f]	8/13	19	10/13	NR	10/13

a. R-values are minimums. U-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed R-value of the insulation shall not be less than the R-value specified in the table.

b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

c. "10/13" means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement walls or crawl spaces.

d. R-5 insulation shall be provided under the full slab area of a heated slab. R-10 slab edge insulation shall be provided for heated slabs and shall extend the depth of the slab.

e. The second R-value applies when more than half the insulation is on the interior of the mass wall.

f. Where 2 x 6 framing is used, a minimum R-19 insulation is required.

(Ord. 2599C; 12-03-12)

4-955C. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION N1102.4.1.2. TESTING. Section N1102.4.1.2 of the IRC is hereby amended to read as follows: **Testing.** The building or dwelling unit shall be tested and verified as having an air leakage rate not exceeding 5 air changes per hour. Testing shall be conducted in accordance with RESNET/ICC 380, ASTM E779 or ASTM E1827 and reported at a pressure of 0.2 inches w.g. (50 Pascals). Testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the Code Official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weather-stripping or other infiltration control measures;
2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, shall be open;
4. Exterior or interior terminations for continuous ventilation systems shall be sealed;
5. Heating and cooling systems, where installed at the time of the test, shall be turned off; and
6. Supply and return registers, where installed at the time of the test, shall be fully open.

(Ord. 2599C; 12-03-12)

4-955D. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION N1103.3.3. DUCT TESTING (MANDATORY). Section N1103.3.3 of the IRC is hereby amended to read as follows: **Duct Testing (Mandatory).** Where required by the Building 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 per 100 square feet of conditioned floor area when tested at a pressure differential of 0.1 inches w.g.(25 Pa) across the entire system, including the manufacturer's air handler enclosure. Registers shall be taped or otherwise sealed during the test.
2. Rough-in test: Total leakage shall be less than or equal to 4 cfm per 100 square feet of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the system, including the manufacturer's air handler enclosure. Registers shall be taped or otherwise sealed during

the test. Where the air handler is not installed at the time of the test, the total leakage shall be less than or equal to 3 cfm per 100 square feet of conditioned floor area.

EXCEPTIONS:

1. The duct air-leakage test shall not be required where ducts and air handlers are 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.
3. A duct air-leakage test shall not be required for ducts serving heat or energy recovery ventilators that are not integrated with ducts serving heating or cooling systems.

A written report of the results of the test shall be signed by the party conducting the test and provided to the building official.

(Ord. 2599C; 12-03-12)

4-955E INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION N1103.3.4. DUCT LEAKAGE (PRESCRIPTIVE). Section N1103.3.4 of the IRC is hereby omitted and deleted.

4-955F. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION N1103.3.5. BUILDING CAVITIES (MANDATORY). Section N1103.3.5 of the IRC is hereby omitted and deleted.

(Ord. 2599C; 12-03-12)

4-955G. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION N1103.5.3. HOT WATER PIPE INSULATION (PRESCRIPTIVE). Section N1103.5.3 of the IRC is hereby amended to read as follows: **Hot water pipe insulation (Prescriptive).** Insulation for hot water pipe with a minimum thermal resistance (R-value) of R-3 shall be applied to the following:

1. Piping located under a floor slab.
2. Buried piping.
3. Supply and return piping in recirculation systems other than demand recirculation systems.

(Ord. 2599C; 12-03-12)

4-955H. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION N1104.1. LIGHTING EQUIPMENT (MANDATORY). Section N1104.1 of the IRC is hereby amended to read as follows: **Lighting Equipment (Mandatory).** Fuel gas lighting systems shall not have continuously burning pilot lights.

(Ord. 2599C; 12-03-12)

4-956. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION M1507.2. RECIRCULATION OF AIR. ***Repealed.***

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-957. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION G2402.3. TERMS DEFINED IN OTHER CODES. Section G2402.3 of the IRC 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, 2017, 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. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-957A INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION G2417.4.1. TEST PRESSURE. Section G2417.4.1 of the IRC is hereby amended to read as follows: **Test Pressure.** The test pressure to be used shall not be less than 1½ times the proposed maximum working pressure, but not less than 10 psig irrespective of design pressure. For welded piping and for piping carrying gas at pressure in excess of 14 inches water column, the test pressure shall not be less than 60 psig. Where the test pressure exceeds 125 psig, the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

4-957B INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION P2503.3. RESPONSIBILITY OF PERMITTEE. Section P2503.3 of the IRC is hereby amended to read as follows: **Responsibility of Permittee.** The permit holder shall make the applicable tests prescribed in Section 2503.4 through Section 2503.8 to determine compliance with the provisions of this Code.

4-957C INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION P2708.1.1. ACCESS. Section P2708.1.1 of the IRC is hereby omitted and deleted.

4-958. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION E3406.2. CONDUCTOR MATERIAL. Section E3406.2 of the IRC is hereby amended to read as follows: **Conductor Material.** Conductors normally used to carry current shall be of copper.

EXCEPTION: Service lateral conductors, service entrance conductors, and feeder conductors two AWG and larger are allowed to be of any type as allowed by this code.

(Ord. 2599C; 12-03-12)
(Ord. 2559C; 08-06-12)
(Ord. 2297C; 02-04-08)

4-959. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION E3608.1. GROUNDING ELECTRODE SYSTEM. ***Repealed.***

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-960. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION E3902.2. GARAGE AND ACCESSORY BUILDING RECEPTACLES. Section E3902.2 of the IRC is hereby amended to read as follows:

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

EXCEPTIONS:

1. Dedicated receptacles supplying garage door openers.
2. Dedicated receptacles supplying a permanently installed fire alarm or security alarm system.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-961. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION E3902.5. UNFINISHED BASEMENT RECEPTACLES. Section E3902.5 of the IRC is hereby amended to read as follows: **Unfinished basement receptacles.** All 125-volt single-phase, 15- and 20-ampere receptacles installed in unfinished basements shall have ground-fault circuit-interrupter protection for personnel. For purposes of this section, unfinished basements are defined as portions or areas of the basement not intended as habitable rooms and limited to storage areas, work areas, and the like.

EXCEPTIONS:

1. Dedicated receptacles supplying a permanently installed fire alarm or security alarm system.
2. Dedicated receptacles supplying sump pumps.

(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

4-962. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION E3902.16. ARC-FAULT CIRCUIT-INTERRUPTER PROTECTION. Section E3902.16 of the IRC is hereby amended to read as follows: **Arc-fault circuit-interrupter protection.** All branch circuits that supply 120-volt, single-phase, 15- and 20-ampere outlets installed in kitchens, family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreations rooms, closets, hallways, laundry areas and similar rooms or areas shall be protected by any of the following:

1. A listed combination-type arc-fault circuit-interrupter, installed to provide protection of the entire branch circuit.
2. A listed branch/feeder-type AFCI installed at the origin of the branch-circuit in combination with a listed outlet branch-circuit-type arc-fault circuit-interrupter installed at the first outlet box on the branch circuit. The first outlet box in the branch circuit shall be marked to indicate that it is the first outlet of the circuit.
3. A listed supplemental arc-protection circuit breaker installed at the origin of the branch circuit in combination with a listed outlet branch-circuit-type arc-fault circuit interrupter installed at the first outlet box on the branch circuit where all of the following conditions are met:
   3.1 The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch-circuit arc-fault circuit-interrupter.
   3.2 The maximum length of the branch-circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 50 feet for 14 AWG

conductors and 70 feet for 12 AWG conductors.

3.3 The first outlet box on the branch circuit shall be marked to indicate that it is the first outlet on the circuit.

4. A listed outlet branch-circuit type arc-fault circuit-interrupter installed at the first outlet on the branch circuit in combination with a listed branch-circuit overcurrent protective device where all of the following conditions are met:

   4.1 The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch-circuit arc-fault circuit-interrupter.

   4.2 The maximum length of the branch-circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 50 feet for 14 AWG conductors and 70 feet for 12 AWG conductors.

   4.3 The first outlet box on the branch circuit shall be marked to indicate that it is the first outlet on the circuit.

   4.4 The combination of the branch-circuit overcurrent device and outlet branch-circuit AFCI shall be identified as meeting the requirements for a system combination-type AFCI and shall be listed as such.

5. Where metal outlet boxes and junction boxes and RMC, IMC, EMT, Type MC or steel-armored Type AC cables meeting the requirements of Section E3908.8, metal wireways or metal auxiliary gutters are installed for the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet, a listed outlet branch-circuit type AFCI installed at the first outlet shall be considered as providing protection for the remaining portion of the branch circuit.
6. Where a listed metal or nonmetallic conduit or tubing or Type MC cable is encased in not less than 2 inches of concrete for the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet, a listed outlet branch-circuit-type AFCI installed at the first outlet shall be considered as providing protection for the remaining portion of the branch circuit.

EXCEPTIONS:

1. AFCI protection is not required for an individual branch circuit supplying only a fire alarm system where the branch circuit is wired with metal outlet and junction boxes and RMC, IMC, EMT or steel-sheathed armored cable Type AC or Type MC meeting the requirements of Section E3908.8.
2. For these purposes, a smoke alarm or carbon monoxide alarm shall not be considered an outlet and is not required to have arc-fault protection.

(Ord. 2599C; 12-03-12)

4-963. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION E3902.13. ARC-FAULT CIRCUIT INTERRUPTER PROTECTION FOR BRANCH CIRCUIT EXTENSIONS OR MODIFICATIONS. *Repealed.*

(Ord. 2599C; 12-03-12)

4-964. INTERNATIONAL RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS, SECTION AG105.5. BARRIER EXCEPTIONS. *Repealed.*

Formerly 4-961
(Ord. 2599C; 12-03-12)
(Ord. 2297C; 02-04-08)

SECTION TWO: 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 THREE: That existing Article 9 of Chapter 4, and any provisions in conflict herewith, are hereby repealed.

SECTION FOUR: This ordinance shall become effective on May 1, 2020, following adoption and publication in accordance with K.S.A. 12-3007 and amendments thereto.

PASSED by the Governing Body this 21st day of January, 2020.

APPROVED by the Mayor this 21st day of January, 2020.

[SEAL]

_____
Peggy Dunn, Mayor

ATTEST:

_____
Kelly L. Varner, City Clerk

APPROVED AS TO FORM:

_____
Marcia L. Knight, Assistant City Attorney

15K

- ORDINANCE AMENDING CHAPTER 4, ARTICLE 10 OF THE CODE OF THE CITY OF LEAWOOD, 2000, INCORPORATING BY REFERENCE THE INTERNATIONAL SWIMMING POOL AND SPA CODE, 2018 EDITION, SAVE AND EXCEPT SUCH ARTICLES, SECTIONS, PARTS OR PORTIONS WHICH ARE OMITTED, DELETED, MODIFIED, CHANGED, OR ADDED, AND REPEALING EXISTING ARTICLE 10, AND OTHER SECTIONS IN CONFLICT HEREWITH.

CHAPTER IV. BUILDINGS AND CONSTRUCTION

ARTICLE 10. SWIMMING POOL, SPA, AND HOT TUB CODE—~~REPEALED~~

4-1001. INTERNATIONAL SWIMMING POOL AND SPA CODE ADOPTED. There is hereby incorporated by reference that certain code known as the International Swimming Pool and Spa Code, 2018 edition, [hereafter "ISPSC"] prepared and published in book form by the International Code Council, Inc., 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. At least one copy 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. 2298C; 02-04-08)

4-1002 INTERNATIONAL SWIMMING POOL AND SPA CODE; SECTION 101.1. TITLE. Section 101.1 of the ISPSC is hereby amended to read as follows: **Title.** These regulations shall be known and referred to as this code, the ISPSC, or the Swimming Pool and Spa Code of the City of Leawood, Kansas.

4-1003 INTERNATIONAL SWIMMING POOL AND SPA CODE DELETIONS. The following provisions of the ISPSC are hereby deleted and omitted:

(a) All of Section 105 Permits
(b) All of Section 106 Inspections
(c) All of Section 107 Violations
(d) All of Section 108 Means of Appeal

See 4-201 et seq.

4-1004 INTERNATIONAL SWIMMING POOL AND SPA CODE; SECTION 305.1 GENERAL. Section 305.1 of the ISPSC is hereby amended to read as follows: **General.** The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools ~~and~~or spas.

4-1005 INTERNATIONAL SWIMMING POOL AND SPA CODE; SECTION 305.2.5 CLOSELY SPACED HORIZONTAL MEMBERS. Section 305.2.5 of the ISPSC is hereby amended to read as follows: Closely spaced horizontal members.

Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 445 inches, the horizontal members shall be located on the pool or spa side of the fence. Spacing between vertical members shall not exceed 1 ¾ inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 ¾ inches in width.

4-1006 **INTERNATIONAL SWIMMING POOL AND SPA CODE; SECTION 305.2.6 WIDELY SPACED HORIZONTAL MEMBERS.** Section 305.2.6 of the ISPSC is hereby amended to read as follows: **Widely spaced horizontal members.** Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 44 inches or more, spacing between vertical members shall not exceed 4 inches. Where there are decorative cutouts within vertical members, the interior width of the cutouts shall not exceed 1 ¾ inches.

EXCEPTIONS:

1. Where a lockable safety cover is provided for the spa in accordance with ASTM F 1346, the distance between the tops of the horizontal members is permitted to be no less than 32 inches.
2. Where the swimming pool is equipped with a powered safety cover that complies with ASTM F1346, the distance between the tops of the horizontal members is permitted to be no less than 32 inches.

4-1007 **INTERNATIONAL SWIMMING POOL AND SPA CODE; SECTION 305.4 STRUCTURE WALL AS A BARRIER.** Section 305.4 is hereby amended to read as follows: **Structure wall as a barrier.** Where a wall of a dwelling or structure serves as part of the barrier, doors that provide direct access to the aquatic vessel through the wall, shall be equipped with one or more of the following:

1. An alarm that produces an audible warning when the door is opened.
2. A safety cover that is listed and labeled in accordance with ASTM F 1346 is provided for pools and spas.
3. Another approved means of protection, such as self-closing doors with self-latching devices, provided that the degree of protection afforded is not less than the protection afforded by Items 1 or 2.

Ordinance Published on __/__/__

ORDINANCE NO. ____ DRAFT 15. K

LEAWOOD, 2000, INCORPORATING BY REFERENCE THE INTERNATIONAL SWIMMING POOL AND SPA CODE, 2018 EDITION, SAVE AND EXCEPT SUCH ARTICLES, SECTIONS, PARTS OR PORTIONS WHICH ARE OMITTED, DELETED, MODIFIED, CHANGED, OR ADDED, AND REPEALING EXISTING ARTICLE 10, 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 4-1001 of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

4-1001. INTERNATIONAL SWIMMING POOL AND SPA CODE ADOPTED. There is hereby incorporated by reference that certain code known as the International Swimming Pool and Spa Code, 2018 edition, [hereafter "ISPSC"] prepared and published in book form by the International Code Council, Inc., 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. At least one copy 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. 2298C; 02-04-08)

SECTION TWO: That Section 4-1002 of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

4-1002 INTERNATIONAL SWIMMING POOL AND SPA CODE, SECTION 101.1. TITLE. Section 101.1 of the ISPSC is hereby amended to read as follows: **Title.** These regulations shall be known and referred to as this code, the ISPSC, or the Swimming Pool and Spa Code of the City of Leawood, Kansas.

SECTION THREE: That Section 4-1003 of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

4-1003 INTERNATIONAL SWIMMING POOL AND SPA CODE, DELETIONS. The following provisions of the ISPSC are hereby deleted and omitted:

(a) All of Section 105 Permits
(b) All of Section 106 Inspections
(c) All of Section 107 Violations
(d) All of Section 108 Means of Appeal

See 4-201 et seq.

SECTION FOUR: That Section 4-1004 of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

4-1004 INTERNATIONAL SWIMMING POOL AND SPA CODE, SECTION 305.1. GENERAL. Section 305.1 of the ISPSC is hereby amended to read as follows:

General. The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools or spas.

SECTION FIVE: That Section 4-1005 of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

4-1005 INTERNATIONAL SWIMMING POOL AND SPA CODE, SECTION 305.2.5. CLOSELY SPACED HORIZONTAL MEMBERS. Section 305.2.5 of the ISPSC is hereby amended to read as follows: **Closely spaced horizontal members.** Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 44 inches, the horizontal members shall be located on the pool or spa side of the fence. Spacing between vertical members shall not exceed 1 ¾ inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1 ¾ inches in width.

SECTION SIX: That Section 4-1006 of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

4-1006 INTERNATIONAL SWIMMING POOL AND SPA CODE, SECTION 305.2.6. WIDELY SPACED HORIZONTAL MEMBERS. Section 305.2.6 of the ISPSC is hereby amended to read as follows: **Widely spaced horizontal members.** Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 44 inches or more, spacing between vertical members shall not exceed 4 inches. Where there are decorative cutouts within vertical members, the interior width of the cutouts shall not exceed 1 ¾ inches.

EXCEPTIONS:

1. Where a lockable safety cover is provided for the spa in accordance with ASTM F 1346, the distance between the tops of the horizontal members is permitted to be no less than 32 inches.
2. Where the swimming pool is equipped with a powered safety cover that complies with ASTM F1346, the distance between the tops of the horizontal members is permitted to be no less than 32 inches.

SECTION SEVEN: That Section 4-1007 of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

4-1007 INTERNATIONAL SWIMMING POOL AND SPA CODE, SECTION 305.4. STRUCTURE WALL AS A BARRIER. Section 305.4 is hereby amended to read as follows: **Structure wall as a barrier.** Where a wall of a dwelling or structure serves as part of the barrier, doors that provide direct access to the aquatic vessel through the wall, shall be equipped with one or more of the following:

1. An alarm that produces an audible warning when the door is opened.
2. A safety cover that is listed and labeled in accordance with ASTM F 1346 is provided for pools and spas.
3. Another approved means of protection, such as self-closing doors with self-latching devices, provided that the degree of protection afforded is not less than the protection afforded by Items 1 or 2.

SECTION EIGHT: 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 NINE: That existing Article 10 of Chapter 4 and any provisions in conflict herewith are hereby repealed.

SECTION TEN: This ordinance shall become effective on May 1, 2020, following adoption and publication in accordance with K.S.A. 12-3007 and amendments thereto.

PASSED by the Governing Body this 21st day of January, 2020.

APPROVED by the Mayor this 21st day of January, 2020.

[SEAL]

Peggy Dunn, Mayor

ATTEST:

Kelly L. Varner, City Clerk

APPROVED AS TO FORM:

Patricia A. Bennett, City Attorney

Ironhorse Daily Activity - Jonas									
1/9/2020									
		Total				(input)		(input)	
Account	Description	Amount				FB		OP	
111100	Cash - Amex	60.00		111100	Cash - Amex	29.00		31.00	1/13/2020
111100	Cash - MCVD	2,120.50		111100	Cash - MCVD	58.00		2,062.50	1/13/2020
111100	Cash - Cash	409.55		111100	Cash - Cash	229.50	1/10/2020	180.05	1/10/2020
111100	Cash - Check	826.00		111100	Cash - Check	576.00	1/10/2020	250.00	1/10/2020
114220	Inventory-Merchandise	(79.09)		114220	Inventory-Merchandise	-		(79.09)	
211110	Liquor Rev Acnt Pyble-Troon	(171.33)		211110	Liquor Rev Acnt Pyble-Troon	(171.33)		-	
211500	Sales Tax Payable	(113.91)		211500	Sales Tax Payable	(58.31)		(55.60)	
211510	Sales Tax Troon	(17.17)		211510	Sales Tax Troon	(17.17)		-	
212000	Tip Liability	(6.00)		212000	Tip Liability	(6.00)		-	
212420	Gift Cards	(101.00)		212420	Gift Cards	-		(101.00)	
440011	Golf Shop Merchandise	(84.38)		440011	Golf Shop Merchandise	-		(84.38)	
443015	Triple Crown Memberships	(1,174.00)		443015	Triple Crown Memberships	-		(1,174.00)	
443080	Food & Beverage	(111.73)		443080	Food & Beverage	(111.73)		-	
444160	Event Revenue-F&B Sales	(527.96)		444160	Event Revenue-F&B Sales	(527.96)		-	
446010	Green Fees	(533.00)		446010	Green Fees	-		(533.00)	
446020	Driving Range/Practice Tee	(36.67)		446020	Driving Range/Practice Tee	-		(36.67)	
446030	Cart Rental	(488.90)		446030	Cart Rental	-		(488.90)	
446040	Golf Lessons	(50.00)		446040	Golf Lessons	-		(50.00)	
691010	COGS-Merchandise	79.09		691010	COGS-Merchandise	-		79.09	
		-				(0.00)		-	
Journal Entry		#37160						430.05	
111100	Cash - Amex	31.00			Deposit @ Bank			430.00	
111100	Cash - MCVD	2,062.50						0.05	
111100	Cash - Cash	180.00							
111100	Cash - Check	250.00	2,523.50						
113230	AR-Troon	704.00							
114220	Inventory-Merchandise	(79.09)							
211500	Sales Tax Payable	(113.91)							
212000	Tip Liability	(6.00)							
212420	Gift Cards	(101.00)							
440011	Golf Shop Merchandise	(84.38)							
443015	Triple Crown Memberships	(1,174.00)							
443080	Food & Beverage	(111.73)							
444160	Event Revenue-F&B Sales	(527.96)							
446010	Green Fees	(533.00)							
446020	Driving Range/Practice Tee	(36.67)							
446030	Cart Rental	(488.90)							
446040	Golf Lessons	(50.00)							
691010	COGS-Merchandise	79.09							
791010	Cash Over/Short	0.05							
		(0.00)							

15L

- ORDINANCE AMENDING CHAPTER 7, ARTICLE 2 OF THE CODE OF THE CITY OF LEAWOOD, 2000, INCORPORATING BY REFERENCE THE INTERNATIONAL FIRE CODE, 2018 EDITION, SAVE AND EXCEPT SUCH ARTICLES, SECTIONS, PARTS OR PORTIONS WHICH ARE OMITTED, DELETED, MODIFIED, CHANGED, OR ADDED, AND REPEALING EXISTING ARTICLE 2, AND OTHER SECTIONS IN CONFLICT HEREWITH.

ARTICLE 2. FIRE PREVENTION

7-201. **ADOPTION OF THE INTERNATIONAL FIRE CODE.** In addition to other standards set forth in this chapter, there is hereby incorporated by reference that certain Fire Code known as the "International Fire Code", edition of ~~20122~~2018, ["IFC"] prepared and published by the International Code Council, Inc., including appendix chapters D and I, save and except such portions as are hereinafter omitted, deleted, modified or amended or added thereto, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, as amended. ~~.~~ At least ~~Not less than three copies~~one copy of the Fire Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. ~~2600C~~ _____," 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 ~~A copy of the ordinance shall be attached to each Code copy and shall be filed~~ with the City Clerk to be open for inspection and available to the public at all reasonable business hours. ~~The police department, municipal judges, concerned public officials and all administrative departments of the City charged with the enforcement of such codes shall be supplied, at the cost of the City, with such numbers of official copies similarly marked as deemed expedient.~~

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)
(Code 2000)
(Ord. 1714C; 03-23-98)
(Code 1984)
(Code 1973)

7-202. **INTERNATIONAL FIRE CODE; SECTION 101.1, TITLE.** Section 101.1 of the ~~International Fire Code,~~IFC is hereby amended to read as follows: **Title.** These regulations shall be known and referred to as this code, the IFC, or the Fire Code of the City of Leawood, Kansas~~,~~ ~~and otherwise~~hereinafter ~~referred to as the IFC or "this code."~~

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)

7-~~2~~203. **INTERNATIONAL FIRE CODE; SECTION 101.6, FIRE CODE OFFICIAL DESIGNATED.** A new section 101.6 of the IFC is hereby added ~~to the International Fire Code,~~ to read as follows: Fire **Code official designated.** The Fire Marshal, under the direction of the Fire Chief, is hereby designated as the authority charged with the duties of administration and enforcement of the Fire Code of the City of Leawood and all references to the "fire code official" in the International Fire Code and in this Chapter, shall mean the Fire Marshal, under the direction of the Fire Chief.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)

7-204. INTERNATIONAL FIRE CODE; SECTION 103.1, ESTABLISHMENT OF THE BUREAU OF FIRE PREVENTION. Section 103.1 of the IFC~~International Fire Code,~~ is hereby amended to read as follows: **Establishment of the bureau of fire prevention.** The Fire Code of the City of Leawood shall be enforced by the Bureau of Fire Prevention under the direction of the Fire Marshal. The function of the Bureau shall be the implementation, administration and enforcement of the provisions of the International Fire Code as ~~here~~ amended.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)
(Code 2000)
(Ord. 1714C; 03-23-98)
(Code 1984)
(Code 1973)

7-205. INTERNATIONAL FIRE CODE; SECTION 105.1.2, TYPES OF PERMITS. Section 105.1.2 of the IFC~~International Fire Code,~~ is hereby amended to read as follows: **Type of Permit**. There shall be one type of permit known as an operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by this Article for either a prescribed period or until renewed or revoked.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)
(Code 2000)
(Code 1984)
(Ord. 1714C; 03-23-98)
(Code 1973)

7-206. INTERNATIONAL FIRE CODE; SECTION 105.6, REQUIRED OPERATIONAL PERMITS. Section 105.6 of the IFC~~International Fire Code,~~ and its subsections are hereby amended to read as follows: **Required Operational Permit.** The Fire Code official is authorized to issue operational permits in accordance with the provisions of this Code~~s~~ for the following operations:

(a) Carnivals and Fairs. An operational permit is required to conduct a carnival or fair.

(b) Compressed Gases. An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts shown in Table 105.6.8 of the IFC~~International Fire Code, 2006~~2018, provided, however, such permit is not required for vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.

(c) Covered Mall Buildings. An operational permit is required for:
1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall.
2. The display of liquid- or gas-fired equipment in the mall.
3. The use of open-flame or flame-producing equipment in the mall.

(d) Fireworks Display.

(e) Liquid- or gas-fueled vehicles or equipment in assembly buildings. An operational permit is required to display, operate or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings.

(f) Miscellaneous combustible storage. An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m^3) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.

(g) Open Burning as permitted under Section 7-211 of the City Code.

(h) Temporary membrane structures, tents and canopies. An operational permit is required to operate an air-supported temporary membrane structure or a tent having an area in excess of 800 square feet, or a canopy in excess of 1600 square feet. Tents used exclusively for recreational camping purposes do not require a permit.

(i) Construction Blasting.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)

7-206A. **INTERNATIONAL FIRE CODE, SECTIONS DELETED AND OMITTED, SECTIONS 105.6.1 THROUGH AND INCLUDING SECTION 105.6.19.** Sections 105.6.1 through 105.6.19 of the IFC, excluding the tables referenced therein are hereby deleted and omitted.

7-206B. **INTERNATIONAL FIRE CODE, SECTIONS DELETED AND OMITTED, SECTIONS 105.6.21 THROUGH AND INCLUDING SECTION 105.6.50.** Sections 105.6.21 through 105.6.50 of the IFC, excluding the tables referenced therein are hereby deleted and omitted.

7-207. **INTERNATIONAL FIRE CODE, SECTION 105.7, REQUIRED CONSTRUCTION PERMITS,** Section 105.7 of the IFC~~International Fire Code,~~ is hereby amended to read as follows: ~~105.7~~ **Required Construction Permits.** Permits shall be required and issued in accordance with Chapter 4, Article 2 of the Code of the City of Leawood, 2000.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)
(Code 2000)
(Ord. 1714C; 03-23-98)

(Code 1984)
(Code 1973)

7-208. INTERNATIONAL FIRE CODE, SECTIONS DELETED AND OMITTED, SECTIONS 105.7.1 THROUGH AND INCLUDING SECTION 105.7.~~13~~25. Sections 105.7.1 through 105.7.~~13~~25 of the IFC~~International Fire Code~~ are hereby deleted and omitted.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)

7-208A. INTERNATIONAL FIRE CODE, SECTION ~~107~~108.2. TESTING AND OPERATION. Section~~s~~ ~~107~~108.2 ~~of the IFC is~~ is hereby amended to read as follows: **Testing and Operation.** Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

~~**107.2.1 Test and inspection records.** Required test and inspection records shall be submitted within 30 days of testing and inspection to the *fire code official* in such form and by such means as dictated by Fire Department Policy. Any data management fees charged by third party administrators to process, store and report such documentation, as approved by the Governing Body, shall be the responsibility of the party submitting the report. Reports submitted otherwise than in accordance with this section may not be accepted in the discretion of the *Fire* Code Official.~~

~~**107.2.2 Reinspection and testing.** Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the *Fire Code Official* for inspection and testing.~~

(Ord. 2655C; 03-17-14)

7-208B. INTERNATIONAL FIRE CODE, SECTION 108.2.1 TEST AND INSPECTION RECORDS. Section 108.2.1 of the IFC is hereby amended to read as follows: **Test and inspection records.** Required test and inspection records shall be submitted within 30 days of testing and inspection to the *fire code official* in such form and by such means as determined by the Fire Department. Any data management fees charged by third party administrators to process, store and report such documentation, as approved by the Governing Body, shall be the responsibility of the party submitting the report. Reports submitted other than in accordance with this section may not be accepted in the discretion of the Fire Code Official.

7-208C. INTERNATIONAL FIRE CODE, SECTIONS OMITTED AND DELETED; SECTION 109.1, 109.2 AND 109.3. All provisions of Sections 109.1, 109.2 and 109.3 of the IFC are hereby deleted and omitted.

7-209. INTERNATIONAL FIRE CODE, SECTIONS OMITTED AND DELETED; SECTION 109.3110.4 THROUGH AND 109.3.1110.4.1. All provisions of Sections 109.3110.4 through and 109.3.1110.4.1 of the IFCInternational Fire Code, are hereby deleted and omitted.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)

7-210. INTERNATIONAL FIRE CODE, SECTION OMITTED AND DELETED; SECTION 111112.4, "FAILURE TO COMPLY." All provisions of Section 111112.4 of the IFCInternational Fire Code, entitled "Failure to comply," are hereby deleted and omitted.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)
(Code 2000)
(Ord. 1714C; 03-23-98)
(Code 1984)
(Code 1973)

7-211. INTERNATIONAL FIRE CODE, SECTION 307.1 OPEN BURNING, GENERAL. Section 307.1 of the IFCInternational Fire Code, is hereby amended to read as follows: **Open Burning.** No open burning shall be allowed within the boundaries of the City of Leawood.

EXCEPTIONS:

1. Open burning of vegetation for land clearing operations is allowed when all of the following conditions are met and, when required, a permit has been issued:
   - (a) There is 1000 feet clearance from occupied all dwellings and public roadways.
   - (b) Approved smoke abatement methods are used, specifically.
     - i. A burn pit and blower is used to increase efficiency of combustion; or
     - ii. Alternative methods as approved by the Fire Code Officialare specified.
   - (c) Daily weather conditions are as follows:
     - i. Wind speed greater than 5 mph and less than 15 mph
     - ii. Cloud ceiling above 1000 feet
     - iii. Atmospheric conditions are not conducive to thermal inversion. Such conditions typically are low temperature, high humidity, fog, calm winds.
   - (d) Burning is accomplished between sunrise and 30 minutes

prior to sundown each approved burning day.

(e) The maximum fuel at any given time does not exceed 3000 cu. ft.

(f) The burn site is constantly attended while burning operations are occurring.

2. Bonfires not exceeding 30 cubic feet of fuel load, which are contained by a non-combustible barrier and are a minimum of 50 feet from combustible structures or public roadways. Such bonfires require a permit and are subject to stipulations limiting the duration of the burning and/or other conditions which constitute a hazard or a public nuisance.

3. In R-3 occupancies, the burning of solid fuel or liquefied petroleum gas (LPG) for cooking purposes in a non-combustible container is allowed where the solid fuel load does not exceed 4 pieces of wood 18 inches in length or an equivalent amount of other wood material. No permit shall be required for this type of open burning.

4. In R-1, R-2 and R-4 occupancies, the burning of natural gas or LPG in a listed appliance for outdoor cooking purposes is allowed where the LPG supply does not exceed 5 gallons water capacity. No permit shall be required for this type of open burning.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)
(Code 2000)
(Ord. 1714C; 03-23-98)
(Code 1984)
(Code 1973)

7-212. **INTERNATIONAL FIRE CODE, SECTIONS OMITTED AND DELETED; SECTION 307.1.1 through 307.5.** All provisions of Section 307.1.1 through 307.5 of the IFC~~International Fire Code~~ are hereby deleted and omitted.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)
(Code 2000)
(Ord. 1714C; 03-23-98)
(Code 1984)
(Code 1973)

7-212A. **INTERNATIONAL FIRE CODE, SECTION 403, EMERGENCY PREPAREDNESS REQUIREMENTS.** Section 403 of the IFC ~~is~~ is hereby amended to read as follows: Emergency preparedness requirements. It shall be the responsibility of all commercial and institutional occupants to prepare an emergency preparedness plan for the physical spaces and persons under their supervision. Such plan shall

address the response to fire, tornado and security emergencies. The plan shall also include such preparedness and training activities as are necessary to assure the success of the plan.

7-212B. **INTERNATIONAL FIRE CODE, SECTION 404, FIRE SAFETY, EVACUATION AND LOCK DOWN PLANS.** All provisions of Section 404 of the IFC are hereby deleted and omitted.

7-213. INTERNATIONAL FIRE CODE, SECTION 404.23.1 FIRE EVACUATION PLANS. Section 404.23.1 is hereby amended to read as follows: **Fire evacuation plans.** Fire evacuation plans shall include the following:

1. Emergency egress or escape routes and whether evacuation of the building is to be complete or, where approved, by selected floors or areas only.
2. Procedures for employees who must remain to operate critical equipment before evacuating.
3. Procedures for accounting for employees and occupants after evacuation has been completed.
4. Identification and assignment of personnel responsible for rescue or emergency medical aid.
5. The preferred and any alternative means of notifying occupants of a fire or emergency.
6. The preferred and any alternative means of reporting fires and other emergencies to the fire department or designated emergency response organization.
7. Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan. Code of the City of Leawood
8. A description of the emergency voice/alarm communication system alert tone and preprogrammed voice messages, where provided.
9. Required fire evacuation plans shall include provisions for the evacuation of mobility-impaired occupants in a safe, efficacious and respectful manner.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)
(Code 2000)
(Ord. 1714C; 03-23-98)
(Code 1984) (Code 1973)

7-214 **INTERNATIONAL FIRE CODE, ~~SECTIONS OMITTED AND DELETED,~~ SECTION 405, EMERGENCY EVACUATION DRILLS. ~~AND SECTIONS 405.1 THROUGH 405.9~~** All provisions of Section ~~405~~ 405 ~~and Sections 405.1 through 405.9~~ of the IFC~~International Fire Code~~, ~~regarding "Emergency Evacuation Drills," including all subsections thereof,~~ are hereby deleted and omitted.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)
(Code 2000) (Ord. 1714C; 03-23-98)
(Code 1984)

(Code 1973)

7-215. INTERNATIONAL FIRE CODE, SECTION 503.1 FIRE APPARATUS ACCESS ROADS, WHERE REQUIRED Section 503.1 of the IFC~~International Fire Code~~ is hereby amended to read as follows: ~~Sec. 503.1~~ **Fire Apparatus Access Roads.** All occupancies within this jurisdiction shall be required to have a fire apparatus access road.

(A) Fire Apparatus Access Road defined: A street, road, lane or drive including any bridge or culvert providing access to a building for emergency vehicles; does not include driveways less than 150 feet serving less than three single family dwellings. This definition shall supersede the definition in Section 502 of the International Fire Code.

(B) Fire Apparatus Access Road Requirements: Fire Apparatus Access Roads shall meet the following minimum provisions:

1. Extend to within 50 feet of a usable entrance to the structure.
2. Extend to within 200 feet exterior travel distance of all exterior portions of the structure at grade level.
3. Have a minimum clear width of 20 feet.
4. Have a minimum clear height of 13 feet 6 inches.
5. Provide an all-weather surface.
6. Be designed for minimum H-2 loading or to support 20,000 pounds weight per axle.
7. Have approved turn-around provisions for fire apparatus where its length exceeds 150 feet.
8. Have no change in grade exceeding 10%.
9. Have a minimum turning radius of at least 37.5 feet.
10. Have no barriers to unobstructed conveyance except as approved by the Fire Marshal.
~~10.~~11. Private gates, where permitted, must have approved redundant opening provisions.

EXCEPTION:

1. Driveways of any length serving not more than two R-3 occupancies may have reduced requirements as approved by the Fire Marshal.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)
(Code 2000)
(Ord. 1714C; 03-23-98)
(Code 1984)
(Code 1973)

7-216. INTERNATIONAL FIRE CODE, SECTIONS OMITTED AND DELETED, SECTIONS 503.1.1 THROUGH 503.6. *Repealed.*

~~(All provisions of Section 503.1.1 through and including 503.6 of the International Fire Code, regarding "Fire Apparatus Access Roads," including all subsections thereof, are hereby deleted and omitted~~

~~(~~Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)
(Code 2000)
(Ord. 1714C; 03-23-98)
(Code 1984)
(Code 1973)

7-217. INTERNATIONAL FIRE CODE, SECTION OMITTED AND DELETED, SECTION 508.5.1, ~~"~~WHERE REQUIRED.~~"~~ *Repealed.*

~~Section 508~~507~~.5.1 of the International Fire Code, entitled "Where required," is hereby omitted and deleted.~~

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Code 2000)
(Ord. 1943C; 02-04-02)

7-218. INTERNATIONAL FIRE CODE, SECTION ~~509.1~~508.2, FIRE COMMAND CENTER, EXCEPTION. A new section ~~509~~508.2 of the IFC is hereby added to read as follows: ~~509~~**Fire Command Center, Exception.** Where the fire official determines that a fire command center has little or no value to emergency operations or is unlikely to be used due to the size and/or location of the building, no fire command center shall be required.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)

7-219. INTERNATIONAL FIRE CODE, SECTION 903, AUTOMATIC SPRINKLER SYSTEMS. Section 903 of the IFC~~International Fire Code,~~ is hereby amended to read as follows: ~~903.~~ **Automatic Sprinkler Systems.** The requirements regarding the installation of sprinkler systems are governed by and must comply with Article 2 of Chapter 4 of the Code of the City of Leawood, 2000.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)

(Code 2000)

7-220. INTERNATIONAL FIRE CODE, SECTIONS OMITTED AND DELETED, SECTIONS 903.1 THROUGH 903.6.1 REGARDING AUTOMATIC SPRINKLER SYSTEMS. ~~*Sections 903.1 through 903.6.1 of the IFCInternational Fire Code including all portions, subsections and parts are hereby omitted and deleted.*~~ *Repealed.*

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Code 2000)
(Ord. 1943C; 02-04-02)
(Ord. 1714C; 03-23-98)
(Ord. No. 1486C; 5-15-95)
(Code 1984)
(Code 1973)

7-220A. INTERNATIONAL FIRE CODE, SECTION 905 STANDPIPE SYSTEMS. Section 905 of the IFC is hereby amended to read as follows: **STANDPIPE SYSTEMS.** An approved Class I standpipe system shall be required in all occupancies where the travel distance from the nearest point of approved fire department access to any point within the building exceeds 200 feet. All Class I standpipe systems may be combined with sprinkler system piping.

Exception: Occupancy Classifications R-3, R-4 and U.

7-220B. INTERNATIONAL FIRE CODE, SECTIONS OMITTED AND DELETED, SECTIONS 905.1 THROUGH 905.12 REGARDING STANDPIPE SYSTEMS. Sections 905.1 through 905.12 of the IFC including all portions, subsections, and parts are hereby omitted and deleted.

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7-220~~B~~C. INTERNATIONAL FIRE CODE, SECTION 1010.1.4.4 AND 1010.1.4.4.1 DELETED ~~LOCKING ARRANGEMENTS IN EDUCATIONAL OCCUPANCIES.~~ ~~shall be~~Sections 1010.1.4.4 and 1010.1.4.4.1 of the IFC are ~~is~~ hereby deleted and omitted. ~~Refer to Office of State Fire Marshal for approved methods under this section.~~

7-221. INTERNATIONAL FIRE CODE, SECTION ~~33075~~5607.16, CONSTRUCTION BLASTING. A new section ~~33075~~5607.16~~,~~ of the IFC is hereby added to ~~the International Fire Code to~~ read as follows:

~~Sec. 33075607.16~~ **CONSTRUCTION BLASTING.** Blasting done in conjunction with construction shall meet all of the following requirements.

(a) **BLASTING PERMIT, DEFINED** - "Permit" whenever used hereafter in this section shall refer to the written authorization of the Director of Public Works and the Fire Chief or their designees authorizing any person, firm, corporation, partnership, governmental agency or association to store, possess, and use explosive materials and blasting agents for construction blasting operations only. Possession or use of explosives not authorized under this section is prohibited.

Exception: A permit as required by this Article will not be required to transport explosives or blasting agents where the explosives or blasting agents are not being shipped from, or delivered to a location within the corporate boundaries of the City of Leawood, provided that said explosives or blasting agents are being transported in accordance with applicable regulations of other governmental agencies having jurisdiction, including the Federal Department of Transportation.

(b) **RESPONSIBILITY FOR ENFORCEMENT.** The Director of Public Works, referred to in this Section as the "Director", shall be responsible for the administration and enforcement of this Section as provided herein. In addition, the Fire and Police Departments shall have authority to enforce regulatory provisions set forth herein, provided further that the Director shall be notified of any enforcement action taken by Fire or Police Departments.

(c) **APPLICATION PROCESS** ~~—~~ This Section covers the process~~The following shall be the process~~ for applying for a permit to store or use explosives in the City of Leawood for the purpose of blasting as part of construction operations. Permits for other types of operations involving explosives shall be according to the applicable sections of the Fire Code of the City of Leawood as amended by the Governing Body.

(1~~d~~) **PRE-APPLICATION CONFERENCE.** At the time an application is obtained a pre-application conference will be scheduled with the Director of Public Works and the Fire Chief, or their designees, to discuss the requirements of the ordinance and the expectations of the Public Works Director and the Fire Chief. The pre-application conference shall be scheduled a minimum of three (3) working days prior to submission of the application.

(2~~e~~) **SCALE DRAWING.** At the time an application is submitted ~~Before a permit shall be issued,~~ the applicant shall furnish to the Director of Public Works a scale drawing accurately showing the surrounding land and all improvements thereon, all dimensions and all distances relative thereto. The scale drawing shall show distances to all houses, buildings, or other facilities within 500 feet of the blasting or demolition work. The scale drawing accompanying an application for a permit to store explosives or blasting agents must show distances to buildings and other features in accordance with the American Table of Distances for Storage of Explosives (IFC Table~~s 3304~~5604.5.2(1), (2) and (3)). All permit applications which are not accompanied by a scale drawing shall be refused and will not be considered until such scale drawing accompanies the application for

permit. In addition, the Director of Public Works shall have authority to establish additional written standards for the submission of scaled drawings or other application submittals.

(3f) **INSURANCE REQUIRED.** The applicant shall name the City as additional insured and shall provide proof of insurance coverage meeting the following minimum requirements:

a1. **Workers Compensation: Statutory Coverage**

b2. **Employers Liability:**

Bodily Injury by Accident	$1,000,000 each accident
Bodily Injury by Disease	$1,000,000 policy limit
Bodily Injury by Disease	$1,000,000 each employee

c3. **Commercial General Liability, including explosion, collapse and underground:**

Bodily Injury/ Property Damage	$2,000,000 Comb. Single $4,000,000 Aggregate

d4. **Business Automobile Policy**

Bodily Injury/ Property Damage	$1,000,000 Comb. Single
Bodily Injury	$1,000,000 per Person
Bodily Injury	$1,000,000 per Accident
Property Damage	$1,000,000 per Accident

(4g) **BLASTING PLAN.** The application for the permit must be accompanied by a Blasting Plan for the blasting operation. This Blasting Plan shall include specific information on the operation as follows:

1. charge weights;
2. delays;
3. depths;
4. patterns;
5. protective mats or coverings required;
6. seismographic monitoring shall be provided by an independent firm, approved by the Director of Public Works, reporting directly to the City at the applicant's expense;
7. The names of all responsible on-site personnel and copies of their blaster's licenses.

Regardless of distance to nearby facilities, the blasting operations shall be carried out in such a manner that they will not cause fly rock or damage from air blast overpressure or ground vibration. Seismic recordings may be required by the Director. The maximum peak particle velocity at any such recording site must not exceed one inch per second in any one of three mutually perpendicular directions. Proposed specific location(s) of the seismic recording(s) shall be included in the Blasting Plan.

(dh) **NOTIFICATION OF ADJACENT PROPERTY OWNERS.** The applicant shall provide written notification to owners of property located ~~of property or utility owners~~ within 500 feet of a blast site, including utilities companies with facilities located in that area, within ten business days of filing its application. ~~-~~The applicant shall provide verification of the mailing to the City and e~~E~~vidence of delivery of such notification shall be retained by the applicant. Failure to provide such evidence of such notification to the Director of Public Works on demand shall be construed to mean that such notification has not occurred. Notice shall be approved by the Director and shall include the following:

1. ~~notice~~ statement of intent to blast;
2. name of blasting contractor;
3. name of agency making the pre-blast inspection;
4. insurance company providing the coverage and claims process including the telephone number of the claims agent;
5. notice to property owner to contact the Director of Public Works within three (3) days of notification to request a copy of the pre-blast inspection of structures on their property;
6. notification shall include a complete copy of Section 7-221 Construction Blasting;
7. contractor ~~shall~~ must meet with affected property owners in advance of commencement of blast operations to explain blasting operations when requested within five (5) working days of notification.

(ei) **PRE-BLAST INSPECTIONS.** Pre-blast inspections shall be performed by the applicant on all structures within 500 feet of a blast site unless permission for the inspection is denied by the occupant or owner. Applicant shall provide a copy of the pre-blast inspection to all property owners requesting same at applicant's expense.

(fi) **FEE.** ~~Prior to providing an intent to issue a permit letter,~~Upon filing the application, the applicant shall pay to the City, a non-refundable application fee as ~~determined~~ set forth in~~by~~ the fee ~~resolution~~ schedule adopted annually by the Governing Body.

(gk) **NOTICE OF INTENT TO ISSUE PERMIT.** The applicant, if ~~he or she~~it has fulfilled all application requirements and has not given cause for denial by previous permit violations, will be notified of the City's intent to issue the permit. The applicant shall then provide copies of such notification to all property owners within 500 feet of a proposed blast site. The notice required by this section shall be mailed by certified mail not less than ten days prior to issuance of a blasting permit. The applicant shall provide proof of such mailing to the City and shall retain evidence that such notification has occurred. Failure to provide such evidence to the Director shall be construed to mean that such notification has not occurred.

(hl) ~~GRACE PERIOD FOR REQUESTING~~ **APPEAL.** The applicant or any owner of property located within the notice area may appeal a decision made under this section by filing a written request for appeal with the City Clerk, with a copy to the Public Works Director, within ten business days of the date of mailing of the notice

of the decision. The request shall be placed on the next available Governing Body agenda for review and final decision. ~~A grace period of ten working days from the date that the written notice of intent to blast is mailed (as provided above) will allow owners of adjacent property an opportunity to file an appeal of the decision to issue a permit.~~

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)

7-222. INTERNATIONAL FIRE CODE, SECTION ~~3308~~5608, FIREWORKS DISPLAY. Section ~~3308~~ 5608 of the IFC~~International Fire Code,~~ is hereby amended to read as follows: **Fireworks ~~Display~~.** No fireworks may be sold, used or possessed in the City of Leawood, Kansas.

Exception:

1. Permitted fireworks displays meeting the following criteria:
   a) Where the display operator is a Kansas licensed pyrotechnician~~;~~;
   b) Where a display plan is submitted specifying compliance with NFPA 1123 and 1126, including a site plan and list of fireworks devices to be used~~.~~' and
   c) Where the operator has demonstrated proof of $2 million general commercial liability coverage for the display.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Code 1973)

7-223. INTERNATIONAL FIRE CODE, SECTIONS OMITTED AND DELETED, SECTIONS ~~3308~~5608.1 THROUGH ~~3308.11~~5608.10 REGARDING FIREWORKS. Sections ~~3308~~5608.1 through ~~3308.11~~5608.10 of the IFC~~International Fire Code~~ including all portions, subsections and parts are hereby omitted and deleted.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)

7-223A. **7-222. INTERNATIONAL FIRE CODE, SECTION 5704.2.9.6.1, LOCATIONS WHERE ABOVE-GROUND TANKS ARE PROHIBITED.** Section 5704.2.9.6.1 of the IFC is hereby amended to read as follows: **Locations where permanent above-ground tanks are prohibited.** Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by the Leawood Development Ordinance. Where allowed by ordinance, such tanks shall be covered by this Article and other provisions of the City Code.

7-224. INTERNATIONAL FIRE CODE; SECTION ~~3406~~5706.2.4.4 LOCATIONS WHERE

ABOVE-GROUND TANKS ARE PROHIBITED. Section 34065706.2.4.4 of the IFCInternational Fire Code, is hereby amended to read as follows: **Locations where temporary above-Ground ground Tanks tanks are Prohibitedprohibited.** Temporary storage of Class Class I and II liquids in above-ground tanks shall be allowed only in accordance with the provisions of the Leawood Development Ordinance. Where allowed, such tanks shall be in accordance with this Article and other provisions of the City Code.

may not be permanently stored in Leawood. (Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)

Exceptions: Approved t

7-224A. **INTERNATIONAL FIRE CODE; SECTION 5806.2, LIMITATIONS.** Section 5806.2 of the IFC is hereby amended to read as follows: **Limitations.** Outside flammable cryogenic fluids storage is only allowed if permitted by the Leawood Development Ordinance. If permitted, such storage shall be in accordance with this Article and other provisions of the City Code. anks not exceeding 500 gallons may be stored in areas zoned for agricultural and industrial purposes. Additionally, approved portable tanks for the fueling of vehicles are allowed temporarily for the duration of construction projects.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)

7-225. **INTERNATIONAL FIRE CODE; SECTION 38046104.2, MAXIMUM CAPACITY WITHIN ESTABLISHED LIMITS.** Section 38046104.2 of the IFCInternational Fire Code, is hereby amended to read as follows: **Maximum capacity within established limits.** The storage of liquefied petroleum gas ["LP-gas"] is hereby limited to areas zoned AG, PI, RPA and RPA5. The amount of such storage is limited to a maximum water capacity of 2,000 gallons. In particular installations, this capacity limit shall be determined by the fire code official, after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed containers, degree of fire protection to be provided, and capabilities of the local fire department. In addition, LP-gasG tanks for heating purposes may be temporarily located on construction sites for the duration of the project.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)

7-226. **APPEALS.**
Whenever the Fire Marshal disapproves any type of application or refuses to grant any type of permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Marshal to the Board of Fire and Building Code Appeals within 30 days in

accordance with the procedures more fully set forth in Chapter 4 of the Code of the City of Leawood, 20~~19~~00.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)

7-227. PENALTIES.

(a) Any person who shall violate any of the provisions of this Code or Standards hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications, or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with an order as affirmed or modified by the appeals board or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not ~~less than one (1) dollar nor~~ more than one thousand ($1000) dollars per occurrence or by imprisonment for not ~~less than one (1) day nor~~ more than thirty (30) days or by both fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or otherwise remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)

Ordinance Published on __/__/____

ORDINANCE NO. _____ DRAFT 15 L.

ORDINANCE AMENDING CHAPTER 7, ARTICLE 2 OF THE CODE OF THE CITY OF LEAWOOD, 2000, INCORPORATING BY REFERENCE THE INTERNATIONAL FIRE CODE, 2018 EDITION, SAVE AND EXCEPT SUCH ARTICLES, SECTIONS, PARTS OR PORTIONS WHICH ARE OMITTED, DELETED, MODIFIED, CHANGED, OR ADDED, AND REPEALING EXISTING ARTICLE 2, 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 7-201 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

7-201. ADOPTION OF THE INTERNATIONAL FIRE CODE. In addition to other standards set forth in this chapter, there is hereby incorporated by reference that certain Fire Code known as the "International Fire Code", edition of 2018, ["IFC"] prepared and published by the International Code Council, Inc., including appendix chapters D and I, save and except such portions as are hereinafter omitted, deleted, modified or amended or added thereto, such incorporation being authorized by K.S.A. 12-3009 through 12-3012, as amended. At least one copy of the Fire Code shall be marked or stamped "Official Copy as Adopted 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 for inspection and available to the public at all reasonable business hours.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)
(Code 2000)
(Ord. 1714C; 03-23-98)
(Code 1984)
(Code 1973)

SECTION TWO: That Section 7-202 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

7-202. INTERNATIONAL FIRE CODE, SECTION 101.1. TITLE. Section 101.1 of the IFC is hereby amended to read as follows: **Title.** These regulations shall be known and referred to as this code, the IFC, or the Fire Code of the City of Leawood, Kansas.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)

SECTION THREE: That Section 7-203 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

7-203. INTERNATIONAL FIRE CODE, SECTION 101.6. FIRE CODE OFFICIAL DESIGNATED. A new section 101.6 of the IFC is hereby added to read as follows: Fire **Code official designated.** The Fire Marshal, under the direction of the Fire Chief, is hereby designated as the authority charged with the duties of

administration and enforcement of the Fire Code of the City of Leawood and all references to the "fire code official" in the International Fire Code and in this Chapter, shall mean the Fire Marshal, under the direction of the Fire Chief.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)

SECTION FOUR: That Section 7-204 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

7-204. INTERNATIONAL FIRE CODE, SECTION 103.1. ESTABLISHMENT OF THE BUREAU OF FIRE PREVENTION. Section 103.1 of the IFC is hereby amended to read as follows: **Establishment of the bureau of fire prevention.** The Fire Code of the City of Leawood shall be enforced by the Bureau of Fire Prevention under the direction of the Fire Marshal. The function of the Bureau shall be the implementation, administration and enforcement of the provisions of the International Fire Code as amended.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)
(Code 2000)
(Ord. 1714C; 03-23-98)
(Code 1984)
(Code 1973)

SECTION FIVE: That Section 7-205 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

7-205. INTERNATIONAL FIRE CODE, SECTION 105.1.2. TYPES OF PERMITS. Section 105.1.2 of the IFC is hereby amended to read as follows: **Type of Permit.** There shall be one type of permit known as an operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by this Article for either a prescribed period or until renewed or revoked.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)
(Code 2000)
(Code 1984)
(Ord. 1714C; 03-23-98)
(Code 1973)

SECTION SIX: That Section 7-206 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

7-206. INTERNATIONAL FIRE CODE, SECTION 105.6. REQUIRED OPERATIONAL PERMITS. Section 105.6 of the IFC and its subsections are hereby amended to read as follows: **Required Operational Permit.** The Fire Code official is authorized to issue operational permits in accordance with the provisions of this Code for the following operations:

(a) Carnivals and Fairs. An operational permit is required to conduct a carnival or fair.

(b) Compressed Gases. An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts shown in Table 105.6.8 of the IFC, provided, however, such permit is not required for vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.

(c) Covered Mall Buildings. An operational permit is required for:

1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall.
2. The display of liquid- or gas-fired equipment in the mall.
3. The use of open-flame or flame-producing equipment in the mall.

(d) Fireworks Display.

(e) Liquid- or gas-fueled vehicles or equipment in assembly buildings. An operational permit is required to display, operate or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings.

(f) Miscellaneous combustible storage. An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m^3) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.

(g) Open Burning as permitted under Section 7-211 of the City Code.

(h) Temporary membrane structures, tents and canopies. An operational permit is required to operate an air-supported temporary membrane structure or a tent having an area in excess of 800 square feet, or a canopy in excess of 1600 square feet. Tents used exclusively for recreational camping purposes do not require a permit.

(i) Construction Blasting.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)

SECTION SEVEN: That Section 7-206A of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

7-206A. INTERNATIONAL FIRE CODE, SECTIONS DELETED AND OMITTED, SECTIONS 105.6.1 THROUGH AND INCLUDING SECTION 105.6.19. Sections 105.6.1 through 105.6.19 of the IFC, excluding the tables referenced therein are hereby deleted and omitted.

SECTION EIGHT: That Section 7-206B of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

7-206B. INTERNATIONAL FIRE CODE, SECTIONS DELETED AND OMITTED, SECTIONS 105.6.21 THROUGH AND INCLUDING SECTION 105.6.50. Sections 105.6.21 through 105.6.50 of the IFC, excluding the tables referenced therein are hereby deleted and omitted.

SECTION NINE: That Section 7-207 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

7-207. INTERNATIONAL FIRE CODE, SECTION 105.7. REQUIRED CONSTRUCTION

PERMITS, Section 105.7 of the IFC is hereby amended to read as follows: **Required Construction Permits.** Permits shall be required and issued in accordance with Chapter 4, Article 2 of the Code of the City of Leawood, 2000.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)
(Code 2000)
(Ord. 1714C; 03-23-98)
(Code 1984)
(Code 1973)

SECTION TEN: That Section 7-208 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

7-208. INTERNATIONAL FIRE CODE, SECTIONS DELETED AND OMITTED, SECTIONS 105.7.1 THROUGH AND INCLUDING SECTION 105.7.25. Sections 105.7.1 through 105.7.25 of the IFC are hereby deleted and omitted.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)

SECTION ELEVEN: That Section 7-208A of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

7-208A. INTERNATIONAL FIRE CODE, SECTION 108.2. TESTING AND OPERATION. Section 108.2 of the IFC is hereby amended to read as follows: **Testing and Operation.** Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

(Ord. 2655C; 03-17-14)

SECTION TWELVE: That Section 7-208B of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

7-208B. INTERNATIONAL FIRE CODE, SECTION 108.2.1. TEST AND INSPECTION RECORDS. Section 108.2.1 of the IFC is hereby amended to read as follows: **Test and inspection records.** Required test and inspection records shall be submitted within 30 days of testing and inspection to the *fire code official* in such form and by such means as determined by the Fire Department. Any data management fees charged by third party administrators to process, store and report such documentation, as approved by the Governing Body, shall be the responsibility of the party submitting the report. Reports submitted other than in accordance with this section may not be accepted in the discretion of the Fire Code Official.

SECTION THIRTEEN: That Section 7-208C of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

7-208C. INTERNATIONAL FIRE CODE, SECTIONS DELETED AND OMITTED,

SECTIONS 109.1, 109.2 AND 109.3. All provisions of Sections 109.1, 109.2 and 109.3 of the IFC are hereby deleted and omitted.

SECTION FOURTEEN: That Section 7-209 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

7-209. INTERNATIONAL FIRE CODE, SECTIONS DELETED AND OMITTED, SECTIONS 110.4 AND 110.4.1. All provisions of Sections 110.4 and 110.4.1 of the IFC are hereby deleted and omitted.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)

SECTION FIFTEEN: That Section 7-210 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

7-210. INTERNATIONAL FIRE CODE, SECTION DELETED AND OMITTED, SECTION 112.4, FAILURE TO COMPLY. All provisions of Section 112.4 of the IFC entitled "Failure to comply," are hereby deleted and omitted.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)
(Code 2000)
(Ord. 1714C; 03-23-98)
(Code 1984)
(Code 1973)

SECTION SIXTEEN: That Section 7-211 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

7-211. INTERNATIONAL FIRE CODE, SECTION 307.1., OPEN BURNING, GENERAL. Section 307.1 of the IFC is hereby amended to read as follows: **Open Burning.** No open burning shall be allowed within the boundaries of the City of Leawood.
EXCEPTIONS:

1. Open burning of vegetation for land clearing operations is allowed when all of the following conditions are met and, when required, a permit has been issued:
   - (a) There is 1000 feet clearance from all dwellings and public roadways.
   - (b) Approved smoke abatement methods are used, specifically.
     - i. A burn pit and blower is used to increase efficiency of combustion; or
     - ii. Alternative methods as approved by the Fire Code Official.
   - (c) Daily weather conditions are as follows:
     - i. Wind speed greater than 5 mph and less than 15 mph

ii. Cloud ceiling above 1000 feet

iii. Atmospheric conditions are not conducive to thermal inversion. Such conditions typically are low temperature, high humidity, fog, calm winds.

(d) Burning is accomplished between sunrise and 30 minutes prior to sundown each approved burning day.

(e) The maximum fuel at any given time does not exceed 3000 cu. ft.

(f) The burn site is constantly attended while burning operations are occurring.

2. Bonfires not exceeding 30 cubic feet of fuel load, which are contained by a non-combustible barrier and are a minimum of 50 feet from combustible structures or public roadways. Such bonfires require a permit and are subject to stipulations limiting the duration of the burning and/or other conditions which constitute a hazard or a public nuisance.

3. In R-3 occupancies, the burning of solid fuel or liquefied petroleum gas (LPG) for cooking purposes in a non-combustible container is allowed where the solid fuel load does not exceed 4 pieces of wood 18 inches in length or an equivalent amount of other wood material. No permit shall be required for this type of open burning.

4. In R-1, R-2 and R-4 occupancies, the burning of natural gas or LPG in a listed appliance for outdoor cooking purposes is allowed where the LPG supply does not exceed 5 gallons water capacity. No permit shall be required for this type of open burning.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)
(Code 2000)
(Ord. 1714C; 03-23-98)
(Code 1984)
(Code 1973)

SECTION SEVENTEEN: That Section 7-212 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

7-212. INTERNATIONAL FIRE CODE, SECTIONS DELETED AND OMITTED, SECTIONS 307.1.1 THROUGH 307.5. All provisions of Sections 307.1.1 through 307.5 of the IFC are hereby deleted and omitted.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)
(Code 2000)
(Ord. 1714C; 03-23-98)
(Code 1984)
(Code 1973)

SECTION EIGHTEEN: That Section 7-212A of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

7-212A. **INTERNATIONAL FIRE CODE, SECTION 403. EMERGENCY PREPAREDNESS REQUIREMENTS.** Section 403 of the IFC is hereby amended to read as follows: **Emergency preparedness requirements.** It shall be the responsibility of all commercial and institutional occupants to prepare an emergency preparedness plan for the physical spaces and persons under their supervision. Such plan shall address the response to fire, tornado and security emergencies. The plan shall also include such preparedness and training activities as are necessary to assure the success of the plan.

SECTION NINETEEN: That Section 7-212B of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

7-212B. **INTERNATIONAL FIRE CODE, SECTION 404. FIRE SAFETY, EVACUATION AND LOCK DOWN PLANS.** All provisions of Section 404 of the IFC are hereby deleted and omitted.

SECTION TWENTY: That Section 7-213 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

7-213. **INTERNATIONAL FIRE CODE, SECTION 404.2.1. FIRE EVACUATION PLANS.** Section 404.2.1 is hereby amended to read as follows: **Fire evacuation plans.** Fire evacuation plans shall include the following:

1. Emergency egress or escape routes and whether evacuation of the building is to be complete or, where approved, by selected floors or areas only.
2. Procedures for employees who must remain to operate critical equipment before evacuating.
3. Procedures for accounting for employees and occupants after evacuation has been completed.
4. Identification and assignment of personnel responsible for rescue or emergency medical aid.
5. The preferred and any alternative means of notifying occupants of a fire or emergency.
6. The preferred and any alternative means of reporting fires and other emergencies to the fire department or designated emergency response organization.
7. Identification and assignment of personnel who can be contacted for further information or explanation of duties under the plan. Code of the City of Leawood
8. A description of the emergency voice/alarm communication system alert tone and preprogrammed voice messages, where provided.
9. Required fire evacuation plans shall include provisions for the evacuation of mobility-impaired occupants in a safe, efficacious and respectful manner.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)
(Code 2000)
(Ord. 1714C; 03-23-98)
(Code 1984) (Code 1973)

SECTION TWENTY-ONE: That Section 7-214 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

7-214 **INTERNATIONAL FIRE CODE, SECTION 405. EMERGENCY EVACUATION DRILLS.** All provisions of Section 405 of the IFC are hereby deleted and omitted.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)
(Code 2000) (Ord. 1714C; 03-23-98)
(Code 1984)
(Code 1973)

SECTION TWENTY-TWO: That Section 7-215 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

7-215. **INTERNATIONAL FIRE CODE, SECTION 503.1. FIRE APPARATUS ACCESS ROADS, WHERE REQUIRED** Section 503.1 of the IFC is hereby amended to read as follows: **Fire Apparatus Access Roads.** All occupancies within this jurisdiction shall be required to have a fire apparatus access road.

(A) Fire Apparatus Access Road defined: A street, road, lane or drive including any bridge or culvert providing access to a building for emergency vehicles; does not include driveways less than 150 feet serving less than three single family dwellings. This definition shall supersede the definition in Section 502 of the International Fire Code.

(B) Fire Apparatus Access Road Requirements: Fire Apparatus Access Roads shall meet the following minimum provisions:

1. Extend to within 50 feet of a usable entrance to the structure.
2. Extend to within 200 feet exterior travel distance of all exterior portions of the structure at grade level.
3. Have a minimum clear width of 20 feet.
4. Have a minimum clear height of 13 feet 6 inches.
5. Provide an all-weather surface.
6. Be designed for minimum H-2 loading or to support 20,000 pounds weight per axle.
7. Have approved turn-around provisions for fire apparatus where its length exceeds 150 feet.
8. Have no change in grade exceeding 10%.
9. Have a minimum turning radius of at least 37.5 feet.
10. Have no barriers to unobstructed conveyance except as approved by the Fire Marshal.
11. Private gates, where permitted, must have approved redundant opening provisions.

EXCEPTION:

1. Driveways of any length serving not more than two R-3 occupancies may have reduced requirements as approved by the Fire Marshal.

(Ord. 2600C; 12-03-12)

(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)
(Code 2000)
(Ord. 1714C; 03-23-98)
(Code 1984)
(Code 1973)

SECTION TWENTY-THREE: That Section 7-216 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

7-216. INTERNATIONAL FIRE CODE, SECTIONS DELETED AND OMITTED, SECTIONS 503.1.1 THROUGH 503.6. *Repealed.*

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)
(Code 2000)
(Ord. 1714C; 03-23-98)
(Code 1984)
(Code 1973)

SECTION TWENTY-FOUR: That Section 7-217 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

7-217. INTERNATIONAL FIRE CODE, SECTION DELETED AND OMITTED, SECTION 508.5.1, WHERE REQUIRED. *Repealed.*

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Code 2000)
(Ord. 1943C; 02-04-02)

SECTION TWENTY-FIVE: That Section 7-218 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

7-218. INTERNATIONAL FIRE CODE, SECTION 508.2. FIRE COMMAND CENTER, EXCEPTION. A new section 508.2 of the IFC is hereby added to read as follows: **Fire Command Center, Exception.** Where the fire official determines that a fire command center has little or no value to emergency operations or is unlikely to be used due to the size and/or location of the building, no fire command center shall be required.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)

SECTION TWENTY-SIX: That Section 7-219 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

7-219. INTERNATIONAL FIRE CODE, SECTION 903. AUTOMATIC SPRINKLER SYSTEMS. Section 903 of the IFC is hereby amended to read as follows: **Automatic Sprinkler Systems.** The requirements regarding the installation of

sprinkler systems are governed by and must comply with Article 2 of Chapter 4 of the Code of the City of Leawood, 2000.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Ord. 1943C; 02-04-02)
(Code 2000)

SECTION TWENTY-SEVEN: That Section 7-220 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

7-220. INTERNATIONAL FIRE CODE, SECTIONS DELETED AND OMITTED, SECTIONS 903.1 THROUGH 903.6.1 REGARDING AUTOMATIC SPRINKLER SYSTEMS. ***Repealed.***

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Code 2000)
(Ord. 1943C; 02-04-02)
(Ord. 1714C; 03-23-98)
(Ord. No. 1486C; 5-15-95)
(Code 1984)
(Code 1973)

SECTION TWENTY-EIGHT: That Section 7-220A of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

7-220A. INTERNATIONAL FIRE CODE, SECTION 905. STANDPIPE SYSTEMS. Section 905 of the IFC is hereby amended to read as follows: **STANDPIPE SYSTEMS.** An approved Class I standpipe system shall be required in all occupancies where the travel distance from the nearest point of approved fire department access to any point within the building exceeds 200 feet. All Class I standpipe systems may be combined with sprinkler system piping.

Exception: Occupancy Classifications R-3, R-4 and U.

SECTION TWENTY-NINE: That Section 7-220B of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

7-220B. INTERNATIONAL FIRE CODE, SECTIONS DELETED AND OMITTED, SECTIONS 905.1 THROUGH 905.12 REGARDING STANDPIPE SYSTEMS. Sections 905.1 through 905.12 of the IFC including all portions, subsections, and parts are hereby omitted and deleted.

SECTION THIRTY: That Section 7-220C of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

7-220C. INTERNATIONAL FIRE CODE, SECTIONS DELETED AND OMITTED, SECTIONS 1010.1.4.4 AND 1010.1.4.4.1. Sections 1010.1.4.4 and 1010.1.4.4.1 of the IFC are hereby deleted and omitted.

SECTION THIRTY-ONE: That Section 7-221 of the Code of the City of Leawood, Kansas,

2000, is hereby amended to read as follows:

7-221. INTERNATIONAL FIRE CODE, SECTION 5607.16. CONSTRUCTION BLASTING. A new section 5607.16 of the IFC is hereby added to read as follows:

CONSTRUCTION BLASTING. Blasting done in conjunction with construction shall meet all of the following requirements.

(a) **BLASTING PERMIT, DEFINED** - "Permit" whenever used hereafter in this section shall refer to the written authorization of the Director of Public Works and the Fire Chief or their designees authorizing any person, firm, corporation, partnership, governmental agency or association to store, possess, and use explosive materials and blasting agents for construction blasting operations only. Possession or use of explosives not authorized under this section is prohibited.

Exception: A permit as required by this Article will not be required to transport explosives or blasting agents where the explosives or blasting agents are not being shipped from, or delivered to a location within the corporate boundaries of the City of Leawood, provided that said explosives or blasting agents are being transported in accordance with applicable regulations of other governmental agencies having jurisdiction, including the Federal Department of Transportation.

(b) **RESPONSIBILITY FOR ENFORCEMENT.** The Director of Public Works, referred to in this Section as the "Director", shall be responsible for the administration and enforcement of this Section as provided herein. In addition, the Fire and Police Departments shall have authority to enforce regulatory provisions set forth herein, provided further that the Director shall be notified of any enforcement action taken by Fire or Police Departments.

(c) **APPLICATION PROCESS** – This Section covers the process for applying for a permit to store or use explosives in the City of Leawood for the purpose of blasting as part of construction operations. Permits for other types of operations involving explosives shall be according to the applicable sections of the Fire Code of the City of Leawood as amended by the Governing Body.

(1) **PRE-APPLICATION CONFERENCE.** At the time an application is obtained a pre-application conference will be scheduled with the Director of Public Works and the Fire Chief, or their designees, to discuss the requirements of the ordinance and the expectations of the Public Works Director and the Fire Chief. The pre-application conference shall be scheduled a minimum of three (3) working days prior to submission of the application.

(2) **SCALE DRAWING.** At the time an application is submitted, the applicant shall furnish to the Director of Public Works a scale drawing accurately showing the surrounding land and all improvements thereon, all dimensions and all distances relative thereto. The scale drawing shall show distances to all houses, buildings, or other facilities within 500 feet of the blasting or demolition work. The scale drawing accompanying an application for a permit to store explosives or blasting agents must show distances to buildings and other features in accordance with the American Table of Distances for Storage of Explosives (IFC Tables 5604.5.2(1), (2) and (3)). All permit applications which are not accompanied by a scale drawing shall be refused and will not be considered until such scale drawing accompanies the application for permit. In addition, the Director

of Public Works shall have authority to establish additional written standards for the submission of scaled drawings or other application submittals.

(3) **INSURANCE REQUIRED.** The applicant shall name the City as additional insured and shall provide proof of insurance coverage meeting the following minimum requirements:

a. **Workers Compensation: Statutory Coverage**

b. **Employers Liability:**

Bodily Injury by Accident	$1,000,000 each accident
Bodily Injury by Disease	$1,000,000 policy limit
Bodily Injury by Disease	$1,000,000 each employee

c. **Commercial General Liability, including explosion, collapse and underground:**

Bodily Injury/ Property Damage	$2,000,000 Comb. Single
	$4,000,000 Aggregate

d. **Business Automobile Policy**

Bodily Injury/ Property Damage	$1,000,000 Comb. Single
Bodily Injury	$1,000,000 per Person
Bodily Injury	$1,000,000 per Accident
Property Damage	$1,000,000 per Accident

(4) **BLASTING PLAN.** The application for the permit must be accompanied by a Blasting Plan for the blasting operation. This Blasting Plan shall include specific information on the operation as follows:

1. charge weights;
2. delays;
3. depths;
4. patterns;
5. protective mats or coverings required;
6. seismographic monitoring shall be provided by an independent firm, approved by the Director of Public Works, reporting directly to the City at the applicant's expense;
7. The names of all responsible on-site personnel and copies of their blaster's licenses.

Regardless of distance to nearby facilities, the blasting operations shall be carried out in such a manner that they will not cause fly rock or damage from air blast overpressure or ground vibration. Seismic recordings may be required by the Director. The maximum peak particle velocity at any such recording site must not exceed one inch per second in any one of three mutually perpendicular directions. Proposed specific location(s) of the seismic recording(s) shall be included in the Blasting Plan.

(d) **NOTIFICATION OF ADJACENT PROPERTY OWNERS.** The applicant shall provide written notification to owners of property located within 500 feet of a blast site, including utilities companies with facilities located in that area, within ten business days of filing its application. The applicant shall provide verification of the mailing to the City and evidence of delivery of such notification shall be retained

by the applicant. Failure to provide such evidence of such notification to the Director of Public Works on demand shall be construed to mean that such notification has not occurred. Notice shall be approved by the Director and shall include the following:

1. statement of intent to blast;
2. name of blasting contractor;
3. name of agency making the pre-blast inspection;
4. insurance company providing the coverage and claims process including the telephone number of the claims agent;
5. notice to property owner to contact the Director of Public Works within three (3) days of notification to request a copy of the pre-blast inspection of structures on their property;
6. notification shall include a complete copy of Section 7-221 Construction Blasting;
7. contractor must meet with affected property owners in advance of commencement of blast operations to explain blasting operations when requested within five (5) working days of notification.

(e) **PRE-BLAST INSPECTIONS.** Pre-blast inspections shall be performed by the applicant on all structures within 500 feet of a blast site unless permission for the inspection is denied by the occupant or owner. Applicant shall provide a copy of the pre-blast inspection to all property owners requesting same at applicant's expense.

(f) **FEE.** Upon filing the application, the applicant shall pay to the City, a non-refundable application fee as set forth in the fee schedule adopted annually by the Governing Body.

(g) **NOTICE OF INTENT TO ISSUE PERMIT.** The applicant, if it has fulfilled all application requirements and has not given cause for denial by previous permit violations, will be notified of the City's intent to issue the permit. The applicant shall then provide copies of such notification to all property owners within 500 feet of a proposed blast site. The notice required by this section shall be mailed by certified mail not less than ten days prior to issuance of a blasting permit. The applicant shall provide proof of such mailing to the City and shall retain evidence that such notification has occurred. Failure to provide such evidence to the Director shall be construed to mean that such notification has not occurred.

(h) **APPEAL.** The applicant or any owner of property located within the notice area may appeal a decision made under this section by filing a written request for appeal with the City Clerk, with a copy to the Public Works Director, within ten business days of the date of mailing of the notice of the decision. The request shall be placed on the next available Governing Body agenda for review and final decision.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)

SECTION THIRTY-TWO: That Section 7-222 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

7-222. INTERNATIONAL FIRE CODE, SECTION 5608. FIREWORKS DISPLAY. Section 5608 of the IFC is hereby amended to read as follows: **Fireworks.** No fireworks may be sold, used or possessed in the City of Leawood, Kansas.

Exception:

1. Permitted fireworks displays meeting the following criteria:
   a) Where the display operator is a Kansas licensed pyrotechnician;
   b) Where a display plan is submitted specifying compliance with NFPA 1123 and 1126, including a site plan and list of fireworks devices to be used' and
   c) Where the operator has demonstrated proof of $2 million general commercial liability coverage for the display.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)
(Code 1973)

SECTION THIRTY-THREE: That Section 7-223 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

7-223. **INTERNATIONAL FIRE CODE, SECTIONS DELETED AND OMITTED, SECTIONS 5608.1 THROUGH 5608.10 REGARDING FIREWORKS.** Sections 5608.1 through 5608.10 of the IFC including all portions, subsections and parts are hereby omitted and deleted.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)

SECTION THIRTY-FOUR: That Section 7-223A of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

7-223A. **7-222. INTERNATIONAL FIRE CODE, SECTION 5704.2.9.6.1. LOCATIONS WHERE ABOVE-GROUND TANKS ARE PROHIBITED.** Section 5704.2.9.6.1 of the IFC is hereby amended to read as follows: **Locations where permanent above-ground tanks are prohibited.** Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by the Leawood Development Ordinance. Where allowed by ordinance, such tanks shall be covered by this Article and other provisions of the City Code.

SECTION THIRTY-FIVE: That Section 7-224 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

7-224. **INTERNATIONAL FIRE CODE, SECTION 5706.2.4.4. LOCATIONS WHERE ABOVE-GROUND TANKS ARE PROHIBITED.** Section 5706.2.4.4 of the IFC is hereby amended to read as follows: **Locations where temporary above-ground tanks are prohibited.** Temporary storage of Class I and II liquids in above-ground tanks shall be allowed only in accordance with the provisions of the Leawood Development Ordinance. Where allowed, such tanks shall be in accordance with this Article and other provisions of the City Code.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)

SECTION THIRTY-SIX: That Section 7-224A of the Code of the City of Leawood, Kansas, 2000, is hereby added to read as follows:

7-224A. INTERNATIONAL FIRE CODE, SECTION 5806.2. LIMITATIONS. Section 5806.2 of the IFC is hereby amended to read as follows: **Limitations.** Outside flammable cryogenic fluids storage is only allowed if permitted by the Leawood Development Ordinance. If permitted, such storage shall be in accordance with this Article and other provisions of the City Code.

SECTION THIRTY-SEVEN: That Section 7-225 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

7-225. INTERNATIONAL FIRE CODE, SECTION 6104.2. MAXIMUM CAPACITY WITHIN ESTABLISHED LIMITS. Section 6104.2 of the IFC is hereby amended to read as follows: **Maximum capacity within established limits.** The storage of liquefied petroleum gas ["LP-gas"] is hereby limited to areas zoned AG, RPA and RPA5. The amount of such storage is limited to a maximum water capacity of 2,000 gallons. In particular installations, this capacity limit shall be determined by the fire code official, after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed containers, degree of fire protection to be provided, and capabilities of the local fire department. In addition, LP-gas tanks for heating purposes may be temporarily located on construction sites for the duration of the project.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)

SECTION THIRTY-EIGHT: That Section 7-226 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

7-226. APPEALS.

Whenever the Fire Marshal disapproves any type of application or refuses to grant any type of permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Marshal to the Board of Fire and Building Code Appeals within 30 days in accordance with the procedures more fully set forth in Chapter 4 of the Code of the City of Leawood, 2000.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)

SECTION THIRTY-NINE: That Section 7-227 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

7-227. PENALTIES.

(a) Any person who shall violate any of the provisions of this Code or Standards hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications, or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with an order as affirmed or modified by the appeals board or by a court of competent jurisdiction, within the time fixed herein, shall severally for each

and every violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not more than one thousand ($1000) dollars per occurrence or by imprisonment for not more than thirty (30) days or by both fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or otherwise remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Ord. 2600C; 12-03-12)
(Ord. 2301C; 02-04-08)

SECTION FORTY: 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 FORTY-ONE: That existing Article 2 of Chapter 7 and any provisions in conflict herewith are hereby repealed.

SECTION FORTY-TWO: This ordinance shall become effective on May 1, 2020, following adoption and publication in accordance with K.S.A. 12-3007 and amendments thereto.

PASSED by the Governing Body this 21st day of January, 2020.

APPROVED by the Mayor this 21st day of January, 2020.

[SEAL]

Peggy Dunn, Mayor

ATTEST:

Kelly L. Varner, City Clerk

APPROVED AS TO FORM:

_____

Patricia A. Bennett, City Attorney

15M

-ORDINANCE AMENDING CHAPTER 8, ARTICLE 5 OF THE CODE OF THE CITY OF LEAWOOD, 2000, INCORPORATING BY REFERENCE THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2018 EDITION, SAVE AND EXCEPT SUCH ARTICLES, SECTIONS, PARTS OR PORTIONS WHICH ARE OMITTED, DELETED, MODIFIED, CHANGED, OR ADDED, AND REPEALING EXISTING ARTICLE 5, AND OTHER SECTIONS IN CONFLICT HEREWITH.

CHAPTER VIII. HEALTH AND WELFARE

ARTICLE 5. PROPERTY MAINTENANCE

8-501. **INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED.** There is hereby incorporated by reference that certain code known as the International Property Maintenance Code, ~~2006~~ 2018 edition, ["IPMC"] prepared and published in book form by the International Code Council, Inc., 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~~At least ~~three copies~~one copy of said Code shall be marked or stamped "Official copy as incorporated by Ordinance No. ~~2302C~~ ," 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.

(Code 2000)
(Ord. 1510C; 08-07-95)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-502. **INTERNATIONAL PROPERTY MAINTENANCE CODE; SECTION 101.1 TITLE.** Section 101.1 of the IPMC is hereby amended to read as follows: **Title.** These regulations shall be known as this code, IPMC, or the International Property Maintenance Code of the City of Leawood, Kansas, ~~hereinafter referred to as "this code."~~

(Code 2000)
(Ord. 1646C; 01-20-97)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-503. **INTERNATIONAL PROPERTY MAINTENANCE CODE; SECTION 101.2 SCOPE.** Section 101.2 of the IPMC is hereby amended to read as follows: **Scope.** The provisions of this code shall apply to all residential and nonresidential structures, all premises, residential and nonresidential lands, and vacant lands and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, ~~or an owner's~~ authorized agents, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

(Code 2000)
(Ord. 1646C; 01-20-97)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-2008)

8-504. **INTERNATIONAL PROPERTY MAINTENANCE CODE; SECTION 102.3 APPLICATION OF OTHER CODES.** Section 102.3 of the IPMC is hereby amended to read as follows: **Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and* the *NFPA 70 National Electrical Code* as adopted in the Code of the City of Leawood, 2000. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *Leawood Building Code* or the *Leawood Development Ordinance.*

(Ord. 1646C; 01-20-97)
(Code 2000)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)
(Ord. 2601C; 12-03-12)

8-505. **INTERNATIONAL PROPERTY MAINTENANCE CODE; SECTION 102.6 HISTORIC BUILDINGS.** Section 102.6 of the IPMC is hereby amended to read as follows: **Historic Buildings.** The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings and protected by other provisions of law, when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

(Code 2000)
(Ord. 1940C; 01-22-02)
(Ord. 1646C; 01-20-97)
(Ord. 2302C; 02-04-08)

8-506. **INTERNATIONAL PROPERTY MAINTENANCE CODE; SECTION 103.5 FEES.** Section 103.5 of the IPMC is hereby amended to read as follows: **Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the City of Leawood Fee Schedule.

(Code 2000)
(Ord. 1646C; 01-20-97)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-507. **INTERNATIONAL PROPERTY MAINTENANCE CODE; SECTION 106.1 UNLAWFUL ACTS.** Section 106.1 of the IPMC is hereby amended to read as follows: Unlawful Acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code. Enforcement investigation and, if necessary further proceedings, shall be initiated by the code official upon his/her own initiative or upon receipt of a complaint.

(Code 2000)
(Ord. 1646C; 01-20-97)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-508. **INTERNATIONAL PROPERTY MAINTENANCE CODE; SECTION 106.4 VIOLATION PENALTIES.** Section 106.4 of the IPMC is hereby amended to read as follows: **Violation penalties.** Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Any person who shall violate such provisions shall be subject to a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1,000.00) or imprisonment for a term not to exceed thirty (30) days, or both, and shall be ordered to correct the violation or make restitution for the correction of the violation thereof, at the discretion of the court. Each day that a violation continues shall be deemed a separate offense.

(Code 2000)
(Ord. 1646C; 01-20-97)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-509. **INTERNATIONAL PROPERTY MAINTENANCE CODE; SECTION 107.1 NOTICE TO PERSON RESPONSIBLE.** Section 107.1 of the IPMC is hereby amended to read as follows: **Notice to person responsible.** Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, the code official shall issue the owner of record, or current occupant, a courtesy notice for first time offenders. A minimum of forty eight (48) hours from date of notice shall be given for initial response to the City with a minimum of ten (10) days given for corrections, or additional time as may be determined by the code official. The code official shall make an inspection at the end of the prescribed time period. If the corrections are satisfactory, the case shall be closed. If the work is not completed, or if the violation is alleged to have been made by a person or party who has previously had notice of a codes violation, then the code official shall issue a written complaint and notice to appear, setting a court date before the Municipal Court.

(Ord. 2302C; 02-04-08)

8-509A **INTERNATIONAL PROPERTY MAINTENANCE CODE; SECTION 107.2 FORM.** Section 107.2 of the IPMC is hereby amended to read as follows: **FORM.** Such courtesy notice as described in Section 107.1 shall ~~be in accordance with all of the following~~:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a compliance date, allowing a reasonable time to make the repairs and improvements required to bring the property into compliance with the provisions of this code.

It shall not be a defense or issue in any action taken pursuant to the IPMC that the person responsible for the property did not personally receive the courtesy notice, provided it was served in compliance with Section 107.3. It shall not be a defense or issue in any action taken pursuant to the IPMC that the courtesy notice did not include all information required, so long as the notice was in substantial compliance with this Section.

8-510. **INTERNATIONAL PROPERTY MAINTENANCE CODE; SECTION 107.3**

METHOD OF SERVICE. Section 107.3 of the IPMC is hereby amended to read as follows: **Method of Service.** Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally; or
2. Sent by certified or first-class mail addressed to the last known address.; or
3. In addition to the above service options~~If the notice is returned showing that the letter was not delivered~~, a copy of such notice may~~thereof shall~~ be posted in a conspicuous place ~~in~~on or about the structure affected by such notice

(Ord. 2302C; 02-04-08)

8-511. **INTERNATIONAL PROPERTY MAINTENANCE CODE; SECTION 108.3 NOTICE.** REPEALED ~~Section 108.3 is hereby amended to read as follows: **Notice.** If a preliminary investigation for violations leading to potential condemnation discloses a basis for further action, the code official shall notify the owner of record, by certified mail of the items of correction and shall list these items in writing. Unless authorized by other law, a minimum of thirty (30) days from date of notice shall be given for corrections, or additional time as may be determined by the code official. The code official shall make an inspection at the end of the prescribed time period. If the corrections are satisfactory, the case shall be closed. If the work is not completed, the code official shall serve a written complaint setting a hearing before the Governing Body in accordance with law.~~

~~The Governing Body shall proceed in accordance with K.S.A. 12-1750 et seq..~~

(Ord. 2302C; 02-04-08)

8-512. **INTERNATIONAL PROPERTY MAINTENANCE CODE; SECTION 110 DEMOLITION.** Section 110.1 of the IPMC is hereby amended to read as follows: ~~110.1~~ **General.** Except as otherwise authorized by K.S.A. 12-1750 et seq., and Section 109.1 of this code, the code official may only order the owner of any premises to have a structure razed or removed per action of the Governing Body after hearing.

(Ord. 2302C; 02-04-08)

8-513. **INTERNATIONAL PROPERTY MAINTENANCE CODE; SECTION 110.2 UNREASONABLE REPAIRS.** Section 110.2, of the IPMC is hereby amended to read as follows: ~~110.2~~**Unreasonable repairs.** Whenever the code official determines that the cost of repairs required by this code ~~would~~ may exceed one hundred percent (100%) of the current value of such structure, such repairs shall be presumed unreasonable and it shall be presumed for the purpose of this section that such structure is a nuisance and the City may proceed ~~and may be ordered razed,~~ in accordance with the provisions of K.S.A. 12-1750 et seq.

(Ord. 2302C; 02-04-08)

8-514. **INTERNATIONAL PROPERTY MAINTENANCE CODE; SECTION 110.3 ORDER.** Section 110.3, of the IPMC is hereby amended to read as follows: ~~110.3.~~ **Order.** Following an order by the Governing Body, after a hearing to remove or raze a structure pursuant to K.S.A. 12-1750 et seq., the owner shall have a

minimum of sixty (60) days to comply with such order. The owner, after showing good cause, may petition the Governing Body for an extension of time for compliance. It shall be at the discretion of the Governing Body whether or not to granted additional time for compliance. If after the sixty (60) days or additional time, if granted by the Governing Body, has expired and the order has not been completed the code official may order the structure removed or razed immediately by private contract.

(a) Anyone affected by any such order shall ~~within~~ have thirty (30) days after the decision of the Governing Body ~~service of such order~~ to appeal ~~from the Governing Body apply~~ to the district court of the county in accordance with law.

(Ord. 2302C; 02-04-08)

8-515. **INTERNATIONAL PROPERTY MAINTENANCE CODE; SECTION 110.4 FAILURE TO COMPLY.** Section 110.4~~,~~ of the IPMC is hereby amended to read as follows: ~~110.4.~~ **Failure to comply.** If the owner of a premises fail to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(Ord. 2302C; 02-04-08)

8-516. **INTERNATIONAL PROPERTY MAINTENANCE CODE; SECTIONS 111 MEANS OF APPEAL THROUGH 111.8 STAYS OF ENFORCEMENT, DELETED AND OMITTED.** The following sections of the International Property Maintenance Code are hereby deleted and omitted: Section 111 Means of Appeal, Section 111.1, Application for Appeal, Section 111.2, Membership of Board, Section 111.2.1 Alternate members, Section 111.2.2 Chairman, Section 111.2.3, Disqualification of member, Section 111.2.4 Secretary, Section 111.2.5 Compensation of members, Section 111.3 Notice of meeting, Section 111.4 Open Hearing, Section 111.4.1 Procedure, Section 111.5 Postponed hearing, Section 111.6 Board decision, Section 111.6.1 Records and copies, Section 111.6.2 Administration, Section 111.7 Court review, and Section 111.8 Stays of enforcement.

(Ord. 2302C; 02-04-08)

8-517. **INTERNATIONAL PROPERTY MAINTENANCE CODE; SECTION 202. GENERAL DEFINITIONS.** Section 202 of the IPMC is hereby amended to include the following definitions:

NOXIOUS WEEDS. Any noxious weed as defined by KSA § 2-1314 and amendments thereto.

RUBBISH. Non-putrescible solid wastes consisting of combustible and/or noncombustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments, including yard wastes and items commonly referred to as "trash".

Bulky rubbish. Items either too large or too heavy to be loaded in solid waste collection vehicles with safety and convenience by solid waste collectors, with the equipment available therefore, including, but not limited to appliances, furniture, large auto parts, and trees.

Commercial rubbish. Rubbish resulting from commercial, industrial, institutional, or agricultural activities.
Residential rubbish. Rubbish resulting from the maintenance and operation of dwelling units.
STORAGE. The uninterrupted placement of materials for a period exceeding 48 hours.

(Ord. 2302C; 02-04-08)

8-518. INTERNATIONAL PROPERTY MAINTENANCE CODE; SECTION 301.2 RESPONSIBILITY. Section 301.2 of the IPMC is hereby amended to read as follows: **Responsibility.** The owner or occupant of a structure or part thereof shall keep the structure and property in compliance with this code and shall keep the supplied equipment and fixtures therein clean and sanitary, and shall be responsible for the exercise of reasonable care in their proper use and operation.

All equipment and fixtures furnished by the occupant of a structure shall be properly installed, and shall be maintained in good working condition, kept clean and sanitary, and free of defects, leaks or obstructions.

In every multiple dwelling rental unit complex (multiple buildings) in which the owner does not reside there shall be a responsible person, designated by the owner, residing on the premises, whose duties shall include premises maintenance.

Nonresident owners of residential rental property within the City of Leawood, shall designate an agent who shall either reside within the City or metropolitan area, and shall be authorized to accept service of notice under the provisions of this code. It shall be the owner's responsibility to register said agent with the City.

(Ord. 2302C; 02-04-08)

8-519. INTERNATIONAL PROPERTY MAINTENANCE CODE; SECTION 302.2 GRADING AND DRAINAGE. Section 302.2 of the IPMC is hereby amended to read as follows: **Grading and drainage.** All premises shall be graded and maintained so as to prevent the erosion of soil and the accumulation of stagnant water thereon, or within any structure located thereon.

1. Landowners shall not divert water from their property to an adjacent property in such a fashion as to cause erosion, flooding or pooling of water or otherwise cause damage to the adjacent property.

   (a) It shall be *prima facie* evidence of a violation of this section if downspouts from gutters discharge within 10 feet of an adjoining property line or if such downspouts are connected to underground drains that surface and discharge within 10 feet of an adjoining property line and if that property is experiencing flooding, silt or other storm water damages from the general area where such drain exists.

   (b) It shall be *prima facie* evidence of a violation of this section if sump pump drains discharge within 15 feet of an adjoining property and

if that property is experiencing flooding, silt or other storm water damages from the general area where such drain surfaces.

2. All detention and retention storm water basins shall be maintained by the owner, developer, custodian or other person responsible for the property. Such maintenance shall include but not be limited to:

(a) The cleaning of storm sewers and other drainage appurtenances serving the said basin so that the said installations function as designed; and

(b) The removal of any garbage, rubbish, silt, topsoil or other foreign material which creates an unsanitary condition or prevents or impeded the leaching action of the said basin.

(Ord. 2302C; 02-04-08)
(Ord. 2336C; 08-18-08)

8-520. INTERNATIONAL PROPERTY MAINTENANCE CODE; SECTION 302.3 SIDEWALKS AND DRIVEWAYS. Section 302.3 of the IPMC is hereby amended to read as follows: **Sidewalks and driveways.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. All off street parking facilities shall be kept free of debris including, but not limited to, trash, gravel, mud, blowing paper, etc.

(Ord. 2302C; 02-04-08)

8-521. INTERNATIONAL PROPERTY MAINTENANCE CODE; SECTION 302.4 TREES, GRASS, WEEDS AND COMPOST. Section 302.4 of the IPMC is hereby amended to read as follows: **Trees, Grass, Weeds and Compost.** Trees, Grass, Weeds and ~~and~~ the trimmings thereof and compost shall be maintained as follows:

(a) **Trees and shrubbery.** All trees and shrubbery shall be maintained free of disease and/or decay. In the event that death occurs in any tree shrub or other plant material the owner of the premise shall without delay remove same. Upon notice from the code official the owner shall remove dead or dying tree(s) or other plant material so specified within thirty (30) days from legal notice as required by this code.

(b) **Brush and lawn trimmings.** Each and every owner, tenant, or occupant of any dwelling or other building in the city shall place lawn trimmings, brush trimmings, and other yard debris in suitable containers or tied in bundles. The containers and bundles shall not be placed at the street curb more than twenty four (24) hours prior to the anticipated time of collection. All trimmings prior to collection shall be placed behind the front building line or front line of the house whichever is greater.

(c) **Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve inches in any platted area or within one hundred (100) feet of any platted area, developed area or any public street or right-of-way. All noxious weeds shall be prohibited. Weeds and plant growth shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall

not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

(d) **Compost.** All compost materials shall be placed in containers designed or constructed for same; be located in rear yards only; be a maximum height of four (4) feet and be located a minimum of ten (10) feet from any property line. Such containers shall be designed or be constructed to prevent rodent infestation. All compost areas shall be visually screened from adjoining property view.

(Ord. 2302C; 02-04-08)

8-522. INTERNATIONAL PROPERTY MAINTENANCE CODE SECTION; SECTION 302.8 MOTOR VEHICLES. ~~A new s~~Section 302.8 of the IPMC is hereby ~~added~~ amended to read as follows: **302.8. Motor Vehicles.**

(a) Except as provided for in other regulations or as may be stored in an enclosed garage, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Repair of occupant owned vehicles within residential areas shall only be allowed between the hours of 8:00 am and 9:00 pm and shall be allowed within the garage area itself. Nothing in this section shall supersede the enforcement of the City's public nuisance or disturbing the peace ordinance.

(b) Where the license plate of a vehicle parked or stored on any premises is screened from view by an adjacent structure or vegetation, or by a cover, tarp or similar object or is otherwise not visible, then the vehicle shall be deemed to be an inoperable vehicle in violation of this section. This determination of inoperability may be voided if the property owner or vehicle owner or resident demonstrates to the code official that the vehicle is operable on a public street and has a license plate and current registration. Such demonstration and proof shall be provided to the code official within 15 days from the date when a notice of violation was first given to the property owner, vehicle owner or resident.

(Ord. 2302C; 02-04-08)
(Ord. 2755C; 10-19-15)

8-523. INTERNATIONAL PROPERTY MAINTENANCE CODE; SECTION 302.9 DEFACEMENT OF PROPERTY. Section 302.9 of the IPMC is hereby amended to read as follows: **Defacement of property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

(a) **Defacement violation, penalty.** Any person who is convicted of violating

this section shall be punished by a fine of not exceeding ~~five hundred~~one thousand dollars ($1,000) or by imprisonment not to exceed six (6) months, or both such fine and imprisonment. In addition to such punishment, the court may, in imposing sentence, order the defendant to restore the property so defaced, damaged or destroyed.

(b) **Defacement, notice of removal.** Whenever the code official determines that defacement has occurred on any public or private building, structure and place which are visible to any person utilizing any public right-of-way in this city, be this road, parkway, alley or otherwise, and that seasonal temperatures permit the painting of exterior services, the code official shall cause a notice to be issued to abate such nuisance. The property owner shall have forty eight (48) hours after the date of the notice to remove the defacement, or the conditions will be subject to abatement by the city.

The notice to abate the defacement pursuant to this section shall cause a courtesy notice to be served upon the owner(s) of the affected premises. If there is no known address for the owner, the notice shall be sent in care of the property address.

(c) **Defacement, costs declared lien.** Any and all costs incurred by the city in the abatement of a defacement nuisance under the provision of this code may constitute a lien against the property upon which such nuisance existed.

(d) **Defacement, removal by city.** Upon failure of persons to comply with the notice by the designated date, or such continued date thereafter as the code official approves, then the code official is authorized and directed to cause the defacement to be abated by city forces or private contract, and the city or its private contractor is expressly authorized to enter upon the premises for such purposes. All reasonable efforts to minimize damage from such entry shall be taken by the city, and any paint used to obliterate defacement shall be as close as practicable to the background color(s). If the code official provides for the removal of the defacement, the code official shall not authorize nor undertake to provide for the painting or repair of any more extensive area than that where the defacement is located.

(Ord. 2302C; 02-04-08)

8-524. INTERNATIONAL PROPERTY MAINTENANCE CODE SECTION 302.10 LOADING AREAS. A new section 302.10 of the IPMC is hereby added to read as follows: **Loading areas.** All loading areas, automobile service stations and drive-in food establishments shall be paved with bituminous, concrete or equivalent surfacing and shall be free from dirt and other litter and kept in good repair. When lighted for nighttime use, lights shall not be permitted to cast directly upon dwellings nearby.

(Ord. 2302C; 02-04-08)

8-525. INTERNATIONAL PROPERTY MAINTENANCE CODE SECTION 302.11 PUBLIC AREAS. A new section 302.11 of the IPMC is hereby added to read as follows: **Public areas.** Grass, landscaping, and trees located within subdivision traffic control islands shall be the maintenance responsibility of the homes associations. Monuments, landscaping, trees, fountains and lighting located on

private property at the entrance to residential subdivisions and/or commercial property shall be the responsibility of the homes association and/or the individual property owner.

(Ord. 2302C; 02-04-08)

8-526. **INTERNATIONAL PROPERTY MAINTENANCE CODE SECTION 302.12 SCREENING.** A new section 302.12 of the IPMC is hereby added to read as follows: **Screening.** All existing open storage areas shall be completely obscured from surrounding property by a solid screen up to 6 feet in height as required by the code official.

(Ord. 2302C; 02-04-08)

8-527. **INTERNATIONAL PROPERTY MAINTENANCE CODE SECTION 303.2 ENCLOSURES.** ~~A new s~~Section 303.2 of the IPMC is hereby ~~added~~ amended to read as follows: **Enclosures.** Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

(Ord. 2302C; 02-04-08)

8-528. **INTERNATIONAL PROPERTY MAINTENANCE CODE SECTION 304.6.1 WALL SURFACES.** A new section 304.6.1 of the IPMC is hereby added to read as follows: **Wall Surfaces**. Wall surfaces, other than brick, stucco or stone, shall be treated to prevent deterioration in a manner that creates a harmonious and uniform appearance. Aggregate wall areas (complete sides or sections) shall be similarly treated with like substances (i.e. paint or stain) to create a cohesive look. Such treatment shall give the wall section a uniform appearance in color and at no time shall portions of wall surfaces be allowed to deteriorate or treated with dissimilar substances creating a patchwork appearance. The only exceptions to this requirement is when a wall surface is being primed prior to final application of wall surface treatment or trim work that may be in a different color to provide contrast.

(Ord. 2302C; 02-04-08)

8-529. **INTERNATIONAL PROPERTY MAINTENANCE CODE SECTION 304.10 STAIRWAYS, DECKS, PORCHES, BALCONIES AND OTHER APPURENTANCES.** ~~A new s~~Section 304.10 of the IPMC is hereby ~~added~~ amended to read as follows: **Stairways, decks, porches, balconies and other appurtenances.** Every exterior stairway, deck, porch, balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. All splash blocks, fences, tennis courts and other similar appurtenances shall be maintained in a serviceable and safe condition.

(Ord. 2302C; 02-04-08)

8-530. **INTERNATIONAL PROPERTY MAINTENANCE CODE SECTION 305.3.1 BATHROOM AND KITCHEN FLOORS.** A new section 305.3.1 of the IPMC is hereby added to read as follows: **Bathroom and kitchen floors.** Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water, except when carpeting is used, and so as to permit such floor to be easily kept in a clean and sanitary condition.

(Ord. 2302C; 02-04-08)

8-531. **INTERNATIONAL PROPERTY MAINTENANCE CODE SECTION 305.7 HOUSEHOLD APPLIANCES.** A new section 305.7 of the IPMC is hereby added to read as follows: **Household appliances.** All built-in appliances shall be serviceable and maintained in a sanitary condition.

(Ord. 2302C; 02-04-08)

8-532. **INTERNATIONAL PROPERTY MAINTENANCE CODE SECTION 305.8 FIRE EXTINGUISHERS.** A new section 305.8 of the IPMC is hereby added to read as follows: **Fire extinguishers.** At least one fire extinguisher for each dwelling unit shall be provided and shall be located in the kitchen area.

(Ord. 2302C; 02-04-08)

8-533. **INTERNATIONAL PROPERTY MAINTENANCE CODE; SECTION ~~307.1~~308.1 ACCUMULATION OF RUBBISH OR GARBAGE.** Section ~~307.1~~308.1 of the IPMC is hereby amended to read as follows: **Accumulation of rubbish or garbage.** No person shall dump, deposit or store on any property whether owned, dedicated to public use or upon the property of any person, nor to allow to fall or be washed upon any street or upon any property of any other person rubbish, dirt, earth, building materials, debris, refuse, cans, garbage or grass clippings, unless such materials are placed in containers in accordance with Section 8-~~532~~534 and stored inside a garage or structure. Also, no person shall dump, deposit or store on any property, whether dedicated to public use, property of any person or their own property, junked or otherwise inoperative equipment, vehicles, machinery or appliances. Operable farm equipment or implements which are used in agricultural areas are excluded. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage not appropriately stored in accordance with this code.

(Ord. 2302C; 02-04-08)

8-534. **INTERNATIONAL PROPERTY MAINTENANCE CODE; SECTION ~~307.3.2~~308.3.2 CONTAINERS.** Section ~~307.3.2~~308.3.2 of the IPMC is hereby amended to read as follows: **Containers.** The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

(a) **One and Two Family Residential.** Each and every owner, tenant, housekeeper, or other person occupying any one or two family dwelling within the city shall provide and renew when necessary a sufficient number of trash containers of rigid construction with tight fitting covers to hold the trash accumulating there at. Such trash containers shall be placed at the curb no earlier than 6:00 pm the evening preceding the day on which the

trash is anticipated to be collected by the regular trash collection service subscribed to by the occupant or owner.

(b) ~~-~~**Multi Family.** Each multi-family complex consisting of more than 2 dwelling units shall provide and renew when necessary sufficient trash containers of rigid construction with tight fitting cover or dumpsters to adequately contain the refuse and waste produced at such location. Such containers shall comply with the Leawood Development Ordinance requirements for screening.

(c) **Business and Industrial.** Each and every business and industry shall provide and renew when necessary sufficient trash containers of rigid construction with tight fitting covers to adequately contain the refuse and waste produced at such location and such containers shall be kept closed except when depositing and removing materials. Such containers shall comply with the Leawood Development Ordinance for screening.

(Ord. 2302C; 02-04-08)

8-535. INTERNATIONAL PROPERTY MAINTENANCE CODE; SECTION ~~308.1~~309.1 INFESTATION. Section ~~308.1~~309.1 of the IPMC is hereby amended to read as follows: **Infestation.** All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation. Continued and repeated (3 or more) incidents of rodent infestation determined from the official records as provided in Section ~~104.7~~104.6 of this code shall require the installation of rodent and vermin proof walls. The walls shall be installed in accordance with the Building Code.

(Ord. 2302C; 02-04-08)

8-536. INTERNATIONAL PROPERTY MAINTENANCE CODE; SECTION 405 ~~is hereby added.~~ LICENSING AND MINIMUM STANDARDS FOR RENTAL DWELLING UNITS. A new section 405 of the IPMC is hereby added to read as follows:

Licensing And Minimum Standards For Rental Dwelling Units.

(a) License and Certificate of Occupancy

1. **Rental license required.** No person, firm or corporation shall lease or rent, or offer for lease or rent, any portion of a dwelling unit. No person, firm or corporation shall lease or rent, or offer for lease or rent, a dwelling unit for a period of less than 30 days. No person, firm or corporation shall lease or rent, or offer for lease or rent, any dwelling unit for a period of 30 days or more without first making application to the City for a rental license therefore, paying to the City the license fee hereunder prescribed and obtaining such license from the City. Prior to issuance of a rental license, an inspection per subsection (a)(5) shall be made of the entire structure and premises for which an application is sought for conformance of this code.
2. **Renewal of rental license.** Application for renewal of the rental license shall be made no more than sixty (60) days and no less than seven (7) days prior to the expiration of the current rental license.
3. **License fee.** An annual license fee shall be paid by the owner on or before the 1st of January each year in accordance with the City of Leawood Fee

Schedule.

4. **Occupancy certificate required.** No person shall occupy, or allow occupancy of, any rental dwelling unit without first making application to the City for a Certificate of Occupancy therefore, paying to the City the inspection fee as designated in the City of Leawood Fee Schedule and receiving an approved inspection as required in subsection (a)(5).

5. **Inspection required.** Prior to the issuance of a rental license, the code official shall inspect the entire structure and premises for violations of building and property maintenance codes. Such inspections for the issuance of a rental license shall be required upon the initial application only. Inspections shall be required after the dwelling unit has been vacated by one tenant and prior to the re-occupancy by another, except that when a dwelling unit has been inspected anytime within the previous six (6) months of such vacation, a new inspection shall not be required.

6. **Denial of rental license.** An application for a rental license shall be denied if:
   a. The owner refuses to grant access to any part of the dwelling unit or premise for a required inspection; or
   b. The code official finds or determines that there exists in the dwelling unit or on the premises a violation of building or property maintenance codes; provided, however that whenever the code official in inspecting a rental dwelling unit finds or determines that there exists in the dwelling unit or on the premise a violation of building or property maintenance codes, the code official shall provide written notice to the owner or applicant detailing such violation and informing the owner or applicant that a reinspection of the dwelling unit will be performed after notification to the City that the violation(s) of the building or property maintenance codes have been corrected; or
   c. The desired type or length of rental is not permitted by this code.

7. **Registration of Agents.** No rental license shall be issued or renewed for an applicant, unless such applicant designates in writing to the City the name of the agent, as provided by Section 301.2 of this code, for the receipt of service of the notice of violation of the provisions of this code and for service of process pursuant to this code.

8. **Definition.** For purposes of this section, Dwelling Unit shall have the same meaning as defined at Section 16-9-96 of the LDO.

(b) Expiration and Revocation

1. **Expiration of rental license.** The rental license shall expire on December 31 following its date of issuance unless sooner revoked, and may be renewed for successive periods not to exceed one (1) year.

2. **Revocation of license.** The rental license may be revoked by the ~~Governing Body~~City, ~~upon request by the code official,~~ if ~~the Governing Body determines that~~ there exists for any structure or premises a history of three (3) or more violations of the City's building or property maintenance codes, or if the dwelling unit is being rented or offered for rent in violation of this code or the Leawood Development Ordinance. Before revoking a rental license, the City shall give the owner and owner's agent (pursuant to Section 301.2), if any, at least ten (10) days written notice and the

opportunity for review by the City Administrator or their designee. If the owner or agent requests review, the revocation will be stayed pending the review, but in no event more than fourteen (14) days from the original effective date of the revocation. The City Administrator, or their designee, may uphold or rescind the revocation, and if applicable, specify certain conditions and stipulations therewith. The decision of the City Administrator, or their designee, is final.

~~The code official shall send notice of pending revocation to the owner or applicant by certified mail and the opportunity for review by the City Administrator or their designee., and include the date the matter will be heard by the Governing Body, which shall be at least ten (10) days after the date of the notice. The scope of the review shall be limited to whether substantial competent evidence exists to revoke the license. The determination of the City Administrator is final. The owner or applicant shall have the right to appear before the Governing Body to provide evidence supporting reasons not to revoke the license.~~

Following revocation of a rental license, any tenant or rental occupant must vacate the affected premises within ~~five~~ thirty (~~5~~30) days. Any owner or applicant who has had a rental license revoked two or more times, for the same or different properties, cannot reapply for a rental license for any property in the City for a minimum of twelve (12) months following the most recent license revocation.

(c) Request for Inspection. Nothing herein shall be construed to prohibit an inspection by the code official of any dwelling unit when requested by the tenant or occupant of said dwelling unit. Fees for tenant requested inspections shall be borne by the tenant and paid for prior to the inspection being made.

(Ord. 2302C; 02-04-08)
(Ord. 2855C; 09-05-17)

8-537. INTERNATIONAL PROPERTY MAINTENANCE CODE; SECTION 604.2 SERVICE. REPEALED.~~Section 604.2 is hereby amended to read as follows: **Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the *NFPA 70 National Electrical Code*. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.~~

(Ord. 2302C; 02-04-08)
(Ord. 2601C; 12-03-12)

8-538. WEEDS TO BE REMOVED. It shall be unlawful for any property owner, agent, lessee, tenant, or other person occupying or having charge or control of any premises to permit weeds to remain upon said premises or any area between the property lines of said premises and the centerline of any adjacent street or alley, including but not specifically limited to sidewalks, streets, alleys, easements, rights-of-way and all other areas, public or private. All weeds as hereinafter defined are hereby declared a nuisance and are subject to abatement as hereinafter provided.

(Ord. 1646C; 1-20-97)
(Code 2000)
(Ord. 1940C; 01-22-02)

(Ord. 2302C; 02-04-08)

8-539. DEFINITIONS.

(a) ***Calendar Year*** as used herein, means that period of time beginning January 1 and ending December 31 of the same year.

(b) ***Noxious Weeds*** –For the purpose of this Section, the term *Noxious Weeds,* means those items listed in K.S.A. § 2-1314, or any amendments thereto, and those further declared as such pursuant to K.S.A. § 2-1314(b), and shall include: kudzu [Pueraria lobata], field bindweed [Convolvulus arvensis], Russian knapweed [Centaurea picris], hoary cress [Lepidium draba], Canada thistle [Cirsium arvense], quackgrass [Agropyron repens], leafy spurge [Euphorbia esula], bur ragweed [Ambrosia grayii], pignut [Hoffmannseggia densiflora], musk [nodding], thistle [Carduus nutans L.], Johnson grass [Sorghum halepense], lespedeza [Lespedexa cuneata], and multiflora rose [Rosa multiflora] or any plants which are poisonous to the touch, including but not limited to, poison ivy, poison oak, and poison sumac.

(c) ***Property Owner*** – shall mean the named property owner as indicated by the records of the Register of Deeds or Appraiser's office in Johnson County, Kansas, and for purposes of this Article, shall include an owner of property abutting the streets, alleys, avenues, boulevards, public easements and public rights-of-way.

(d) ***Public Officer*** – shall mean the Neighborhood Services Administrator, an authorized assistant, authorized representative, or his/her designee.

(e) ***Rank Vegetation*** – shall mean any annual or perennial herbaceous plants, including grasses, of volunteer growth, not cultivated or of any agricultural nature nor useful for human food or enjoyment which, because of its height, but not less than twelve inches [12"], will be a fire menace, harbor rats, insects or other creatures or will have blighting influence upon the neighborhood.

(f) ***Weeds*** as used herein, means any of the following:

(1) Brush and woody vines shall be classified as weeds;

(2) Plant matter which may attain such large growth as to become, when dry, a fire menace to adjacent improved property;

(3) Plants which bear or may bear seeds of a downy or wingy nature;

(4) Plants which are located in an area which harbors rats, insects, animals, reptiles, or any other creature which either may or does constitute a menace to health, public safety or welfare;

(5) Weeds and indigenous grasses on or about residential property which, because of height, has a blighting influence on the neighborhood. Any such weeds and indigenous grasses shall be presumed to be blighting if they exceed 10 inches in height.

(Ord. 1646C; 1-20-97)
(Code 2000)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-540. CITY CLERK; NOTICE TO REMOVE. The City Clerk shall notify the property owner, occupant or agent in charge of any premises in the city upon which weeds exist in violation of this ordinance, in writing by certified mail, return receipt requested mail or by personal service, once per calendar year as set forth in K.S.A. 12-1617f. If property is unoccupied and the property owner is a nonresident, such notice shall be sent by certified mail, return receipt requested to the last known

address. Such notice shall include the following information:

(a) That the property owner, occupant or agent in charge of the property is in violation of the city weed control law;

(b) That the property owner, occupant, or agent in charge of the property is ordered to cut the weeds within five days of the receipt of notice;

(c) That the property owner, occupant or agent in charge of the property may request a hearing before the Governing Body or its designated representative within five days of the receipt of notice, and said hearing shall be set on the agenda of the next meeting and said notice shall toll the time for correction of the alleged violation;

(d) That if the property owner, occupant or agent in charge of the property does not cut the weeds, the city or its authorized agent will cut the weeds and assess the cost of the cutting, including a reasonable administrative fee, against the property owner, occupant or agent in charge of the property;

(e) That the property owner, occupant or agent in charge of the property will be given an opportunity to pay the assessment, and, if it is not paid, it will be added to the property tax as a special assessment or the City may proceed with collection under K.S.A. 12-1,115, as amended;

f) That, pursuant to ordinance and to K.S.A. 12-1617f, no further notice shall be given prior to removal of weeds during the current calendar year

(g) That the public officer should be contacted if there are any questions regarding the order;

(h) If there is a change in the record property owner of title to property subsequent to the giving of notice pursuant to this subsection, the city shall issue a new notice to the new property owner of record and proceed as set forth herein. The city may not recover any costs or levy an assessment for the costs incurred by the cutting or destruction of weeds on such property unless the new record owner of title of such property is provided notice as required by this section.

(Ord. 1646C; 1-20-97)
(Code 2000)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-541 ABATEMENT; ASSESSMENT OF COSTS.

(a) Upon the expiration of five days after receipt of the notice required by this code, and in the event that the property owner, occupant or agent in charge of the premises shall neglect or fail to comply with the requirements herein or fail to file a request for hearing, the Public Officer shall cause to be cut, destroyed and/or removed all such weeds and abate the nuisance created thereby at any time during the current calendar year.

(b) The Public Officer shall provide a report of all costs to the City Clerk and shall give notice to the property owner, occupant or agent in charge of the premises by certified mail, return receipt requested mail of the costs of abatement of the nuisance. The notice shall state that payment of the costs is due and payable within 30 days following receipt of the notice.

(c) If the costs of removal or abatement remain unpaid after 30 days following receipt of notice, a record of the costs of cutting and destruction and/or removal shall be certified to the City Clerk who shall cause such costs to be assessed against the particular lot or piece of land on which such weeds were so removed, and against

such lots or pieces of land in front of or abutting on such street or alley on which such weeds were so removed. The City Clerk shall certify the assessment to the County Clerk at the time other special assessments are certified for spreading on the tax rolls of the county. Alternatively, the City may proceed with collection as authorized under K.S.A. 12-1,115, as amended.

(Ord. 1646C; 1-20-97)
(Code 2000)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-542. **RIGHT OF ENTRY.** The Public Officer, contracting agents or other representatives are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of cutting, destroying and/or removing such weeds in a manner not inconsistent with this ordinance.

(Ord. 1646C; 1-20-97)
(Code 2000)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-543. **UNLAWFUL INTERFERENCE.** It shall be unlawful for any person to interfere with or to attempt to prevent the Public Officer from entering upon any such lot or piece of ground or from proceeding with such cutting and destruction. Such interference shall constitute an ordinance violation.

(Ord. 1646C; 1-20-97)
(Code 2000)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-544. **NOXIOUS WEEDS.** Nothing in this Article shall affect or impair the rights of the city under the provisions of Chapter 2, Article 13 of the Kansas Statutes Annotated, relating to the control and eradication of certain noxious weeds.

(Ord. 1646C; 1-20-97)
(Code 2000)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

Ordinance Published on __/__/____

DRAFT 15. M

ORDINANCE NO. ____

ORDINANCE AMENDING CHAPTER 8, ARTICLE 5 OF THE CODE OF THE CITY OF LEAWOOD, 2000, INCORPORATING BY REFERENCE THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2018 EDITION, SAVE AND EXCEPT SUCH ARTICLES, SECTIONS, PARTS OR PORTIONS WHICH ARE OMITTED, DELETED, MODIFIED, CHANGED, OR ADDED, 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 Article 5 of Chapter 8 of the Code of the City of Leawood, Kansas, 2000, is hereby amended to read as follows:

8-501. **INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED.** There is hereby incorporated by reference that certain code known as the International Property Maintenance Code, 2018 edition, ["IPMC"] prepared and published in book form by the International Code Council, Inc., 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. At least one copy 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.

(Code 2000)
(Ord. 1510C; 08-07-95)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-502. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 101.1. TITLE.** Section 101.1 of the IPMC is hereby amended to read as follows: **Title.** These regulations shall be known as this code, the IPMC, or the Property Maintenance Code of the City of Leawood, Kansas.

(Code 2000)
(Ord. 1646C; 01-20-97)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-503 **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 101.2. SCOPE.** Section 101.2 of the IPMC is hereby amended to read as follows: **Scope.** The provisions of this code shall apply to all residential and nonresidential structures, all premises, residential and nonresidential lands, and vacant lands and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, or authorized agents, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

(Code 2000)
(Ord. 1646C; 01-20-97)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-2008)

8-504. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 102.3. APPLICATION OF OTHER CODES.** Section 102.3 of the IPMC is hereby amended to read as follows: **Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the *International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code and* the *NFPA 70 National Electrical Code* as adopted in the Code of the City of Leawood, 2000. Nothing in this code shall be construed to cancel, modify or set aside any provision of the *Leawood Building Code* or the *Leawood Development Ordinance.*

(Ord. 1646C; 01-20-97)
(Code 2000)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)
(Ord. 2601C; 12-03-12)

8-505. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 102.6. HISTORIC BUILDINGS.** Section 102.6 of the IPMC is hereby amended to read as follows: **Historic Buildings.** The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings and protected by other provisions of law, when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

(Code 2000)
(Ord. 1940C; 01-22-02)
(Ord. 1646C; 01-20-97)
(Ord. 2302C; 02-04-08)

8-506. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 103.5 FEES.** Section 103.5 of the IPMC is hereby amended to read as follows: **Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the City of Leawood Fee Schedule.

(Code 2000)
(Ord. 1646C; 01-20-97)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-507. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 106.1. UNLAWFUL ACTS.** Section 106.1 of the IPMC is hereby amended to read as follows: Unlawful Acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code. Enforcement investigation and, if necessary further proceedings, shall be initiated by the code official upon his/her own initiative or upon receipt of a complaint.

(Code 2000)
(Ord. 1646C; 01-20-97)

(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-508. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 106.4. VIOLATION PENALTIES.** Section 106.4 of the IPMC is hereby amended to read as follows: **Violation penalties.** Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Any person who shall violate such provisions shall be subject to a fine of not less than one hundred dollars ($100.00) or more than one thousand dollars ($1,000.00) or imprisonment for a term not to exceed thirty (30) days, or both, and shall be ordered to correct the violation or make restitution for the correction of the violation thereof, at the discretion of the court. Each day that a violation continues shall be deemed a separate offense.

(Code 2000)
(Ord. 1646C; 01-20-97)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-509. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 107.1. NOTICE TO PERSON RESPONSIBLE.** Section 107.1 of the IPMC is hereby amended to read as follows: **Notice to person responsible.** Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, the code official shall issue the owner of record, or current occupant, a courtesy notice for first time offenders. A minimum of forty eight (48) hours from date of notice shall be given for initial response to the City with a minimum of ten (10) days given for corrections, or additional time as may be determined by the code official. The code official shall make an inspection at the end of the prescribed time period. If the corrections are satisfactory, the case shall be closed. If the work is not completed, or if the violation is alleged to have been made by a person or party who has previously had notice of a codes violation, then the code official shall issue a written complaint and notice to appear, setting a court date before the Municipal Court.

(Ord. 2302C; 02-04-08)

8-509A. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 107.2. FORM.** Section 107.2 of the IPMC is hereby amended to read as follows: **Form.** Such courtesy notice as described in Section 107.1 shall:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a compliance date, allowing a reasonable time to make the repairs and improvements required to bring the property into compliance with the provisions of this code.

It shall not be a defense or issue in any action taken pursuant to the IPMC that the person responsible for the property did not personally receive the courtesy notice, provided it was served in compliance with Section 107.3. It shall not be a defense or issue in any action taken pursuant to the IPMC that the courtesy notice did not include all information required, so long as the notice was in substantial

compliance with this Section.

8-510. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 107.3. METHOD OF SERVICE.** Section 107.3 of the IPMC is hereby amended to read as follows: **Method of Service.** Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally; or
2. Sent by certified or first-class mail addressed to the last known address.
3. In addition to the above service options, a copy of such notice may be posted in a conspicuous place on or about the structure affected by such notice.

(Ord. 2302C; 02-04-08)

8-511. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 108.3. NOTICE.** ***Repealed.***

(Ord. 2302C; 02-04-08)

8-512. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 110.1. DEMOLITION.** Section 110.1 of the IPMC is hereby amended to read as follows: **General.** Except as otherwise authorized by K.S.A. 12-1750 et seq. and Section 109.1 of this code, the code official may only order the owner of any premises to have a structure razed or removed per action of the Governing Body after hearing.

(Ord. 2302C; 02-04-08)

8-513. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 110.2. UNREASONABLE REPAIRS.** Section 110.2 of the IPMC is hereby amended to read as follows: **Unreasonable repairs.** Whenever the code official determines that the cost of repairs required by this code may exceed one hundred percent (100%) of the current value of such structure, such repairs shall be presumed unreasonable and it shall be presumed for the purpose of this section that such structure is a nuisance and the City may proceed in accordance with the provisions of K.S.A. 12-1750 et seq.

(Ord. 2302C; 02-04-08)

8-514. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 110.3. ORDER.** Section 110.3 of the IPMC is hereby amended to read as follows: **Order.** Following an order by the Governing Body, after a hearing to remove or raze a structure pursuant to K.S.A. 12-1750 et seq., the owner shall have a minimum of sixty (60) days to comply with such order. The owner, after showing good cause, may petition the Governing Body for an extension of time for compliance. It shall be at the discretion of the Governing Body whether or not to grant additional time for compliance. If after the sixty (60) days or additional time, if granted by the Governing Body, has expired and the order has not been completed the code official may order the structure removed or razed immediately by private contract.

(a) Anyone affected by any such order shall have thirty (30) days after the decision of the Governing Body to appeal to the district court of the county in accordance with law.

(Ord. 2302C; 02-04-08)

8-515. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 110.4.**

FAILURE TO COMPLY. Section 110.4 of the IPMC is hereby amended to read as follows: **Failure to comply.** If the owner of a premises fail to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(Ord. 2302C; 02-04-08)

8-516. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTIONS 111 MEANS OF APPEAL THROUGH 111.8 STAYS OF ENFORCEMENT, DELETED AND OMITTED.** The following sections of the International Property Maintenance Code are hereby deleted and omitted: Section 111 Means of Appeal, Section 111.1, Application for Appeal, Section 111.2, Membership of Board, Section 111.2.1 Alternate members, Section 111.2.2 Chairman, Section 111.2.3, Disqualification of member, Section 111.2.4 Secretary, Section 111.2.5 Compensation of members, Section 111.3 Notice of meeting, Section 111.4 Open Hearing, Section 111.4.1 Procedure, Section 111.5 Postponed hearing, Section 111.6 Board decision, Section 111.6.1 Records and copies, Section 111.6.2 Administration, Section 111.7 Court review, and Section 111.8 Stays of enforcement.

(Ord. 2302C; 02-04-08)

8-517. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 202. GENERAL DEFINITIONS.** Section 202 of the IPMC is hereby amended to include the following definitions:

NOXIOUS WEEDS. Any noxious weed as defined by KSA § 2-1314 and amendments thereto.

RUBBISH. Non-putrescible solid wastes consisting of combustible and/or noncombustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments, including yard wastes and items commonly referred to as "trash".

STORAGE. The uninterrupted placement of materials for a period exceeding 48 hours.

(Ord. 2302C; 02-04-08)

8-518 **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 301.2. RESPONSIBILITY.** Section 301.2 of the IPMC is hereby amended to read as follows: **Responsibility.** The owner or occupant of a structure or part thereof shall keep the structure and property in compliance with this code and shall keep the supplied equipment and fixtures therein clean and sanitary, and shall be responsible for the exercise of reasonable care in their proper use and operation.

All equipment and fixtures furnished by the occupant of a structure shall be properly installed, and shall be maintained in good working condition, kept clean and sanitary, and free of defects, leaks or obstructions.

In every multiple dwelling rental unit complex (multiple buildings) in which the owner does not reside there shall be a responsible person, designated by the

owner, residing on the premises, whose duties shall include premises maintenance.

Nonresident owners of residential rental property within the City of Leawood, shall designate an agent who shall either reside within the City or metropolitan area, and shall be authorized to accept service of notice under the provisions of this code. It shall be the owner's responsibility to register said agent with the City.

(Ord. 2302C; 02-04-08)

8-519. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 302.2. GRADING AND DRAINAGE.** Section 302.2 of the IPMC is hereby amended to read as follows: **Grading and drainage.** All premises shall be graded and maintained so as to prevent the erosion of soil and the accumulation of stagnant water thereon, or within any structure located thereon.

1. Landowners shall not divert water from their property to an adjacent property in such a fashion as to cause erosion, flooding or pooling of water or otherwise cause damage to the adjacent property.

   (a) It shall be *prima facie* evidence of a violation of this section if downspouts from gutters discharge within 10 feet of an adjoining property line or if such downspouts are connected to underground drains that surface and discharge within 10 feet of an adjoining property line and if that property is experiencing flooding, silt or other storm water damages from the general area where such drain exists.

   (b) It shall be *prima facie* evidence of a violation of this section if sump pump drains discharge within 15 feet of an adjoining property and if that property is experiencing flooding, silt or other storm water damages from the general area where such drain surfaces.

2. All detention and retention storm water basins shall be maintained by the owner, developer, custodian or other person responsible for the property. Such maintenance shall include but not be limited to:

   (a) The cleaning of storm sewers and other drainage appurtenances serving the said basin so that the said installations function as designed; and

   (b) The removal of any garbage, rubbish, silt, topsoil or other foreign material which creates an unsanitary condition or prevents or impedes the leaching action of the said basin.

(Ord. 2302C; 02-04-08)
(Ord. 2336C; 08-18-08)

8-520. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 302.3. SIDEWALKS AND DRIVEWAYS.** Section 302.3 of the IPMC is hereby amended to read as follows: **Sidewalks and driveways.** All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. All off street parking

facilities shall be kept free of debris including, but not limited to, trash, gravel, mud, blowing paper, etc.

(Ord. 2302C; 02-04-08)

8-521. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 302.4. TREES, GRASS, WEEDS AND COMPOST. Section 302.4 of the IPMC is hereby amended to read as follows: **Trees, Grass, Weeds and Compost.** Trees, Grass, Weeds and the trimmings thereof and compost shall be maintained as follows:

(a) **Trees and shrubbery.** All trees and shrubbery shall be maintained free of disease and/or decay. In the event that death occurs in any tree shrub or other plant material the owner of the premise shall without delay remove same. Upon notice from the code official the owner shall remove dead or dying tree(s) or other plant material so specified within thirty (30) days from legal notice as required by this code.

(b) **Brush and lawn trimmings.** Each and every owner, tenant, or occupant of any dwelling or other building in the city shall place lawn trimmings, brush trimmings, and other yard debris in suitable containers or tied in bundles. The containers and bundles shall not be placed at the street curb more than twenty four (24) hours prior to the anticipated time of collection. All trimmings prior to collection shall be placed behind the front building line or front line of the house whichever is greater.

(c) **Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve inches in any platted area or within one hundred (100) feet of any platted area, developed area or any public street or right-of-way. All noxious weeds shall be prohibited. Weeds and plant growth shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

(d) **Compost.** All compost materials shall be placed in containers designed or constructed for same; be located in rear yards only; be a maximum height of four (4) feet and be located a minimum of ten (10) feet from any property line. Such containers shall be designed or be constructed to prevent rodent infestation. All compost areas shall be visually screened from adjoining property view.

(Ord. 2302C; 02-04-08)

8-522. INTERNATIONAL PROPERTY MAINTENANCE CODE SECTION, SECTION 302.8. MOTOR VEHICLES. Section 302.8 of the IPMC is hereby amended to read as follows: **Motor Vehicles.**

(a) Except as provided for in other regulations or as may be stored in an enclosed garage, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time

be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Repair of occupant owned vehicles within residential areas shall only be allowed between the hours of 8:00 am and 9:00 pm and shall be allowed within the garage area itself. Nothing in this section shall supersede the enforcement of the City's public nuisance or disturbing the peace ordinance.

(b) Where the license plate of a vehicle parked or stored on any premises is screened from view by an adjacent structure or vegetation, or by a cover, tarp or similar object or is otherwise not visible, then the vehicle shall be deemed to be an inoperable vehicle in violation of this section. This determination of inoperability may be voided if the property owner or vehicle owner or resident demonstrates to the code official that the vehicle is operable on a public street and has a license plate and current registration. Such demonstration and proof shall be provided to the code official within 15 days from the date when a notice of violation was first given to the property owner, vehicle owner or resident.

(Ord. 2302C; 02-04-08)
(Ord. 2755C; 10-19-15)

8-523. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 302.9. DEFACEMENT OF PROPERTY. Section 302.9 of the IPMC is hereby amended to read as follows: **Defacement of property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

(a) **Defacement violation, penalty.** Any person who is convicted of violating this section shall be punished by a fine of not exceeding one thousand dollars ($1,000) or by imprisonment not to exceed six (6) months, or both such fine and imprisonment. In addition to such punishment, the court may, in imposing sentence, order the defendant to restore the property so defaced, damaged or destroyed.

(b) **Defacement, notice of removal.** Whenever the code official determines that defacement has occurred on any public or private building, structure and place which are visible to any person utilizing any public right-of-way in this city, be this road, parkway, alley or otherwise, and that seasonal temperatures permit the painting of exterior services, the code official shall cause a notice to be issued to abate such nuisance. The property owner shall have forty eight (48) hours after the date of the notice to remove the defacement, or the conditions will be subject to abatement by the city.

The notice to abate the defacement pursuant to this section shall cause a courtesy notice to be served upon the owner(s) of the affected premises. If there is no known address for the owner, the notice shall be sent in care of the property address.

(c) **Defacement, costs declared lien.** Any and all costs incurred by the city in the abatement of a defacement nuisance under the provision of this code may constitute a lien against the property upon which such nuisance existed.

(d) **Defacement, removal by city.** Upon failure of persons to comply with the notice by the designated date, or such continued date thereafter as the code official approves, then the code official is authorized and directed to cause the defacement to be abated by city forces or private contract, and the city or its private contractor is expressly authorized to enter upon the premises for such purposes. All reasonable efforts to minimize damage from such entry shall be taken by the city, and any paint used to obliterate defacement shall be as close as practicable to the background color(s). If the code official provides for the removal of the defacement, the code official shall not authorize nor undertake to provide for the painting or repair of any more extensive area than that where the defacement is located.

(Ord. 2302C; 02-04-08)

8-524. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 302.10. LOADING AREAS.** A new section 302.10 of the IPMC is hereby added to read as follows: **Loading areas.** All loading areas, automobile service stations and drive-in food establishments shall be paved with bituminous, concrete or equivalent surfacing and shall be free from dirt and other litter and kept in good repair. When lighted for nighttime use, lights shall not be permitted to cast directly upon dwellings nearby.

(Ord. 2302C; 02-04-08)

8-525. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 302.11. PUBLIC AREAS.** A new section 302.11 of the IPMC is hereby added to read as follows: **Public areas.** Grass, landscaping, and trees located within subdivision traffic control islands shall be the maintenance responsibility of the homes associations. Monuments, landscaping, trees, fountains and lighting located on private property at the entrance to residential subdivisions and/or commercial property shall be the responsibility of the homes association and/or the individual property owner.

(Ord. 2302C; 02-04-08)

8-526. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 302.12. SCREENING.** A new section 302.12 of the IPMC is hereby added to read as follows: **Screening.** All existing open storage areas shall be completely obscured from surrounding property by a solid screen up to 6 feet in height as required by the code official.

(Ord. 2302C; 02-04-08)

8-527. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 303.2. ENCLOSURES.** Section 303.2 of the IPMC is hereby amended to read as follows: **Enclosures.** Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that

reduces its effectiveness as a safety barrier.

(Ord. 2302C; 02-04-08)

8-528. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 304.6.1. WALL SURFACES.** A new section 304.6.1 of the IPMC is hereby added to read as follows: **Wall Surfaces**. Wall surfaces, other than brick, stucco or stone, shall be treated to prevent deterioration in a manner that creates a harmonious and uniform appearance. Aggregate wall areas (complete sides or sections) shall be similarly treated with like substances (i.e. paint or stain) to create a cohesive look. Such treatment shall give the wall section a uniform appearance in color and at no time shall portions of wall surfaces be allowed to deteriorate or treated with dissimilar substances creating a patchwork appearance. The only exceptions to this requirement is when a wall surface is being primed prior to final application of wall surface treatment or trim work that may be in a different color to provide contrast.

(Ord. 2302C; 02-04-08)

8-529. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 304.10. STAIRWAYS, DECKS, PORCHES, BALCONIES AND OTHER APPURENTANCES.** Section 304.10 of the IPMC is hereby amended to read as follows: **Stairways, decks, porches, balconies and other appurtenances.** Every exterior stairway, deck, porch, balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. All splash blocks, fences, tennis courts and other similar appurtenances shall be maintained in a serviceable and safe condition.

(Ord. 2302C; 02-04-08)

8-530. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 305.3.1. BATHROOM AND KITCHEN FLOORS.** A new section 305.3.1 of the IPMC is hereby added to read as follows: **Bathroom and kitchen floors.** Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water, except when carpeting is used, and so as to permit such floor to be easily kept in a clean and sanitary condition.

(Ord. 2302C; 02-04-08)

8-531. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 305.7. HOUSEHOLD APPLIANCES.** A new section 305.7 of the IPMC is hereby added to read as follows: **Household appliances.** All built-in appliances shall be serviceable and maintained in a sanitary condition.

(Ord. 2302C; 02-04-08)

8-532. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 305.8. FIRE EXTINGUISHERS.** A new section 305.8 of the IPMC is hereby added to read as follows: **Fire extinguishers.** At least one fire extinguisher for each dwelling unit shall be provided and shall be located in the kitchen area.

(Ord. 2302C; 02-04-08)

8-533. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 308.1. ACCUMULATION OF RUBBISH OR GARBAGE.** Section 308.1 of the IPMC is hereby amended to read as follows: **Accumulation of rubbish or garbage.** No

person shall dump, deposit or store on any property whether owned, dedicated to public use or upon the property of any person, nor to allow to fall or be washed upon any street or upon any property of any other person rubbish, dirt, earth, building materials, debris, refuse, cans, garbage or grass clippings, unless such materials are placed in containers in accordance with Section 8-534 and stored inside a garage or structure. Also, no person shall dump, deposit or store on any property, whether dedicated to public use, property of any person or their own property, junked or otherwise inoperative equipment, vehicles, machinery or appliances. Operable farm equipment or implements which are used in agricultural areas are excluded. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage not appropriately stored in accordance with this code.

(Ord. 2302C; 02-04-08)

8-534. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 308.3.2. CONTAINERS.** Section 308.3.2 of the IPMC is hereby amended to read as follows: **Containers.** The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

(a) **One and Two Family Residential.** Each and every owner, tenant, housekeeper, or other person occupying any one or two family dwelling within the city shall provide and renew when necessary a sufficient number of trash containers of rigid construction with tight fitting covers to hold the trash accumulating there at. Such trash containers shall be placed at the curb no earlier than 6:00 pm the evening preceding the day on which the trash is anticipated to be collected by the regular trash collection service subscribed to by the occupant or owner.

(b) **Multi Family.** Each multi-family complex consisting of more than 2 dwelling units shall provide and renew when necessary sufficient trash containers of rigid construction with tight fitting cover or dumpsters to adequately contain the refuse and waste produced at such location. Such containers shall comply with the Leawood Development Ordinance requirements for screening.

(c) **Business and Industrial.** Each and every business and industry shall provide and renew when necessary sufficient trash containers of rigid construction with tight fitting covers to adequately contain the refuse and waste produced at such location and such containers shall be kept closed except when depositing and removing materials. Such containers shall comply with the Leawood Development Ordinance for screening.

(Ord. 2302C; 02-04-08)

8-535. **INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 309.1. INFESTATION.** Section 309.1 of the IPMC is hereby amended to read as follows: **Infestation.** All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation. Continued and repeated (3 or more) incidents of rodent infestation determined from the official records as provided in Section 104.6 of this code shall require the installation of rodent and vermin proof walls. The walls shall be installed in accordance with the

Building Code.

(Ord. 2302C; 02-04-08)

8-536. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 405. LICENSING AND MINIMUM STANDARDS FOR RENTAL DWELLING UNITS. A new section 405 of the IPMC is hereby added to read as follows: **LICENSING AND MINIMUM STANDARDS FOR RENTAL DWELLING UNITS.**

(a) License and Certificate of Occupancy

1. **Rental license required.** No person, firm or corporation shall lease or rent, or offer for lease or rent, any portion of a dwelling unit. No person, firm or corporation shall lease or rent, or offer for lease or rent, a dwelling unit for a period of less than 30 days. No person, firm or corporation shall lease or rent, or offer for lease or rent, any dwelling unit for a period of 30 days or more without first making application to the City for a rental license therefore, paying to the City the license fee hereunder prescribed and obtaining such license from the City. Prior to issuance of a rental license, an inspection per subsection (a)(5) shall be made of the entire structure and premises for which an application is sought for conformance of this code.
2. **Renewal of rental license.** Application for renewal of the rental license shall be made no more than sixty (60) days and no less than seven (7) days prior to the expiration of the current rental license.
3. **License fee.** An annual license fee shall be paid by the owner on or before the 1st of January each year in accordance with the City of Leawood Fee Schedule.
4. **Occupancy certificate required.** No person shall occupy, or allow occupancy of, any rental dwelling unit without first making application to the City for a Certificate of Occupancy therefore, paying to the City the inspection fee as designated in the City of Leawood Fee Schedule and receiving an approved inspection as required in subsection (a)(5).
5. **Inspection required.** Prior to the issuance of a rental license, the code official shall inspect the entire structure and premises for violations of building and property maintenance codes. Such inspections for the issuance of a rental license shall be required upon the initial application only. Inspections shall be required after the dwelling unit has been vacated by one tenant and prior to the re-occupancy by another, except that when a dwelling unit has been inspected anytime within the previous six (6) months of such vacation, a new inspection shall not be required.
6. **Denial of rental license.** An application for a rental license shall be denied if:
   a. The owner refuses to grant access to any part of the dwelling unit or premise for a required inspection; or
   b. The code official finds or determines that there exists in the dwelling unit or on the premises a violation of building or property maintenance codes; provided, however that whenever the code official in inspecting a rental dwelling unit finds or determines that there exists in the dwelling unit or on the premise a violation of building or property maintenance codes, the code official shall provide written notice to the owner or applicant detailing such violation and informing the owner or applicant that a reinspection of the dwelling unit will be performed after notification to the City that

the violation(s) of the building or property maintenance codes have been corrected; or

c. The desired type or length of rental is not permitted by this code.

7. **Registration of Agents.** No rental license shall be issued or renewed for an applicant, unless such applicant designates in writing to the City the name of the agent, as provided by Section 301.2 of this code, for the receipt of service of the notice of violation of the provisions of this code and for service of process pursuant to this code.

8. **Definition.** For purposes of this section, Dwelling Unit shall have the same meaning as defined at Section 16-9-96 of the LDO.

(b) **Expiration and Revocation**

1. **Expiration of rental license.** The rental license shall expire on December 31 following its date of issuance unless sooner revoked, and may be renewed for successive periods not to exceed one (1) year.

2. **Revocation of license.** The rental license may be revoked by the City if there exists for any structure or premises a history of three (3) or more violations of the City's building or property maintenance codes, or if the dwelling unit is being rented or offered for rent in violation of this code or the Leawood Development Ordinance. Before revoking a rental license, the City shall give the owner and owner's agent (pursuant to Section 301.2), if any, at least ten (10) days written notice and the opportunity for review by the City Administrator or their designee. If the owner or agent requests review, the revocation will be stayed pending the review, but in no event more than fourteen (14) days from the original effective date of the revocation. The City Administrator, or their designee, may uphold or rescind the revocation, and if applicable, specify certain conditions and stipulations therewith. The decision of the City Administrator, or their designee, is final.

Following revocation of a rental license, any tenant or rental occupant must vacate the premises within thirty (30) days. Any owner or applicant who has had a rental license revoked two or more times, for the same or different properties, cannot reapply for a rental license for any property in the City for a minimum of twelve (12) months following the most recent license revocation.

(c) **Request for Inspection.** Nothing herein shall be construed to prohibit an inspection by the code official of any dwelling unit when requested by the tenant or occupant of said dwelling unit. Fees for tenant requested inspections shall be borne by the tenant and paid for prior to the inspection being made.

(Ord. 2302C; 02-04-08)
(Ord. 2855C; 09-05-17)

8-537. INTERNATIONAL PROPERTY MAINTENANCE CODE, SECTION 604.2. SERVICE. ***Repealed.***

(Ord. 2302C; 02-04-08)
(Ord. 2601C; 12-03-12)

8-538. WEEDS TO BE REMOVED.

It shall be unlawful for any property owner, agent, lessee, tenant, or other person occupying or having charge or control of any premises to permit weeds to remain upon said premises or any area between the property lines of said premises and the centerline of any adjacent street or alley, including but not specifically limited to sidewalks, streets, alleys, easements, rights-of-way and all other areas, public or private. All weeds as hereinafter defined are hereby declared a nuisance and are subject to abatement as hereinafter provided.

(Ord. 1646C; 1-20-97)
(Code 2000)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-539. DEFINITIONS.

(a) ***Calendar Year*** as used herein, means that period of time beginning January 1 and ending December 31 of the same year.

(b) ***Noxious Weeds*** –For the purpose of this Section, the term *Noxious Weeds*, means those items listed in K.S.A. § 2-1314, or any amendments thereto, and those further declared as such pursuant to K.S.A. § 2-1314(b), and shall include: kudzu [Pueraria lobata], field bindweed [Convolvulus arvensis], Russian knapweed [Centaurea picris], hoary cress [Lepidium draba], Canada thistle [Cirsium arvense], quackgrass [Agropyron repens], leafy spurge [Euphorbia esula], bur ragweed [Ambrosia grayii], pignut [Hoffmannseggia densiflora], musk [nodding], thistle [Carduus nutans L.], Johnson grass [Sorghum halepense], lespedeza [Lespedexa cuneata], and multiflora rose [Rosa multiflora] or any plants which are poisonous to the touch, including but not limited to, poison ivy, poison oak, and poison sumac.

(c) ***Property Owner*** – shall mean the named property owner as indicated by the records of the Register of Deeds or Appraiser's office in Johnson County, Kansas, and for purposes of this Article, shall include an owner of property abutting the streets, alleys, avenues, boulevards, public easements and public rights-of-way.

(d) ***Public Officer*** – shall mean the Neighborhood Services Administrator, an authorized assistant, authorized representative, or his/her designee.

(e) ***Rank Vegetation*** – shall mean any annual or perennial herbaceous plants, including grasses, of volunteer growth, not cultivated or of any agricultural nature nor useful for human food or enjoyment which, because of its height, but not less than twelve inches [12"], will be a fire menace, harbor rats, insects or other creatures or will have blighting influence upon the neighborhood.

(f) ***Weeds*** as used herein, means any of the following: (1) Brush and woody vines shall be classified as weeds; (2) Plant matter which may attain such large growth as to become, when dry, a fire menace to adjacent improved property; (3) Plants which bear or may bear seeds of a downy or wingy nature; (4) Plants which are located in an area which harbors rats, insects, animals, reptiles, or any other creature which either may or does constitute a menace to health, public safety or welfare; (5) Weeds and indigenous grasses on or about residential property which, because of height, has a blighting influence on the neighborhood. Any such weeds and indigenous grasses shall be presumed to be blighting if they exceed 10 inches in height.

(Ord. 1646C; 1-20-97)
(Code 2000)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-540. CITY CLERK; NOTICE TO REMOVE.

The City Clerk shall notify the property owner, occupant or agent in charge of any premises in the city upon which weeds exist in violation of this ordinance, in writing by certified mail, return receipt requested mail or by personal service, once per calendar year as set forth in K.S.A. 12-1617f. If property is unoccupied and the property owner is a nonresident, such notice shall be sent by certified mail, return receipt requested to the last known address. Such notice shall include the following information:

(a) That the property owner, occupant or agent in charge of the property is in violation of the city weed control law;

(b) That the property owner, occupant, or agent in charge of the property is ordered to cut the weeds within five days of the receipt of notice;

(c) That the property owner, occupant or agent in charge of the property may request a hearing before the Governing Body or its designated representative within five days of the receipt of notice, and said hearing shall be set on the agenda of the next meeting and said notice shall toll the time for correction of the alleged violation;

(d) That if the property owner, occupant or agent in charge of the property does not cut the weeds, the city or its authorized agent will cut the weeds and assess the cost of the cutting, including a reasonable administrative fee, against the property owner, occupant or agent in charge of the property;

(e) That the property owner, occupant or agent in charge of the property will be given an opportunity to pay the assessment, and, if it is not paid, it will be added to the property tax as a special assessment or the City may proceed with collection under K.S.A. 12-1,115, as amended;

(f) That, pursuant to ordinance and to K.S.A. 12-1617f, no further notice shall be given prior to removal of weeds during the current calendar year

(g) That the public officer should be contacted if there are any questions regarding the order;

(h) If there is a change in the record property owner of title to property subsequent to the giving of notice pursuant to this subsection, the city shall issue a new notice to the new property owner of record and proceed as set forth herein. The city may not recover any costs or levy an assessment for the costs incurred by the cutting or destruction of weeds on such property unless the new record owner of title of such property is provided notice as required by this section.

(Ord. 1646C; 1-20-97)
(Code 2000)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-541 ABATEMENT; ASSESSMENT OF COSTS.

(a) Upon the expiration of five days after receipt of the notice required by this code, and in the event that the property owner, occupant or agent in charge of the premises shall neglect or fail to comply with the requirements herein or fail to file a request for hearing, , the Public Officer shall cause to be cut, destroyed and/or removed all such weeds and abate the nuisance created thereby at any time during the current calendar year.

(b) The Public Officer shall provide a report of all costs to the City Clerk and shall give notice to the property owner, occupant or agent in charge of the premises by certified mail, return receipt requested mail of the costs of abatement of the nuisance. The notice shall state that payment of the costs is due and payable

within 30 days following receipt of the notice.

(c) If the costs of removal or abatement remain unpaid after 30 days following receipt of notice, a record of the costs of cutting and destruction and/or removal shall be certified to the City Clerk who shall cause such costs to be assessed against the particular lot or piece of land on which such weeds were so removed, and against such lots or pieces of land in front of or abutting on such street or alley on which such weeds were so removed. The City Clerk shall certify the assessment to the County Clerk at the time other special assessments are certified for spreading on the tax rolls of the county. Alternatively, the City may proceed with collection as authorized under K.S.A. 12-1,115, as amended.

(Ord. 1646C; 1-20-97)
(Code 2000)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-542. RIGHT OF ENTRY.

The Public Officer, contracting agents or other representatives are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of cutting, destroying and/or removing such weeds in a manner not inconsistent with this ordinance.

(Ord. 1646C; 1-20-97)
(Code 2000)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-543. UNLAWFUL INTERFERENCE.

It shall be unlawful for any person to interfere with or to attempt to prevent the Public Officer from entering upon any such lot or piece of ground or from proceeding with such cutting and destruction. Such interference shall constitute an ordinance violation.

(Ord. 1646C; 1-20-97)
(Code 2000)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

8-544. NOXIOUS WEEDS.

Nothing in this Article shall affect or impair the rights of the City under the provisions of Chapter 2, Article 13 of the Kansas Statutes Annotated, relating to the control and eradication of certain noxious weeds.

(Ord. 1646C; 1-20-97)
(Code 2000)
(Ord. 1940C; 01-22-02)
(Ord. 2302C; 02-04-08)

SECTION TWO: 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 THREE: That existing Article 5 of Chapter 8, and any provisions in conflict herewith, are hereby repealed.

SECTION FOUR: This ordinance shall become effective on May 1, 2020, following adoption and publication in accordance with K.S.A. 12-3007 and amendments thereto.

PASSED by the Governing Body this 21st day of January, 2020.

APPROVED by the Mayor this 21st day of January, 2020.

[SEAL]

_____
Peggy Dunn, Mayor

ATTEST:

_____
Kelly L. Varner, City Clerk

APPROVED AS TO FORM:

_____
Marcia L. Knight, Assistant City Attorney

Ironhorse Daily Activity - Jonas									
1/8/2020									
		Total				(input)		(input)	
Account	Description	Amount				FB		OP	
111100	Cash - MCVD	1,530.09		111100	Cash - MCVD	97.50		1,432.59	1/10/2020
111100	Cash - Cash	297.00		111100	Cash - Cash	256.00	1/9/2020	41.00	1/9/2020
114220	Inventory-Merchandise	(710.74)		114220	Inventory-Merchandise	-		(710.74)	
211110	Liquor Rev Acnt Pyble-Troon	(250.85)		211110	Liquor Rev Acnt Pyble-Troon	(250.85)		-	
211500	Sales Tax Payable	(134.26)		211500	Sales Tax Payable	(4.91)		(129.35)	
211510	Sales Tax Troon	(25.15)		211510	Sales Tax Troon	(25.15)		-	
212000	Tip Liability	(19.00)		212000	Tip Liability	(19.00)		-	
212400	Deferred Revenue (Cr Book)	1,677.30		212400	Deferred Revenue (Cr Book)	-		1,677.30	
440011	Golf Shop Merchandise	(1,075.82)		440011	Golf Shop Merchandise	-		(1,075.82)	
443080	Food & Beverage	(53.59)		443080	Food & Beverage	(53.59)		-	
446010	Green Fees	(1,601.18)		446010	Green Fees	-		(1,601.18)	
446020	Driving Range/Practice Tee	(142.07)		446020	Driving Range/Practice Tee	-		(142.07)	
446030	Cart Rental	(202.47)		446030	Cart Rental	-		(202.47)	
691010	COGS-Merchandise	710.74		691010	COGS-Merchandise	-		710.74	
		-				-		-	
Journal Entry		#37159							
111100	Cash - MCVD	1,432.59							
111100	Cash - Cash	41.00	1,473.59						
113230	AR-Troon	77.50							
114220	Inventory-Merchandise	(710.74)							
211500	Sales Tax Payable	(134.26)							
212000	Tip Liability	(19.00)							
212400	Deferred Revenue (Cr Book)	1,677.30							
440011	Golf Shop Merchandise	(1,075.82)							
443080	Food & Beverage	(53.59)							
446010	Green Fees	(1,601.18)							
446020	Driving Range/Practice Tee	(142.07)							
446030	Cart Rental	(202.47)							
691010	COGS-Merchandise	710.74							
		-							