

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