

ORDINANCE NO. _____

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 m³) 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
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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