

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 *Repealed.***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<sup>3</sup>/s), in the return air duct or plenum upstream of any filters, exhaust air connections, outdoor air connections, or decontamination equipment and appliances.

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

(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 m<sup>3</sup>/s), the return air system shall be provided with smoke detectors in accordance with Section 606.2.1.

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

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

In all cases, the smoke detectors shall comply with Sections 606.4 and 606.4.1.  
(Ord. 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 21<sup>st</sup> day of January, 2020.

APPROVED by the Mayor this 21<sup>st</sup> day of January, 2020.

[SEAL]

\_\_\_\_\_  
Peggy Dunn, Mayor

ATTEST:

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Kelly L. Varner, City Clerk

APPROVED AS TO FORM:

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Patricia A. Bennett, City Attorney