ORDINANCE NO. 2016-12-4426

AN ORDINANCE ADOPTING BY REFERENCE THE TECHNICAL CODES OF THE CITY OF ARKANSAS CITY, AMENDING THOSE TECHNICAL CODES AND MODIFYING MUNICIPAL CODE TO SO REFLECT.

WHEREAS, technical boards from the cities of Winfield, Wellington, and Arkansas City worked closely for an extended period to review, draft and recommend standardized technical codes applicable to all three cities; and

WHEREAS, this will allow contractors to more easily work in all three cities; and

WHEREAS, this will increase competition among contractors and potentially provide better levels of service to citizens of Arkansas City; and

WHEREAS, the Ordinance provisions below incorporate these standardized provisions for technical codes.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ARKANSAS CITY, KANSAS:

SECTION ONE: AMENDMENT TO MUNICIPAL CODE, SECTION 14-40.

The Governing Body of the City of Arkansas City hereby amends Section 14-40 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through, new provisions in italics):

Sec. 14-40. - Adoption.

(a) The city adopts by reference the following codes, as amended by this Chapter:

(1) International Building Code, 20092015 Edition (hereafter "International Building Code"), for regulating and governing conditions and maintenance of all property, buildings and structures, including Appendices F, H & J; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure the structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures, as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);

(2) International Residential Code for One- and Two-Family Dwellings, 20092015 Edition, including Appendices A through J, G, H, J and M through P (hereafter "International Residential Code"), for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress, as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);

(3) International Mechanical Code, 20092015 Edition, including Appendix A (hereafter "International Mechanical Code"), regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement and addition to, use or maintenance of mechanical systems in Arkansas City, as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);
International Plumbing Code, 2009-2015 Edition, including Appendices C and D, E and F (hereafter "International Plumbing Code"), regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems, as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);


International Existing Building Code, 2009-2015 Edition, including its Appendix (hereafter "International Existing Building Code"), regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as hereafter set out (published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795);


(b) At least one copy of the above-referenced codes shall be maintained on file at the public works department, and may be inspected during regular business hours, the same being adopted as if set out at length herein.

SECTION TWO: AMENDMENT TO MUNICIPAL CODE, SECTION 14-43.

The Governing Body of the City of Arkansas City hereby amends Section 14-43 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through, new provisions in italics):

Sec. 14-43. - Amendments to the International Building Code.

The following amendments, additions and deletions are made to the International Building Code:

(1) Section 101.1, Title. Insert: City of Arkansas City.

(2) Delete Section 101.4.6, Energy

(3) Section 109.2 insert: See Arkansas City Comprehensive Fee Schedule for applicable fee schedule.

(4) Delete Section 105.2 item 2, Fences not over 6 feet high.

(5) Section 113.1 insert: The Building Trades Board of the City of Arkansas City, Kansas [The Board] is hereby appointed as the appeals board to hear any appeals made on decisions of the city code official.
Section 113. The building trades board of the city is hereby appointed as the appeals board to hear any appeals made on decisions of the city code official.

6. — Section 3408, Moved buildings, is hereby added to read as follows:

3408.1. Conformance. Structures moved into or within the jurisdiction shall comply with the provisions of this Code for new buildings or structures.

Exception.—Manufactured homes, which are not approved as meeting the minimum requirements of the International Building Code, International Plumbing Code, International Mechanical Code and National Electrical Code shall be installed and used in accordance with section 3408.2 below and other pertinent laws and regulations.

3408.2. Manufactured housing:

3408.2.1. General. No manufactured home shall be installed or placed upon a site or manufactured home space unless a permit has first been obtained from the code enforcement officer and the manufactured home bears a label or has other approved documentation certifying that the manufactured home was constructed in accordance with NFPA 501B/ANSI A119.1 (1973, 1974 and 1975 editions) or the federal Manufactured Home Construction and Safety Standards Act (42 USC 5401 et seq., as amended).

Exception. When inspected and approved on an individual basis by the code enforcement officer, manufactured housing constructed prior to 1973 and not certified to meet the standards listed in section 3408.2.1 above may be installed on manufactured home spaces in a manufactured home park, subject to all of the following requirements:

Structural condition. The manufactured home is, as best as can be determined by inspection, structural observation by an approved special inspector, or other reasonable means, in a safe, sound physical and structural condition.

Exit facilities. The manufactured home shall be equipped with two operational exit doors.

Smoke detectors. The manufactured home shall have operable, approved smoke detectors installed in accordance with the requirements of Section R313.1.1 of the International Residential Code for alterations to buildings.

Electrical. All electrical wiring and distribution equipment within the manufactured home shall be, as best as can be determined by inspection, in safe working condition and, at a minimum, in conformance with nationally recognized standards in effect at the time of construction of the manufactured home.

Mechanical. All fuel-burning appliances within the manufactured home, including furnaces, water heaters and solid-fuel burning fireplaces or fireplace stoves, shall be, as best as can be determined by inspection, in safe working condition, including the provision of or the condition of shutoff valves, flexible connectors, combustion air, clearances to combustible materials, vents and chimneys.

Plumbing. All plumbing fixtures, drainage piping and water piping within the manufactured home shall be, as best as can be determined by inspection, in safe operating condition.
3408.2.2. Installation standards. Manufactured homes shall be installed in accordance with the adopted rules and regulations pertaining to manufactured housing of the Kansas Housing Resource Corporation Standards for Manufactured Housing," which resolution adopts by reference, with amendments, NCSBCS A225.1 (ANSI A225.1 1987), the NCSBCS Standard for Manufactured Home Installations. Wind anchoring equipment (ties) shall be in accordance with the installation standards, including wind load requirements of the City of Arkansas City.

3408.2.3. Manufactured homes on permanent foundations. Manufactured homes which are not less than 24 feet in width and 36 feet in length, and which have a brick, wood or cosmetically equivalent exterior siding and a pitched roof, and are otherwise in accordance with the International Residential Code, may be installed outside of manufactured home parks if installed on engineered permanent foundations and if the installation is otherwise in accordance with all applicable site installation requirements of this Code for dwellings. In addition, such homes shall be certified as having roof structures sufficient to support snow loads of the City of Arkansas City at the building site and shall also be certified as meeting the minimum requirements of title 18 of part III of this Code.

3408.2.5. Replacement furnaces, water heaters and wood stoves. The installation or replacement of furnaces, unit heaters, water heaters and solid fuel burning appliances shall be in accordance with the federal Manufactured Home Construction and Safety Standards Act.

(6) Section 907.2.1 is amended to read: A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies having an occupant load of 100 or more. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler waterflow.

(7) Section 1612.3 insert: City of Arkansas City, Kansas
(8) Section 1809.5.1 is amended to read: Extending 6 inches below the frost line of the locality.
(9) Section 101.4.6, Energy, is deleted in its entirety.
(10) Add footnote E to Table 2902.1 Minimum Number of Required Plumbing Fixtures.
(11) Modifications to Drinking Fountains and Service Sinks per Section 104.10, International Building Code.

SECTION THREE: AMENDMENT TO MUNICIPAL CODE, SECTION 14-44.

The Governing Body of the City of Arkansas City hereby amends Section 14-44 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through, new provisions in italics):

Sec. 14-44. - Amendments to the International Residential Code.
The following amendments and additions and deletions are made to the International Residential Code:

Table E3702.13 is amended to remove minimum size conductor for 15-amp circuit and replaced with 12 AGA wire.

Section E3902.11, Arc-fault Circuit-Interrupter Protection, is amended to remove all-room requirements and replace with sleeping rooms.

Section G2417.4.1, Test Pressure Measurement, is amended to read in its entirety as follows:

Test Pressure. Minimum test pressure shall be not less than 10 psi for up to 2-inch pipe and not less than 60 psi for pipe in excess of 2" diameter.

Section P2904, Dwelling Unit Sprinkler Systems, is amended to delete paragraph P2904.1.1 Required Sprinkler Locations.

Section R101.1, Title, is amended to read in its entirety as follows:

R101.1. Title. These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the City of Arkansas City and shall be cited as such and will be referred to herein as "this residential code."

Section R302.2, Townhouses, is amended to read in its entirety as follows:

Each townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting a two-hour fire-resistance assembly in accordance with ASTM E 119 or UL 263, except that:

(a) All common walls shall be constructed with a 2-hour fire-resistance-rated assembly tested in accordance with ASTM E 119 or UL 263, and

(b) If the residence is sprinkled, then the original language without this amendment shall apply to the structure.

Section R313, Automatic Fire Sprinkler Systems, is deleted in full.

(1) Section R101.1 insert: City of Arkansas City, Kansas.
(2) Section R108.2 insert: See Arkansas City Comprehensive Fee Schedule for applicable fee schedule.
(3) Section R112.1 insert: The Building Trades Board of the City of Arkansas City, Kansas [The Board] is hereby appointed as the appeals board to hear any appeals made on decisions of the city code official.

(4) Section R301.2. Climatic and Geographic Design Criteria. Table R301.2 (1) is amended to read as the following Table:

<table>
<thead>
<tr>
<th>Design Criteria, R301.2 (1) Climatic and Geographic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roof snow load</td>
</tr>
<tr>
<td>Wind speed</td>
</tr>
<tr>
<td>Seismic design category</td>
</tr>
</tbody>
</table>
Weathering | Severe
---|---
Frost line depth | 24 inches
Termite hazard | Moderate to heavy
Decay hazard | Slight to moderate
Winter design temperature | 0 Degrees
Ice shield underlayment required | No
Flood hazard criteria | FIRM; October 19, 2010
Air freezing index | 600
Mean annual temperature | 58 degrees Fahrenheit

(5) Section R313 Automatic Fire Sprinkler Systems is amended by replacing the word **shall** with the word **may** in sections R313.1 and R313.2.

(6) Section R908.3.1.1 Condition 3 is amended to read as follows: **Shall** have no more than 1 layer for asphalt shingles.

(7) Section M1602.2 Return Air Openings is amended by deleting: #2. The amount of return air taken from any room or space shall be not greater than the flow rate of the supply air delivered to such room or space.

(8) Section M2003.2 Minimum Capacity is amended by adding the phrase to the end of the sentence; or as determined by the design professional.

(9) Section G2414.5 (403.5) Metallic Tubing is amended to read: Steel tubing shall be permitted to be used with gases not corrosive to such material.

(10) Section G2417.1.4 (406.1.4) Section Testing, is amended by deleting the sentence: Under no circumstances shall a valve be used as a bulkhead between gas in one section of the piping system and test medium in an adjacent section.

(11) Section P2502.1 Existing building sewers and drains, is amended to read: Existing building sewers and drains shall be used in connection with new systems when found by examination and/or test to conform to the requirements prescribed by this document.

(12) Section P2503.4 Building sewer testing, is amended to read: The building sewer may be tested by insertion of a test plug at the point of connection with the public sewer, filling the building sewer with water and pressurizing the sewer to not less than 10-foot (3048 mm) head of water. The pressure shall not decrease during a period of not less than 15 minutes. The building sewer shall be watertight at all points.

(13) Section P2603.4, the last sentence in this section is amended to read: The sleeve shall have an inside diameter of at least one-half inch (1/2") larger than the outside diameter of the pipe passing through it.

(14) Section P2603.5.1, the last sentence in this section is amended by inserting the number “12 inches” and again “12 inches”.

(15) Section P2801.6.1 Pan size and drain, is amended by striking the reference to Table P2906.5 and inserting Table P2906.4.

(16) Section P2906. Separation of water service and building sewer, is amended by amending the last sentence of the section to read: The required separation distance shall not apply
where the bottom of the water service pipe that is located within 5 feet (1524mm) of the sewer is not less than 24 inches (610mm) above the highest point of the top of the building sewer.

(17) Section P2906.4 is amended by adding a new section: Section 2906.4.2 Tracer wire: For the purpose of locating the building service lines, all new or replacement installations using non-metallic pipe or tubing shall have a #12 THHW copper conductor, or equivalent, tracer wire installed with the service line. The tracer wire shall be installed as follows: For water lines, the tracer wire shall extend six (6) inches above the meter box cover through the meter box to the point of entry into the building where it shall be connected to a one half (1/2) pound anode or larger. For yard hydrants, the tracer wire shall extend six (6) inches above the surface of the ground at the backflow device to the point of connection to the water service where it shall be connected to an existing tracer wire or grounded to a one half (1/2) pound anode or larger. For lawn sprinklers, the tracer wire shall extend six (6) inches above the surface of the ground at the backflow device to the point of connection to the water service where it shall be connected to an existing tracer wire or grounded to a one half (1/2) pound anode or larger. Exception: The tracer wire may be omitted on lawn sprinkler piping installed after the backflow device located on private property.

(18) Section P2906.5. Hot and cold water branch lines is amended by adding the following sentence: Hot and cold water branch lines connected to within 18 inches of the water heater connection shall be of brass, K, L, or M copper or galvanized steel, or an approved metallic water heater connector.

(19) Section P3002.2 Building Sewer is amended by adding a new section: Section P3002.2.2 Tracer wire: For the purpose of locating building sewers, all new installation and replacements shall have a #12 THHW copper conductor or equivalent tracer wire installed with the sewer line. The tracer wire shall extend six (6) inches above the surface of the ground at the cleanout to the tap, where it shall be connected to an existing tracer wire or grounded to a one half (1/2) pound anode or larger at the sewer tap or at the downstream end of the replaced sewer line.

(20) Section 3005.2.6 Cleanout plugs is amended to read: Cleanout plugs shall be copper alloy, plastic or other approved materials. Cleanout plugs for borosilicate glass piping systems shall be of borosilicate glass. Brass cleanout plugs shall conform to ASTM A74. Plastic cleanout plugs shall conform to the reference standards for plastic pipe fittings as indicated in Table P3002.3. Cleanout plugs shall have a raised square head, a countersunk square head, or a countersunk slot head. Where a cleanout plug will have a trim cover screw installed into the plug, the plug shall be manufactured with a blind end threaded hole for such purpose.

(21) Section P3114.3 Where permitted is amended by adding the following statement: Permission shall be required from the building official and noted on the Plumbing Permit.

(22) E3406.3 Minimum size of conductors is amended to read as follows: The minimum size of conductors for feeders and branch circuits shall be #12 AWG copper and #6 AWG aluminum. The minimum size of service conductors shall be as specified in Chapter 36. The minimum size of Class 2 remote control signaling and power-limited circuit conductors shall be as specified in Chapter 43. [310.106(A)].

(23) Section E3601.6.2 Service disconnect location is amended to read: The service disconnecting means with overcurrent protection shall be installed at a readily accessible
location outside of the building. Each occupant shall have access to the disconnect serving the dwelling unit in which they reside.

(24) Section 3604.2.2 Vertical Clearance from grade is amended to read: Overhead service or feeder conductors shall have the following minimum clearances from final grade:

a. For conductors supported on and cabled together with a grounded bare messenger wire, the minimum vertical clearance shall be 10 feet (3048mm) at the electric service or feeder entrance to the buildings or structures at the lowest point of the drip loop of the structure electric entrance and above areas or sidewalks accessed by pedestrians only. Such clearance shall be measured from the final grade or other accessible surfaces.

b. Twelve feet (3653mm) - over residential property or sidewalks accessed by pedestrians only.

c. Fifteen feet (4500mm) - over residential property or residential driveways subject to vehicular traffic.

d. Eighteen feet (5486mm) - over public streets, alleys, roads or parking areas subject to truck traffic. [230.24 (B) (1), (2), (3) and (4)]

(25) Section E3604.5.1 Strength is amended to read: The service mast shall be of adequate strength or shall be supported by braces or guys to safely withstand the strain imposed by the service-drop or overhead service conductors and in no case are smaller than a 2 inch ridge conduit. Hubs intended for use with a conduit that serves as a service mast shall be identified for use with service-entrance equipment.

(26) Section E3608.1 Grounding electrode system is amended by adding the following statement: On all new construction, one or more of the electrodes specified in E3608.1.1 through E3608.1.3 shall be made available.

(27) Table E3702.14 Branch Circuit Requirements – Summary, Circuit Rating 15 amp: Conductor is amended by deleting #14 AWG Wire and inserting #12 AWG wire.

(28) Section E3706 Panelboards is amended by adding a new section: Section E3706.6 Panelboard Size: The panelboard shall be of a size large enough to allow the installation of all circuit overcurrent devices required for the present installation and a minimum of four (4) extra spaces for future use.

(29) Section E4002.14 Tamper-resistant receptacles is amended by adding a new exception: Exception 4. A single or duplex receptacle used for countertop appliances or other electric devices where such receptacles are located over as standard height and size countertop.

(b) The following sections of the International Residential Code are deleted:

(1) Section R303.4 Mechanical Ventilation.
(2) Chapter 11 Energy Efficiency.
(3) Section M1411.8 Locking access port caps.
(4) Section G2414.5.2 (403.5.2) Copper, copper alloy tubing.

SECTION FOUR: AMENDMENT TO MUNICIPAL CODE, SECTION 14-45.

The Governing Body of the City of Arkansas City hereby amends Section 14-45 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through, new provisions in italics):
Sec. 14-45. - Amendments to the International Plumbing Code.

(a) The following amendments and additions and deletions are made to the International Plumbing Code:

(1) Section 101.1 insert: City of Arkansas City, Kansas.

(2) Section 106.6.2 insert: See Arkansas City Comprehensive Fee Schedule for applicable fee schedule.

(3) Section 109.2 is amended to read: The Building Trades Board of the City of Arkansas City, Kansas [The Board] is hereby appointed as the appeals board to hear any appeals made on decisions of the city code official.

(4) Section 109.6 is amended to read: The Board may modify or reverse the decision of the code official by majority vote of a quorum.

(5) Section 305.5

is amended to read in its entirety as follows: Pipes through or under footings or foundation walls. Any pipe that passes under a footing or through a foundation wall shall be provided with a relieving arch, or a pipe sleeve pipe shall be built into the foundation wall. The sleeve shall be \( \frac{1}{2} \) inch greater in size than the pipe passing through the wall.

(6) Section 305.4.1 this section is amended by inserting the number “12 inches” and again “12 inches”.

Section 305.6.1 shall be amended to: Twelve inches (12”).

Section 406.3 is amended to read in its entirety as follows:

The trap and fixture drain for an automatic clothes washer standpipe shall be a minimum of 1½ inches in diameter. The automatic clothes washer fixture drain shall connect to a branch drain stack a minimum of two inches in diameter.

(7) Section 503 is amended by adding a new section:

Section 503.3 Hot and cold water branch lines connected to and within 18 inches of the water heater connection shall be of brass, K, L, or M copper or galvanized steel, or an approved metallic water heater connector.

(8) Section 603.2 is amended by amending the last sentence of the section to read: The required separation distance shall not apply where the bottom of the water service pipe that is located within 5 feet (1524mm) of the sewer is not less than 24 inches (610mm) above the highest point of the top of the building sewer.

(9) Section 603 is amended by adding: Section 603.3 Tracer wire: For the purpose of locating building sewer lines, all new and replacement installations using non-metallic pipe or tubing shall have a #12 THHW copper conductor or equivalent tracer wire installed with the service line. The tracer wire shall be installed as follows:

Water line: The tracer wire shall extend from six (6) inches above the meter box cover through the meter box to the point where it enters the building where it shall be connected to a one half (1/2) pound anode or larger.

Yard hydrant: the tracer wire shall extend six (6) inches above the surface of the ground at the yard hydrant to a point of connection to the water service, where it shall be
connected to an existing tracer wire or grounded to a one half (1/2) pound anode or larger.

Lawn sprinkler: The tracer wire shall extend from six (6) inches above the surface of the ground at the backflow device to a point of connection to the water service, where it shall be connected to an existing tracer wire or grounded to a one half (1/2) pound anode or larger.

Exception: The tracer wire may be omitted on the lawn sprinkler piping installed after the backflow device located on private property.

(10) Section 608.1 is amended by adding: In addition to the requirements covered by this section; all water supply systems connected to a public water system shall comply with Article IV Water Supply Cross Connections Sections 78-141 through Section 78-174.

(11) Section 608.15.4 is amended by adding: Section 608.15.4.3 Yard Hydrants. When installed, water piping shall be ridge type “K” copper, brass or galvanized pipe for a distance of 6 inches on both sides of the hydrant (freeze proof) or a minimum 6 inch extension of type “K” copper, brass or galvanized pipe attached before the yard hydrant (freeze Proof). Adequate rock or gravel shall be installed at the base of the hydrant to allow for a drainage field for the hydrant drain. Hydrants shall be fitted with a non-removable hose bib vacuum breaker and the weep hole shall be fitted with a 1/8 inch Elbow and a short nipple. Hydrants shall be supported by steel tee post and attached to the tee post by a minimum 2 stainless steel bands. Bands shall be installed 6 inches above finished grade and within 6 inches of the hydrant head.

(12) Section 703.1 is amended to read: Where the building sewer is installed within 5 feet (1524mm) of water service, as provided for in section 603.2, the building sewer pipe shall conform to one of the standards for ABS plastic pipe, copper or copper-alloy tubing, or PVC plastic pipe listed in Table 702.3.

(13) Section 703 is amended by adding a new section:
Section 703.7 Tracer wire; For the purpose of locating building sewers, all new installations and replacements shall have a #12 THHW or equivalent tracer wire installed with the sewer. The tracer wire shall extend from the surface of the ground at the cleanout to the tap, where it shall be connected to an existing tracer wire or grounded to a one half (1/2) pound anode or larger.

(14) Section 715.1 Sewage backflow is amended to read: All new or replacement building sewer shall include a backflow prevention device. The backflow prevention device shall be installed as close to the building as is practical and upstream of the cleanout, and shall be made accessible for periodic cleaning by the building owner.
Section 715.1.1 Existing building sewers; when repairs to an existing building include the removal of a house trap of replacement of 5 feet of drain line and/or installation of a cleanout, the backflow prevention device shall be installed as close to the building as practical and upstream of the cleanout.
Exception: Backflow prevention device may only be omitted if approved by the authority having jurisdiction.

(15) Section 903.1 amended by insertion of six inches (6).

Section 904.1 shall be amended to insert: Six inches (6").

(16) Section 918.3 is amended by adding; when permitted, permission shall be require from the building official and noted on the Plumbing Permit.
(b) The following sections of the International Plumbing Code, 2015 Edition, are deleted:

(1) Section 109.2.1 Qualifications
(2) Section 109.2.2 Alternate members
(3) Section 109.6.1 Resolution

SECTION FIVE: AMENDMENT TO MUNICIPAL CODE, SECTION 14-46.

The Governing Body of the City of Arkansas City hereby amends Section 14-46 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through, new provisions in italics):

Sec. 14-46. - Amendments to the International Property Maintenance Code.

The following amendments and deletions are made to the International Property Maintenance Code:

Section 101.1 is amended to insert: City of Arkansas City, Kansas.

Section 102.6 is amended to read in its entirety as follows:

Historic buildings. Except as provided by Section 304.13.3, the provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety, and welfare.

Section 107.2 is amended to read in its entirety as follows, which—in additional to Section 302.4—shall constitute the City of Arkansas City’s weed removal and notification procedure pursuant to Kan. Stat. Ann. 12-1617f:

Such notice prescribed 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 correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code;
5. Inform the owner or occupier that they may be issued a notice to appear in Municipal Court if the violation is not corrected;
6. Comply with other provisions of Kan. Stat. Ann. 12-1617f, if the City intends to assess the costs of weed abatement to the parcel; and
7. Include a statement of the right to file a lien in accordance with Section 106.3.

Section 111.2 is amended to read in its entirety as follows:

The Building Trades Advisory Board of the City of Arkansas City is hereby appointed as the appeals board to hear any appeals made on decisions of the city code official.

1 Current IPMC states “inform the property owner of the right to appeal”
The city code official may issue a notice to appear in Municipal Court for all violations of this code.

The following sections are deleted in full:

1. Section 103.5, Fees.
2. Section 110, Demolition.
3. Section 111.2, Membership of board.
4. Section 111.2.1, Alternate members.
5. Section 302.4, Weeds.
6. Section 302.8, Motor Vehicles.

Section 112.4 is amended to read in its entirety as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be fined in an amount set by resolution of the board of city commissioners.²

Section 302.4 is amended to insert: 12 inches

Section 304.14 is amended to insert: January 1, December 31.

Section 304.13.3 is added to read as follows:

Windows:

(1) All window frames or other openings in the wall of a structure for a window (hereafter collectively “window frame”) shall be filled, in compliance with applicable building and housing codes, with material capable of closing and sealing the entire window frame to bar access to the structure from pests, rodents, insects, birds, or other animals.

(2) When removing or replacing material, including but not limited to, glass, wood products, metal, or corrugated filler, within any window frame, the material shall be replaced with a material capable of closing and sealing the entire window opening and consisting of:
   (a) A rigid and transparent material, excluding Plexiglas;
   (b) A decorative or tinted pane or panes of glass; or
   (c) The same material as contained in the original construction of the structure, or a modern, improved material that has the same appearance as that in the original construction.

(3) If otherwise in compliance with applicable building and zoning codes, in lieu of the requirements set forth above, windows may be permanently removed by closing the opening with the same material and color as the surrounding exterior of the building, so that the wall does not appear to contain the window and window frame. If the same material and color are not available, upon written request, the code enforcement officer may approve an alternative material and/or color that meet the intent and objective of this section.

Section 602.3 is amended to insert: January 1, December 31.

² Current IMPC states ...“or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.”
Section 602.4 is amended to insert: January 1, December 31.

SECTION SIX: AMENDMENT TO MUNICIPAL CODE, SECTION 30-21.

The Governing Body of the City of Arkansas City hereby deletes in full Section 30-21, Weed Abatement, of the Arkansas City Municipal Code as it is duplicative of the International Property Maintenance Code (deleted provisions struck through):

Sec. 30-21. — Weed abatement.

(a) Before any abatement action may be taken by the city, the code enforcement officer or designee shall notify in writing the owner, occupant, or agent in charge of any premises which weeds exist in violation of this article by mail or by personal service at least once per calendar year. Such notice shall include the following:

(1) That the owner, occupant, or agent in charge of the property is in violation of the city weeds control law.

(2) That the owner, occupant, or agent in charge of the property is ordered to cut the weeds within ten days of receiving notice.

(3) That the owner, occupant, or agent in charge of the property may request a hearing before the board of city commissioners or its designated representative within five days of receipt of notice.

(4) That if the owner, occupant, or agent in charge of the property does not cut the weeds, the city or its authorized agent shall cut the weeds and assess the cost of the cutting including a $100.00 administrative fee against the owner, occupant, or agent in charge of the property for each violation. The city also may institute criminal proceedings against the owner, occupant, or agent in charge of the property for violations of this article.

(5) That the owner, occupant, or agent in charge of the property will be given an opportunity to pay the assessment within a reasonable time and if not paid, shall be added to the property tax as a special assessment by the office of the city clerk and/or sought as restitution in a criminal proceeding.

(6) That no further notice shall be given prior to the removal or maintenance of weeds as hereby defined during the calendar year.

(7) That the code enforcement officer may be contacted if there are any questions regarding the order.

(8) If there is a change in the record owner of title to property subsequent to the giving of notice pursuant to this subsection, the city may not recover any cost or levy in assessment for the costs incurred by the cutting or destruction of weeds in such property unless the new record owner of title to such property is provided notice as required by this section.

(b) Upon the expiration of ten days after notice is provided, and the violation is not abated, the code enforcement officer or his designee shall enter upon the property and cause to be cut, destroyed and/or removed all such weeds and abate all violations of this article at any time during the current calendar year; the code enforcement officer further shall assess a $100.00 administrative fine per violation.

(c) The code enforcement officer or designee shall give notice to the owner, occupant or agent in charge of the premises of the costs of abatement, and that a $100.00 administrative fine has been imposed for each violation. The notice shall state that payment of the costs and the fine is due and payable to the office of city clerk within 30 days following receipt of the notice, or as otherwise ordered by the municipal court, if criminal prosecution is instituted.

(d) 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. 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.

(e) In addition to any other available method of collection, the city may pursue collection of the costs of abatement and the administrative fine in the manner provided by K.S.A. 12-1,115, or through restitution in a municipal court prosecution, if applicable, but only until the full cost and fines have been paid in full.

SECTION SEVEN: NEW MUNICIPAL CODE SECTION 14-47.

The Governing Body of the City of Arkansas City hereby creates Section 14-47 of the Arkansas City Municipal Code to read as follows (new provisions in italics):

Sec. 14-47. - Amendments to the International Fuel Gas Code.

(a) The following amendments and additions are made to the International Fuel Gas Code:

(1) Section 101.1 Insert: City of Arkansas City, Kansas
(2) Section 106.6.2 Insert: See Arkansas City Comprehensive Fee Schedule for applicable fee schedule.
(3) Section 109.2 is amended to read: The Building Trades Board of the City of Arkansas City [The Board] is hereby appointed as the "Appeals Board" to hear any appeals made on decisions of the city code official.
(4) Section 109.6 Board decision is amended to read: The Board may modify or reverse the decision of the city code official by a majority vote of a quorum.
(5) Section 403.5 is amended to read: Seamless aluminum alloy and steel tubing shall not be used with gases corrosive to such material.
(6) Section 406.1.4 Section Testing is amended by deleting the sentence: Under no circumstances shall a valve be used as a bulkhead between gas in one section of the piping system and test medium in an adjacent section, except where a double block and bleed valve system is installed.

(b) The following sections of the International Fuel Gas Code are deleted:

(1) Section 109.2.1 Qualifications
(2) Section 109.2.2 Alternate members
(3) Section 109.6.1 Resolution
(4) Section 403.4.3 Copper and brass
(5) Section 403.5.2 Copper and brass tubing

SECTION EIGHT: AMENDMENT TO MUNICIPAL CODE SECTIONS 14-48.

The Governing Body of the City of Arkansas City hereby amends Section 14-48 of the Arkansas City Municipal Code to read as follows (deleted provisions struck through, new provisions in italics):

Sec. 14-48. - Amendments to the National Electrical Code.

(a) The following amendments are made to the National Electrical Code:

Section 210.12 (B), Dwelling Units, is amended to replace listed rooms requiring arc fault with "sleeping rooms."
Section 300, Wiring Methods, is amended to add article 300.1 (D) to state as follows:

Minimum-size wiring to be used in Arkansas City for 10 amp nominal circuits or greater is 12 AWG.

Article 15.04.510, Inspections, is added to read as follows:

When any electric equipment is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the equipment shall notify the electrical inspector and such equipment shall not be concealed until it has been inspected, approved or authorized by the electrical inspector. The electrical inspector shall have the authority to require building contractors and/or homeowners to open such work which, in any manner, conceals electrical wiring that has been closed without his knowledge or permission and in no case shall the inspector issue a certificate of approval until satisfied that the work is in accordance with the provisions of the code.

1. Article 80 Administration and Enforcement (Appendix H)

(1) Article 80.15 (A) through (F) is deleted and amended to read: The Building Trades Board of the City of Arkansas City, Kansas is hereby appointed as the [The Board].

(2) Article 80.19 (F) (3) insert: 2 business.

(3) Article 80.23 (3) insert: one hundred, 100.00, five hundred, 500.00, one, 1, thirty, 30.

(4) Article 80.25 (C) insert: 2

(5) Article 80.29 Insert: jurisdiction

(6) Article 80.35 Insert: thirty, 30.

2. Article 210, Branch Circuits

(1) Article 210.19 Conductors—Minimum Ampacity and Size. (1) General, is amended to read:

Branch circuit and small feeder conductors shall be of No. 12 A.W.G. or larger and shall be copper. Exception: No. 6 or larger stranded aluminum or copper clad aluminum may be used when properly treated against corrosion with an approved compound and used with approved connectors. Branch-circuit conductors shall have an ampacity not less than the maximum load to be served. Conductors shall be sized to carry not less than the larger of 210.19 (A)(1)(a) or (b).

(a) Where a branch circuit supplies continuous loads or any combination of continuous and non-continuous loads, the minimum branch-circuit conductor size shall have an allowable ampacity not less than the non-continuous load plus 125 percent of the continuous load.

(b) The minimum branch-circuit conductor size shall have an allowable ampacity not less than the maximum load to be served after the application of any adjustment of correction factors.

Exception: If the assembly, including the overcurrent devices protecting the branch-circuit(s), is listed for operation at 100 percent of its rating, the allowable ampacity of the branch-circuit conductors shall be permitted to be not less than the sum of the continuous load plus the non-continuous load.

(2) Table 210.24 Summary of Branch-Circuit Requirement, Circuit Rating 15 A - Circuit wires is amended by deleting 14 and inserting 12.

3. Article 225, Outside Branch Circuits and Feeders
(1) Article 225.17 Masts as Support is amended to read:
Only feeder or branch-circuit conductors specified within this section shall be permitted to be attached to the feeder and/or branch-circuit mast. Mast used for the support of final spans of feeders or branch circuits shall be a minimum of two (2) inch galvanized rigid steel or greater and shall be installed in accordance with 225.17(A) and (B).

(2) Article 225.18 is amended by amending item (2) to read as follows:
(2) 4.5 m (15 ft.) - over residential property and driveways and those commercial areas not subject to truck traffic where the voltage does not exceed 300 volts to ground.

4. Article 230, Services

(1) Article 230.24, Clearances, (B) Vertical Clearance from Ground, item (2) is amended to read as follows:
(2) 4.5 m (15 ft.) - over residential property and driveways and those commercial areas not subject to truck traffic where the voltage does not exceed 300 volts to ground.

(2) Article 230.28, Service Masts as Supports, is amended to read as follows:
Only power service-drop or overhead service conductors specified within this section shall be permitted to be attached to the service mast. Service mast used for the support of final spans of service drop or overhead service conductors shall be a minimum of two (2) inch galvanized rigid steel or greater and shall be installed in accordance with 230.28 (A) and (B).

(3) Article 230.31 (A) General, is amended by adding the following sentence:
Underground service-lateral conductors for 200 ampere services or larger may be installed provided that written approval from local utility provider is received and shall be installed according to the local utility provider’s ‘Typical Permanent Underground Service’ details.

(5) Article 230.43, Wiring Methods for 600 Volts, Nominal, Or Less, is amended by deleting the following categories:
(1) Open wiring on insulators;
(2) Type IGS cable;
(6) Electrical Nonmetallic tubing (ENT);
(7) Service-entrance cables;
(13) Type MC Cable;
(14) Mineral-insulated, metal-sheathed cable;
(16) liquid-tight flexible nonmetallic conduit.

(6) Article 230.70, (A) (1) Readily Accessible Location, is amended to read as follows:
The service disconnect shall be installed at a readily accessible location outside of the building either directly below or adjacent to the meter socket.

Exception: A shunt trip main breaker may be used when written approval is given by the Fire Marshal and Building Official. Location of the shunt trip push button shall be located in a readily accessible location approved by the Fire Marshal.

5. Article 334 Nonmetallic-Sheathed Cable: Types NM, NMC, and NMS

(1) Article 334.10 Uses Permitted, is amended by deleting the following item: (3)

6. Article 362 Electric Nonmetallic Tubing: Type ENT
(1) Article 362.10 Uses Permitted, is amended to read as:

The use of ENT and fittings may be used for the installation of communication and data cables where enclosed in chases or wall cavity.

7. Article 406 Receptacles, Cord Connectors, and Attachment Plugs (Caps)

(1) Article 406.12 Tamper-Resistant Receptacles, is amended by added a new exception.

Exception: 5. A single or duplex receptacle used for countertop appliances or other electric devices where such receptacles are located over a standard height and size countertop.

8. Article 408 Switchboards and Panelboards

Article 408.54 Number of Overcurrent Devices is amended by adding the following sentence:

The panelboard shall be of a size large enough to allow the installation of all circuit overcurrent devices required for the present installation and at least two (2) additional spaces for two hundred twenty (220) volt two-pole circuit overcurrent devices (4 spaces) for future use or two (2) additional spaces for two 3-pole overcurrent devices (6 spaces) for 3 phase panels for future use.

(b) The following sections are deleted in full:

1. Article 80.27 Inspector's Qualifications

SECTION NINE: NEW MUNICIPAL CODE SECTION 14-49.

The Governing Body of the City of Arkansas City hereby creates Section 14-49 of the Arkansas City Municipal Code to read as follows (new provisions in italics):

Sec. 14-49. - Amendments to the International Mechanical Code.

(a) The following amendments and additions are made to the International Mechanical Code:

(1) Section 101.1 insert: City of Arkansas City, Kansas
(2) Section 106.5.2 insert: See Arkansas City Comprehensive Fee Schedule for applicable fee schedule.
(3) Section 109.2 is amended to read; The Building Trades Board of the City of Arkansas City [The Board] is hereby appointed as the “Appeals Board” to hear any appeals made on decisions of the city code official.
(4) Section 109.6 is amended to read: The Board may modify or reverse the decision of the city code official by majority vote of a quorum.
(5) Section 601.5 Return Air Openings is amended by deleting item 3. The amount of return air taken from any room or space shall be not greater than the flow rate of supply air delivered to such room or space.
(6) Section 1009.2 Closed-type expansion tanks is amended by adding to the end of the sentence, or as determined by the design professional.
(7) Section 1102.3 Access port protection is amended to read: Refrigerant access ports shall be protected by standard port caps whenever refrigerant is added to or recovered from refrigeration or air-conditioning systems.
(b) The following sections of the International Mechanical Code are deleted:

(1) Section 109.2.1 Qualifications
(2) Section 109.2.2 Alternate members
(3) Section 109.6.1 Resolution
(4) Section 1101.10 Locking-access port cap

SECTION TEN: NEW MUNICIPAL CODE SECTION 14-50.

The Governing Body of the City of Arkansas City hereby creates Section 14-50 of the Arkansas City Municipal Code to read as follows (new provisions in italics):


(a) The following amendments and additions are made to the International Existing Building Code:

(1) Section 101.1 insert: City of Arkansas City, Kansas
(2) Section 108.2 insert: See Arkansas City Comprehensive Fee Schedule for applicable fee schedule.
(3) Section 112.3 insert: The Building Trades Board of the City of Arkansas City, Kansas [The Board] is hereby appointed as the appeals board to hear any appeals made on decisions of the city code official.
(4) Section 1401.2 Insert: Effective Date January 1, 2017

SECTION ELEVEN: AMENDMENT TO MUNICIPAL CODE, SECTIONS 62-230 TO 62-231; CREATION OF NEW SECTION 14-51.

The Governing Body of the City of Arkansas City hereby amends Sections 62-230 and 62-231 of the Arkansas City Municipal Code to re-number and move to Chapter 14 with other technical codes to read as follow (deleted provisions struck through, new provisions in italics):


a. The International Private Sewage Disposal Code, 2009 Edition (hereafter referred to as the International Private Sewage Disposal Code) is incorporated by reference pursuant to the provisions of K.S.A. 12-3009-12-3012 and K.S.A. 12-3301 and 12-3302 and all acts amendatory thereto or supplemental thereto and deleting therefrom, certain sections which are inapplicable to the city and amending by replacement certain sections for local city options as hereinafter set forth.

b. At least one copy of any such code shall be marked or stamped “Official copy as incorporated by Ordinance No. 2015-03-4281,” with all sections or portions thereof intended to be omitted clearly marked to show any such omission or showing the sections, articles, parts or portions that are incorporated, as the case may be, and to which shall be attached a copy of the incorporating ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable business hours.

Sec. 62-231. - Amendments/deletions.

(a) The following amendments/deletions and additions are shall be made to in the 2009 International Private Sewage Disposal Code:
(1) Section 101.1 insert: City of Arkansas City, Kansas

(2) Section 101.3. Amend to read: When a private disposal system fails and the public sewer is available within 300 feet, as provided in section 62-229(d), the private disposal system shall be abandoned and an approved connection to the public sewer shall be completed, unless otherwise approved by the city engineer or his designee.

(3) Section 106.4.2 insert: See Arkansas City Comprehensive Fee Schedule for applicable fee schedule.

Section 106.4.2. Amend to read: Fee schedule: The fees for all private sewage disposal work and any penalties due to violations shall be found in the Comprehensive Fee Schedule.

(4) Section 109.2 is amended to read: The Building Trades Board of the City of Arkansas City [The Board] is hereby appointed as the “Appeals Board” to hear any appeals made on decisions of the city code official.

Section 109.2.1 Deleted. Section 109.2.2 Deleted. Section 109.2.3 Deleted.

(5) Section 109.6 is amended to read: Limitations on Authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

(b) The following sections of the International Private Sewage Disposal Code are deleted:

(1) Section 109.2.1 Qualifications

(2) Section 109.2.2 Alternate members

(3) 109.2.3

SECTION TWELVE: PUBLICATION; EFFECTIVE DATE. This ordinance, or a summary thereof, shall be published one time in the official city newspaper, and shall take effect and be in force from and after said publication.

PASSED AND ORDAINED by the Governing Body of the City of Arkansas City, Kansas this 20th day of December, 2016.

DUANE L. OESTMANN, Mayor

ATTEST:

LESLEY SHOOK, City Clerk

DRAFTED AND APPROVED AS TO FORM:

TAMARA L. NILES, City Attorney
CERTIFICATE

I, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2016-12-4426 of the City of Arkansas City, Kansas adopted by the City Commission on December 20, 2016 as the same appears of record in my office.

DATED: ___________________.

Lesley Shook, City Clerk