

TITLE 16

BUILDINGS AND CONSTRUCTION

Chapters:

- 16.02 Building Code Fees (Repealed)
- 16.04 Building Code - Adopted (Repealed)
- 16.05 One and Two Family Dwelling (Repealed)
- 16.06 Model Energy Code (Repealed)
- 16.07 Property Maintenance Code (Repealed)
- 16.08 Plumbing (Repealed)
- 16.09 Sewage Disposal (Repealed)
- 16.12 Mechanical Code (Repealed)
- 16.13 Multi-Family Energy Standards (Repealed)
- 16.14 Fire Prevention (Repealed)
- 16.15 Flammable Liquids (Repealed)
- 16.16 Electrical Code Amendments (Repealed)
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Chapter 16.100 BUILDING CODE

16.100.100 Building Code – Incorporation

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2006 International Building Code, dated January, 2006, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said 2006 International Building Code shall be marked Official Copy as Adopted by Ordinance No. BC-2635, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

(History: Ord. BC-2635 §1, 2007; BC-2459 §1, 2004; BC-2237 §1, 2001; Source or prior law: 16.04.300; BC-2013 §1, 97; BC-1824 §1, 94)

16.100.101.1

Section 101.1 of the 2006 International Building Code is hereby amended to read as follows:

101.1 Title. The 2006 International Building Code, as published by the International Code Council, Inc., and the deletions, changes, and additions contained in the Overland Park Municipal Code, Chapter 16.100 through 16.190, shall be known as the Building Code of the City of Overland Park, Kansas, hereinafter referred to as "this code" or "the Building Code."

(History: Ord. BC-2635 §2, 2007; BC-2459 §2, 2004; BC-2237 §1, 2001; Source or prior law: 16.04.320; BC-2013 §2, 97; BC-1824 §2, 94)

16.100.101.2

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §3, 2004)

16.100.101.4.1

Section 101.4.1 of the 2006 International Building Code is hereby amended to read as follows:

101.4.1 Electrical. The provisions of the NFPA 70 National Electrical Code, 2005 Edition, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(History: Ord. BC-2635 §3, 2007; BC-2459 §4, 2004; BC-2237 §1, 2001)

16.100.101.4.6

Section 101.4.6 of the 2006 International Building Code is hereby amended to read as follows:

101.4.6 Fire prevention. The provisions of the 2006 International Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

(History: Ord. BC-2635 §4, 2007)

16.100.101.4.8

Section 101.4.8 of the 2006 International Building Code is hereby added as follows:

101.4.8 Existing buildings. The provisions of the 2006 International Existing Building Code shall apply to all matters governing the repair, alteration, change of occupancy, addition and relocation of existing buildings.

(History: Ord. BC-2635 §5, 2007)

16.100.103.1

Section 103.1 of the 2006 International Building Code is hereby amended to read as follows:

103.1 Creation of enforcement agency. The executive official in charge of the Building Safety Division for the City of Overland Park shall be the designated enforcement officer of this code, and is herein referred to as the "Building Official." The term "Code Official," "authority having jurisdiction," and/or "Code Administrator" shall be used synonymously with the term "Building Official" and the term "Building Safety Division" shall be used synonymously with the term "Department of Building Safety."

(History: Ord. BC-2635 §6, 2007; BC-2459 §5, 2004; BC-2237 §1, 2001; Source or prior law: 16.04.335; BC-2013 §3, 97; BC-1824 §3, 94)

16.100.103.2

Section 103.2 of the 2006 International Building Code is hereby deleted.

(History: Ord. BC-2635 §7, 2007; BC-2459 §6, 2004; BC-2237 §1, 2001)

16.100.105.1

Section 105.1 of the 2006 International Building Code is hereby amended to read as follows:

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, plumbing, fire

alarm, fire detection, automatic fire-extinguishing, LP-Gas system, or where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit.

105.1.1 Annual permit. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the Building Official is authorized to issue an annual permit upon application therefor to any person, firm or corporation regularly employing one or more qualified tradepersons in the building, structure or on the premises owned and operated by the applicant for the permit.

105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The Building Official shall have access to such records at all times or such records shall be filed with the Building Official as designated.

(History: Ord. BC-2635 §8, 2007)

16.100.105.1.3

Section 105.1.3 of the 2006 International Building Code is hereby added to read as follows:

105.1.3 County license required. Effective January 1, 2002, all persons undertaking work which requires a permit as provided in Section 105, or seeking to obtain that permit from the City, are required to have a currently valid Johnson County contractors license. That County license shall have been issued by the County in accordance with the provisions of the Johnson County Contractors Licensing Program and the Contractor Licensing Regulations adopted by the Board of County Commissioners by Resolution 058-01 on August 9, 2001, and any regulations subsequently adopted by the Contractor Licensing Review Board as authorized by said County Licensing Regulations, as said Resolution and regulations may be amended from time to time by said Boards.

The Building Official may waive the need for a contractor's license in those instances where it can be established that no license exists for the installation, alteration, or repair of a certain type of work requiring a permit.

(History: Ord. BC-2635 §9, 2007; BC-2459 §7, 2004; BC-2338 §1, 2001)

16.100.105.2

Section 105.2 of the 2006 International Building Code are hereby amended to read as follows:

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required as provided for in this Section:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet.
2. Re-siding the dwelling or structure with materials other than stucco or EIFS.
3. Temporary structures 900 square feet or less in area with an occupant load of 50 or less (IBC Section 3103).
4. Retaining walls, which are not over 4 feet in height, measured from the bottom of the footing grade on the low side to the top of the wall, unless supporting a surcharge or impounding Class I, II, III-A liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
6. Sidewalks and driveways not more than 30 inches above grade and not over any basement or story below and are not part of an accessible route. Note: right-of-way work permits are required for sidewalk or driveway installation or replacement in the public right-of-way.
7. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
11. Swings and other playground equipment accessory to one- and two-family dwellings.
12. Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support of Group R-3, as applicable to Section 101.2, and Group U occupancies.
13. Movable cases, counters and partitions not over 5 feet 9 inches in height.
14. Arbors or shade structures a minimum 50 percent open at the top with no member wider than 2 inches in a horizontal plane and incapable of accumulating ice or snow.
15. Moving buildings or structures with a floor area of 200 square feet or less.

Electrical:

1. Listed cord and plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlet therefor.
3. Repair or replacement of branch circuit over current devices of the required capacity in the same location.
4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy, and are not part of a fire alarm system.

5. The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and, the installations of towers and antennas.
6. A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds or less of refrigerant and actuated by motors of 1 horsepower or less.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, sinks, and lavatories in the same location.

(History: Ord. BC-2635 §10, 2007; BC-2459 §8, 2004; BC-2237 §1, 2001; Source or prior law: 16.04.345 (part); BC-1824 §5, 94)

16.100.105.3

Repealed.

(History: Ord. BC-2459 §187, 2004; BC-2237 §1, 2001; Source or prior law: 16.04.350; BC-2001 §1, 96; BC-1824 §7, 94; 16.04.351; BC-2013 §4, 97)

16.100.105.3.3

Repealed. See 16.100.105.1.3.

(History: Ord. BC-2338 §2, 2001; BC-2237 §1, 2001; Source or prior law: 16.04.346 (part); BC-2002 §1, 96; BC-1940 §1, 95; BC-1824 §6, 94)

16.100.105.3.4

Section 105.3.4 of the 2006 International Building Code is hereby added to read as follows:

105.3.4 Potable water certification. A permit shall not be issued until written evidence is presented to the Building Official certifying the availability of satisfactory potable water supply. Applicants from areas within the corporate limits of the City that are also within areas under the jurisdiction of a duly constituted water district shall submit a connection permit or notice of intent to supply water service from the water district. Applicants from areas within the corporate limits of the City that are not within an area under the jurisdiction of a duly constituted water district shall submit a certificate from the Johnson County Health Director that the proposed water supply meets the required standards for health and safety.

105.3.4.1 On structures other than one- and two-family dwellings, the Building Official may issue a building permit prior to receiving the connection permit or notice of intent to supply water service specified in Section 105.3.4 if all the following conditions are met:

1. A written document acceptable to the City is provided to the Building Official describing the unusual circumstances preventing the issuance of such connection permit.
2. Documentation acceptable to the City is provided showing the status of the application to the water district.
3. The applicant verifies in writing, in a form acceptable to the City, an acknowledgement and understanding that the permit required in Section 105.3.4 must be provided to the Building Safety Division prior to any form of final inspection being conducted by the City and prior to any temporary or final occupancy permit being issued by the City.
4. The Building Official is satisfied that all pertinent information has been provided and that issuance of a building permit under these circumstances would be in full compliance with the intent and purpose of this code.

(History: Ord. BC-2635 §11, 2007; BC-2578 §1, 2005; BC-2459 §9, 2004; BC-2237 §1, 2001; Source or prior law: 16.04.365; BC-1824 §10, 94)

16.100.105.3.5

Section 105.3.5 of the 2006 International Building Code is hereby added to read as follows:

105.3.5 Fire protection certification. A permit for construction shall not be issued until written evidence is presented to the Building Official certifying the availability of satisfactory hydrant locations.

Applicants for areas within the corporate limits of the City, that are also within areas under the jurisdiction of a duly constituted water district, shall submit a statement from the district certifying that the proposed fire protection system conforms to the regulations of the district. The water supply and hydrants shall also comply with the requirements of Section 508 and Appendices B and C of the 2006 International Fire Code.

(History: Ord. BC-2635 §12, 2007; BC-2459 §10, 2004; BC-2237 §1, 2001; Source or prior law: 16.04.370 (part); BC-2171 §1, 99; BC-2013 §6, 97; BC-1824 §11, 94)

16.100.105.3.6

Sections 105.3.6, 105.3.6.1, and 105.3.6.2 of the 2006 International Building Code are hereby added to read as follows:

105.3.6 Connection to public sewer. No building permit shall hereafter be issued for any structure requiring or providing a sanitary drainage system regulated by the 2006 International Plumbing Code until a public sanitary sewer system is available to serve the premises and is in operation except as provided in Sections 105.3.6.1 and 105.3.6.2.

105.3.6.1 Private sewage disposal facilities. Private sewage disposal systems as permitted by the 2006 International Private Sewage Disposal Code.

105.3.6.2 Temporary sewage disposal facilities. Temporary sewage disposal facilities are permitted for systems meeting all of the following:

1. The system is installed for a period of time not to exceed two years. Sufficient documentation, acceptable to the Building Official, shall be submitted to substantiate the temporary nature of the facility to ensure the facility will be removed or connected to the public sewer system within two years. The design and construction of the system conforms to the Holding Tank requirements of the 2006 International Private Sewage Disposal Code.
2. Public sewers are not available as defined in the 2006 International Plumbing Code.
3. The use of the building shall not utilize commercial cooking operations or any material that would be detrimental to the system.

(History: Ord. BC-2635 §13, 2007; BC-2459 §11, 2004; BC-2237 §1, 2001; Source or prior law: 16.04.415; BC-1824 §21, 94; 7.52.032 (part); SS-1701 §1, 91)

16.100.105.3.7

Section 105.3.7 of the 2006 International Building Code is hereby added to read as follows:

105.3.7 Sanitary sewer connection permit. No building permit for any structure or building to be located within a legally created sewer district in the City in which sanitary sewage will, or may, originate shall be issued until and unless the applicant, or his or her agent, has previously applied for and received from the sewer district, an outside sanitary sewer construction and connection permit as required by the rules and regulations of the Johnson County Wastewater District.

105.3.7.1 On structures other than one- and two-family dwellings, the Building Official may issue a building permit prior to receiving the sanitary sewer permit specified in Section 105.3.7 if all the following conditions are met:

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1. A written document acceptable to the City is provided to the Building Official describing the unusual circumstances preventing the issuance of such connection permit.
2. Documentation acceptable to the City is provided showing the status of the application to the Johnson County Wastewater District.
3. The applicant verifies in writing, in a form acceptable to the City, an acknowledgement and understanding that the permit required in Section 105.3.7 must be provided to the Building Safety Division prior to any form of final inspection being conducted by the City and prior to any temporary or final occupancy permit being issued by the City.
4. The Building Official is satisfied that all pertinent information has been provided and that issuance of a building permit under these circumstances would be in full compliance with the intent and purpose of this code.

(History: Ord. BC-2635 §14, 2007; BC-2578 §2, 2005; BC-2459 §12, 2004; BC-2237 §1, 2001; Source or prior law: 16.04.375; BC-1824 §12 94)

16.100.105.3.8

Section 105.3.8 of the 2006 International Building Code is hereby added to read as follows:

105.3.8 Denial of permits. The Building Official is authorized to deny a permit to any applicant not meeting the provisions as set forth in this code and to any person who has outstanding a failure to appear in court with respect to any violation of the Overland Park Municipal Code. The Building Official is further authorized, with respect to the insurance requirements, to take any necessary administrative enforcement action including, without limitation, stopping construction operations on any incomplete permits and denying issuance of any additional permits.

(History: Ord. BC-2635 §15, 2007; BC-2459 §13, 2004; BC-2237 §1, 2001; Source or prior law: 16.04.346 (part); BC-2002 §1, 96; BC-1940 §1, 95; BC-1824 §6, 94)

16.100.105.3.9

Sections 105.3.9, 105.3.9.1, 105.3.9.2, 105.3.9.3 and 105.3.9.4 of the 2006 International Building Code are hereby added to read as follows:

105.3.9 Application for permit to move a building or other structure. Applications for a permit to move a structure or building shall include the information required in Section 105.3.9.1 or 105.3.9.2. Applications shall be made not less than 14 calendar days prior to the commencement of the moving.

For buildings or structures being moved into or within the City, a permit for a foundation, or a new single family or a remodel permit shall be secured prior to the issuance of a permit to move the house or structure.

The foundation shall be constructed prior to the building or structure being moved.

105.3.9.1 Moving buildings or structures within or into the city limits. All applications for permits to move buildings or structures within the city limits of Overland Park or into the City shall include the following information:

1. The dimensions of the building or structure as to length, width, and height at its highest point when loaded for moving.
2. Letters verifying that all utilities have been disconnected, i.e. gas, electric, water, sewer. In lieu of the letter a verbal communication from the utility company is acceptable.
3. Verification letter from utility companies having overhead lines along the proposed route which indicates that they have approved the route.
4. Letters from the Police Department and the Public Works Department approving the route of the move and the date and time of the move.
5. A letter indicating the day and hour when the move is to start. The length of time that the move will take. The number and type of vehicles to be provided as escort vehicles.
6. A map showing the route of the move.
7. A copy of state highway move permit, if applicable.
8. Copies of written notices to the owners of adjacent lots along the route who may be affected by utility disconnects. The letter will give the date and time of the move.
9. Written permission from the private property owner to trim any trees on private property necessary to provide clearance for move along the proposed route.
10. Written permission from the Overland Park Parks and Recreation Department to trim trees in the public right of way necessary to provide clearance for move along the proposed route.
11. Sewer permit from Johnson County Wastewater District, or a septic tank or holding tank permit as allowed by Sections 105.3.6 and 105.3.7.
12. Water availability letter from WaterOne as specified in Section 105.3.4.
13. Verification from the Fire Department that fire hydrant location per Section 105.3.5.
14. Verification from Planning Division that the house to be moved is architecturally compatible with adjacent houses in the area that the house is to be moved to.
15. Verification by Building Safety that the building or structure meets current adopted codes and standards.
16. A plot plan of the property or lot where the moved building or structure will be moved to is required. A legal description of the property shall be included. The plot plan shall be sealed by a Kansas design professional.

105.3.9.2 Buildings or structures being moved out of the City or passing through the City. All permit applications for moving structures or buildings out of or through the City shall include the following information:

1. The dimensions of the building or structure as to length, width, and height at its highest point when loaded for moving.

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2. Letters verifying that all utilities have been disconnected, i.e. gas, electric, water, and sewer. In lieu of the letter a verbal communication from the utility company is acceptable.
3. Verification letter from utility companies having overhead lines along the proposed route which indicates that they have approved the route.
4. A letter indicating the day and hour when the move is to start. The length of time that the move will take. The number and type of vehicles to be provided as escort vehicles.
5. A map showing the route of the move.
6. A copy of state highway move permit, if applicable.
7. Letters from the Police Department and the Public Works Department approving the route of the move and the date and time of the move.
8. Copies of written notices to the owners of adjacent lots along the route who may be affected by utility disconnects. The letter will give the date and time of the move.
9. Written permission from the private property owner to trim any trees on private property necessary to provide clearance for move along the proposed route.
10. Written permission from the Overland Park Parks and Recreation Department to trim trees in the public right of way necessary to provide clearance for move along the proposed route.

105.3.9.3 Bond and insurance required. It shall be the duty of any person at the time of making application for a permit as provided in Section 16.100.105.3.9 to execute in favor of this City a good and sufficient bond to the City in the sum of \$5,000, with good and sufficient security, conditioned, among other things, that the principal shall pay any and all damages which may be caused to any property, public or private, within the City when such injury or damage shall be inflicted by the principal or his agent, servant, employee, workman, contractor, or subcontractor, and such bond shall be conditioned also that the principal will serve, indemnify, and protect the City from any and all liability, and that he will, in all respects, comply with all ordinances of the City and comply with the terms of his permit and be conditional upon his faithful performance of the move. The form of such bond must be approved by the City Attorney.

The applicant shall file with the City a certificate of insurance, demonstrating evidence of satisfactory Commercial General Liability and Automobile Liability insurance. No permit shall be issued until such evidence is filed.

Policies of insurance must contain the following limits of protection and conditions:

- a) Commercial General Liability including Products/Completed Operations and Independent Contractors protection:
Bodily Injury: each occurrence \$250,000
 aggregate \$500,000

Property Damage: each occurrence \$250,000
aggregate \$250,000

Or

Bodily Injury and Property Damage, Combined Single Limit:
each occurrence \$500,000
aggregate \$500,000

b) Commercial Automobile Liability - including Hired and Non-Owned:

Bodily Injury: each person \$250,000
each occurrence \$500,000

Property Damage: each occurrence \$250,000

Or

Bodily Injury and Property Damage, Combined Single Limit:
each occurrence \$500,000

The City will only accept coverage from an insurance carrier meeting these criteria:

- 1) Is licensed to do business in the state of Kansas; and
- 2) Carries a Best's policyholder and financial rating of B+ or better;
and
- 3) Carries at least a Class X financial rating.

or

Is a company mutually agreed upon by the City and the applicant

The City shall be notified by the insurance carrier in writing not less than 30 days prior to cancellation or material modification of any policy provisions

105.3.9.4 Conditions of the permit. In addition to other provisions of the code, the permit holder shall be responsible for compliance with the following:

1. Move a building or structure only over streets approved by the Department of Public Works and the Chief of Police and designated for such use in the written application.
2. Notify the Building Official within 48 hours of move in writing of a desired change in moving date and hour and route of move as proposed in the application. Change of route must be approved by the Building Official before initiating the move.
3. Notify the Building Official in writing of any and all damages to public and private property within 24 hours after the damage has occurred.
4. It shall be the duty of any persons moving any building or structure to display red lanterns or other warning devices used in compliance with City traffic ordinances or state statutes thereon in such a manner as to show the extreme height and width thereof from 30 minutes after sunset to 30 minutes before sunrise, and shall have sufficient escort as provided by City ordinance, state statutes, or as determined as necessary for the public safety by the Chief of Police.
5. No building or structure or any part of any building or structure being moved shall be left in the parkway, street, or on the dedicated right-of-way line between the curb and the front property line of any lot.

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6. Any open foundation or excavation shall be protected by a four foot fence. Erosion and sediment control measures shall be put in place as needed and shall remain in place until vegetation has been established.
7. Within 30 days of the move, all debris and miscellaneous building materials shall be removed from the site. The existing foundation shall be demolished. All excavations shall be filled to grade.
8. An enclosed parking space shall be provided as required by the Unified Development Ordinance.

(History: Ord. BC-2635 §16, 2007; BC-2459 §14, 2004; BC-2237 §1, 2001; Source or prior law: 16.24.020; SM-557 §2, 69; 16.24.030; SM-1553 §1, 88; SM-1364 §1, 86; SM-557 §3, 69; 16.24.040; SM-557 §4, 69; 16.24.050; SM-557 §5, 69; 16.24.060 (part); SM-557 §6, 69)

16.100.105.5

Section 105.5 of the 2006 International Building Code is hereby amended to read as follows:

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 90 days after the time the work is commenced. It is the intent of this code that once work has commenced that the work will proceed at a normal rate until the permitted work has been completed. Should the work cease for a period of 90 days the Building Official shall make a determination as to whether the work has been suspended or abandoned. Failure to request an inspection of newly completed work for any period of 90 days or more shall constitute suspension or abandonment of work.

All work is to be inspected per Section 109 of this code. Commencement of work shall be documented by an inspection.

Exception: A permit shall remain valid indefinitely where a valid Temporary Certificate of Occupancy has been issued.

The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. Permit extensions shall only be granted for new residential and commercial structures, additions to residential and commercial structures, and alterations to commercial structures, provided that the extension of the permit and related construction work will not adversely impact the surrounding property.

It shall be unlawful for any person, firm, or corporation to allow a permit to become invalid after work has commenced.

(History: Ord. BC-2635 §17, 2007; BC-2459 §15, 2004; BC-2237 §1, 2001; Source or prior law: 16.04.355 (part); BC-2013 §5, 97; BC-1824 §8, 94)

16.100.106.1

Section 106.1 of the 2006 International Building Code is hereby amended to read as follows:

106.1 Submittal of documents. Construction documents, the statement of special inspections and other data as deemed necessary by the Building Official shall be submitted with each permit application. The number of construction documents (plans) required at the time of permit application shall be as set forth by the Building Official. The construction documents shall be prepared by a registered design professional and shall bear their professional seal where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional.

Construction documents for new one- and two-family dwellings shall be prepared by a design professional duly registered in the state of Kansas. The drawings shall bear the professional seal of the design professional.

Exception: The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

106.1.1 Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules, and regulations, as determined by the Building Official.

106.1.1.1 Fire protection and fire alarm system shop drawings. Shop drawings for the fire protection and fire alarm system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

(History: Ord. BC-2635 §18, 2007)

16.100.108.2

Section 108.2 of the 2006 International Building Code is hereby amended to read as follows:

108.2 Schedule of permit fees. A fee for each permit shall be paid as required, in accordance with the schedule as established by resolution of the Governing Body.

(History: Ord. BC-2635 §19, 2007; BC-2459 §16, 2004; BC-2237 §1, 2001; Source or prior law: 16.04.380 (part); BC-1824 §13, 94; 16.04.385 (part); BC-1824 §14, 94)

16.100.110.4

Repealed.

(History: Ord. BC-2459 §187, 2004; BC-2237 §1, 2001; Source or prior law: 16.04.412; BC-1824 §19, 94)

16.100.112.1

Section 112.1 of the 2006 International Building Code is hereby amended to read as follows:

112.1 General. In order to hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

112.1.1 Stays of Enforcement. Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

(History: Ord. BC-2635 §20, 2007)

16.100.112.1.1

Section 112.1.1 of the 2006 International Building Code is hereby added to read as follows:

112.1.1 Membership of Board of Appeals. The Board of Appeals shall consist of five members all of whom shall be residents of Overland Park or shall have their primary place of business in Overland Park. Members of the Board of Appeals will serve at the appointment of the Mayor by and with the consent of the Council; provided that a member may be removed by the Mayor with the consent of the Council, the consent to be given by resolution of the Governing Body for cause upon written charges filed with the secretary of the board; provided that no removal shall occur until after a public hearing is held to consider the written charges.

Each member will be appointed for three years or until his or her successor has been appointed and approved by the Governing Body.

(History: Ord. BC-2635 §21, 2007; BC-2459 §17, 2004; BC-2237 §1, 2001; Source or prior law: 16.04.420; BC-1824 §23, 94)

16.100.112.1.2

Section 112.1.2 of the 2006 International Building Code is hereby added to read as follows:

112.1.2 Alternate members. At least three alternates all of whom shall be residents of Overland Park or have their primary place of business in Overland Park shall serve at the appointment of the Mayor by and with the consent of the Council; provided that an alternate member may be removed by the Mayor with the consent of the Council, the consent to be given by resolution of the Governing Body for cause upon written charges filed with the secretary of the board; provided that no removal shall occur until after a public hearing is held to consider the written charges. Alternate members shall be called by the Building Official to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for three years, or until a successor has been appointed.

(History: Ord. BC-2635 §22, 2007; BC-2459 §18, 2004; BC-2237 §1, 2001; Source or prior law: 16.04.424; BC-1824 §25, 94)

16.100.112.1.3

Section 112.1.3 of the 2006 International Building Code is hereby added to read as follows:

112.1.3 Compensation of Board of Appeals. All members shall serve without compensation. (History: Ord. BC-2635 §23, 2007; BC-2459 §19, 2004; BC-2237 §1, 2001; Source or prior law: 16.04.430; BC-1824 §26, 94)

16.100.112.2.1

Section 112.2.1 of the 2006 International Building Code is hereby added to read as follows:

112.2.1 Application for appeal (fees). An application fee for the filing of an appeal shall be established by the Governing Body in resolution form and shall be collected by the Building Official at the time that an application is filed. (History: Ord. BC-2635 §24, 2007; BC-2459 §20, 2004; BC-2237 §1, 2001; Source or prior law: 16.04.418; BC-1824 §22, 94)

16.100.112.3.1

Section 112.3.1 of the 2006 International Building Code is hereby added to read as follows:

112.3.1 Member qualifications. Each member shall be a licensed professional engineer or architect; or a builder, superintendent of building construction, or an individual licensed in a trade with at least ten years' experience, five of which shall have been in responsible charge of work. Not more than two members shall be from the same profession or occupation, and at least one professional engineer shall be a structural or civil engineer with architectural engineering experience. (History: Ord. BC-2635 §25, 2007; BC-2459 §21, 2004; BC-2237 §1, 2001; Source or prior law: 16.04.422; BC-1824 §24, 94)

16.100.113.3

Section 113.3 of the 2006 International Building Code is hereby amended to read as follows:

113.3 Prosecution of violation. Any person failing to comply with a notice of violation or order shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with the Building Official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto. (History: Ord. BC-2635 §26, 2007; BC-2459 §22, 2004; BC-2237 §1, 2001)

16.100.113.4

Section 113.4 of the 2006 International Building Code is hereby amended to read as follows:

113.4 Violation penalties. Any person who violates a provision of this code, or Chapters 16.100 through 16.190, or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law, or other references incorporated, is guilty of a public offense, punishable as provided in Overland Park Municipal Code Section 1.12.010.

The Building Official shall be permitted to cite any or all persons identified on permit forms as being legally responsible to the City for any violations of the code pertaining to that permit. The business, and any identified responsible person, shall assume full legal responsibility and liability to the City for any permit issued to any authorized individual, and, absent written notification being received by the Building Official prior to the issuance of a permit of any changes in the authorized individuals, such responsibility shall exist regardless of whether in fact such listed authorized individual has any affiliation with the business at the time of issuance. It is further the continuing responsibility of the business to notify the Building Official in writing of any other changes to the form, and in the absence of any such notification being received by the Building Official prior to the issuance of permit, all identified responsible persons shall be responsible for that permit to the City regardless of whether they maintain any affiliation with the business.

(History: Ord. BC-2635 §27, 2007; BC-2459 §23, 2004; BC-2237 §1, 2001; Source or prior law: 7.52.040; SS-1701 §1, 91; SS-878 §2, 76; SS-183 §4, 63; 16.02.050; BC-838 §6, 75; 16.04.346 (part); BC-2002 §1, 96; BC-1940 §1, 95; BC-1824 §6, 94; 16.04.405; BC-1824 §17, 94)

16.100.113.5

Section 113.5 of the 2006 International Building Code is hereby added to read as follows:

113.5 Abatement of violations. Should any person fail to comply with a notice of violation or order as specified in Section 113.2, the Building Official is authorized to correct or abate such violation, or to require the removal or termination of the occupancy of the structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure, or premises. This action can be taken in lieu of or in conjunction with any action taken under Section 113.3. (History: Ord. BC-2635 §28, 2007; BC-2459 §24, 2004; BC-2237 §1, 2001)

16.100.310.2

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §25, 2004)

16.100.507.2

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §26, 2004)

16.100.903.3.5.3

Section 903.3.5.3 of the 2006 International Building Code is hereby added to read as follows:

903.3.5.3 Main control valves. Water supply lines for automatic sprinkler systems shall be provided with a control valve located on the riser. The valve shall be capable of isolating the underground fire service main from automatic sprinkler system.

903.3.5.3.1 Main control valve access. The isolation control valve shall be accessible. To be considered accessible, a clear space 3 feet by 3 feet by 7 feet high shall be provided in front of the valve. Access to the clear space shall be provided by an unobstructed aisle not less than 3 feet wide and 7 feet high. The valve shall be operable from the floor level. (History: Ord. BC-2635 §29, 2007)

16.100.903.3.7

Repealed. See 16.100.912.3.

(History: Ord. BC-2635 §211, 2007; BC-2459 §27, 2004; BC-2237 §1, 2001; Source or prior law: 16.04.514; BC-2013 §10, 97)

16.100.903.4

Section 903.4 of the 2006 International Building Code is hereby amended to read as follows:

903.4 Sprinkler system monitoring and alarms. All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electrically supervised.

Exceptions:

1. Automatic sprinkler systems protecting one- and two-family dwellings.
2. Limited area systems serving fewer than 20 sprinklers.
3. Automatic sprinkler systems installed in accordance with NFPA 13R where a common supply main is used to supply both domestic water and the automatic sprinkler system, and a separate shutoff valve for the automatic sprinkler system is not provided.
4. Jockey pump control valves that are sealed or locked in the open position.
5. Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position.
6. Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position.
7. Trim valves to pressure switches in dry, preaction and deluge sprinkler systems that are sealed or locked in the open position.
8. On existing installations, isolation valves for the backflow prevention devices remotely located in pits which are locked and/or chained in the open position.
9. Underground key or hub valves in roadway boxes provided by the municipality or public utility.

10. Backflow prevention device test valves located in limited area sprinkler systems that are locked in the open position, provided that the occupancy is not equipped with a fire alarm system.

903.4.1 Signals. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote supervising station or proprietary supervising station as defined in NFPA 72 or, when approved by the Fire Code Official, shall sound an audible signal at a constantly attended location.

903.4.2 Alarms. An approved audio/visual device shall be connected to every automatic sprinkler system. Such sprinkler system water-flow alarm device shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building directly above the Fire Department connection or in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

903.4.3 Floor control valves. Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor of a multi-story building.

Exception: Automatic sprinkler systems designed in accordance with Section 903.3.1.2 or 903.3.1.3.

(History: Ord. BC-2635 §30, 2007)

16.100.903.4.3.1

Repealed. See 16.100.903.3.5.3.

(History: Ord. BC-2635 §211, 2007; BC-2459 §28, 2004; BC-2237 §1, 2001; Source or prior law: 16.04.490; BC-2013 §8, 97)

16.100.906.1

Section 906.1 of the 2006 International Building Code is hereby amended to read as follows:

906.1 Where required. Portable fire extinguishers shall be installed in the following locations.

1. In Group A, B, E, F, H, I, M, R-1, R-4 and S occupancies.
Exception: In Group A, B and E occupancies equipped throughout with quick-response sprinklers, fire extinguishers shall be required only in special-hazard areas.
2. Within 30 feet of commercial cooking equipment.
3. In areas where flammable or combustible liquids are stored, used or dispensed.
4. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 1415.1.
5. Where required by the sections indicated in Table 906.1.
6. Special-hazard areas, including but not limited to laboratories, computer rooms, and generator rooms, where required by the Fire Code Official.

(History: Ord. BC-2635 §31, 2007)

16.100.907.9.1.4

Repealed. See 16.100.907.9.1.5.

(History: Ord. BC-2459 §187, 2004; BC-2237 §1, 2001; Source or prior law: 16.04.517; BC-2013 §12, 97)

16.100.907.9.1.5

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §29, 2004; BC-2237 §1, 2001; Source or prior law: 16.04.517; BC-2013 §12, 97)

16.100.907.14

Section 907.14 of the 2006 International Building Code is hereby amended to read as follows:

907.14 Monitoring. Fire alarm systems required by this Chapter or the 2006 International Fire Code shall be monitored by an approved central station as defined in NFPA 72, or the fire alarm system shall be monitored by an approved entity that has been listed by a nationally recognized agency to perform such service. The approved monitoring entity shall notify the Fire Department when their service has been discontinued.

Fire alarm systems that require two or more zones, or have addressable fire alarm panels, shall report a signal to the monitoring company wherein the fire alarm initiating device and its location can be determined. The monitoring company shall then report this information to the emergency communication center dispatch.

Exception: Supervisory service is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.10.
2. Smoke detectors in Group I-3 occupancies.
3. Automatic sprinkler systems in one- and two-family dwellings.
4. Proprietary systems as approved by the Fire Department.
5. Alterations to existing systems which are monitored by other means than that which is specified in this Section are subject to the approval of the Fire Department.

(History: Ord. BC-2635 §32, 2007)

16.100.907.18

Section 907.18 of the 2006 International Building Code is hereby amended to read as follows:

907.18 Fire Alarm instructions/“As-Built” plans. Operating, testing and maintenance instructions, and equipment specifications for the fire alarm system shall be made available at the fire alarm control panel. In addition, a set of “as-built” building floor plans shall be made available and displayed in a permanent manner adjacent to the fire alarm control panel.

The “as-built” floor plans shall be detailed to the point that emergency responders can quickly locate the area where alarm initiating device as depicted on the fire alarm control panel has activated.

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At a minimum, the plans shall show the following: the location of exit stairways, exit discharge, roof access, primary or public corridors, elevator shafts, the fire control room, fire alarm control panel, all remote enunciators and all rooms or spaces where fire alarm initiating devices and/or control panels for the unlocking of stairway doors, emergency generators, smoke control systems, and elevators are located, the location of the utility disconnects for the electrical service, water service and gas service, and the location of fire/smoke walls in Group I occupancies indicating separate smoke compartments.

Exceptions:

1. The “as-built” floor plans may be located at an alternate location when approved by the Fire Department.
2. The requirement for “as-built” floor plans for tenant finish work may be waived at the discretion of the Fire Department.

(History: Ord. BC-2635 §33, 2007)

16.100.912.2

Section 912.2 of the 2006 International Building Code is hereby amended to read as follows:

912.2 Location. With respect to hydrants, driveways, buildings and landscaping, Fire Department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of Fire Department connections shall be located in an approved location. A Fire Department connection for each standpipe system or water-based fire-extinguishing system shall be located not more than 100 feet from the nearest fire hydrant connection to an approved water supply.

912.2.1 Visible location. Fire Department connections shall be located on the street side of buildings, fully visible and recognizable from the street or nearest point of Fire Department vehicle access or as otherwise approved.

912.2.2 Existing buildings. On existing buildings wherever the Fire Department connection is not visible to approaching fire apparatus, the Fire Department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters “FDC” at least 6 inches high and words in letters at least 2 inches high or an arrow to indicate the location. All such signs shall be subject to the approval of the Fire Code Official.

(History: Ord. BC-2635 §34, 2007)

16.100.912.3

Section 912.3 of the 2006 International Building Code is hereby amended to read as follows:

912.3 Access. Immediate access to Fire Department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other object for a minimum of 3 feet.

912.3.1 Locking Fire Department connection caps. The Fire Code Official is authorized to require locking caps on Fire Department connections of water-based fire protection systems where the responding Fire Department carries appropriate key wrenches for removal.

912.3.2 Fire Department connections. The location of Fire Department connections shall be approved. The connection shall be fitted with a four-inch (4") Storz quick coupling connector.

(History: Ord. BC-2635 §35, 2007)

16.100.913

Section 913 of the 2006 International Building Code is hereby added to read as follows:

913.1 General. Where provided, fire pumps shall be installed in accordance with this Section and NFPA 20.

913.2 Protection against interruption of service. The fire pump, driver, and controller shall be protected in accordance with NFPA 20 against possible interruption of service through damage caused by explosion, fire, flood, earthquake, rodents, insects, windstorm, freezing, vandalism and other adverse conditions.

913.3 Temperature of pump room. Suitable means shall be provided for maintaining the temperature of a pump room or pump house, where required, above 40° F (5° C).

913.3.1 Engine manufacturer's recommendation. Temperature of the pump room, pump house or area where engines are installed shall never be less than the minimum manufacturer's recommendations for oil heaters shall be followed.

913.4 Valve supervision. Where provided, the fire pump suction, discharge and bypass valves, and the isolation valves on the backflow prevention device or assembly shall be supervised open by one of the following methods:

1. Central-station, proprietary or remote-station signaling service.
2. Local signaling service that will cause the sounding of an audible signal at constantly attended location.

913.4.1 Test outlet valve supervision. Fire pump test outlet valves shall be supervised in the closed position.

913.5 Testing and maintenance. Fire pumps shall be inspected, tested and maintained in accordance with the requirements of this Section and NFPA 25.

913.5.1 Acceptance test. Acceptance testing shall be done in accordance with the requirements of NFPA 20.

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913.5.2 Generator sets. Engine generator sets supplying emergency or standby power to fire pump assemblies shall be periodically tested in accordance with NFPA 110.

913.5.3 Transfer switches. Automatic transfer switches shall be periodically tested in accordance with NFPA 110.

913.5.5 Pump room environmental conditions. Test of pump room environmental conditions, including heating, ventilation and illumination shall be made to ensure proper manual or automatic operation of the associated equipment.

(History: Ord. BC-2635 §36, 2007)

16.100.1003.3.1.8

Repealed.

(History: Ord. BC-2459 §187, 2004; BC-2237 §1, 2001)

16.100.1005.3.2.4

Repealed. See 16.100.1019.1.7.

(History: Ord. BC-2459 §187, 2004; BC-2237 §1, 2001)

16.100.1007.3

Section 1007.3 of the 2006 International Building Code is hereby amended to read as follows:

1007.3 Exit stairways. In order to be considered part of an accessible means of egress, an exit stairway shall have a clear width of 48 inches minimum between handrails and shall either incorporate an area of refuge within an enlarged floor-level landing or shall be accessed from either an area of refuge complying with Section 1007.6 or a horizontal exit.

Exceptions:

1. Unenclosed exit stairways as permitted by Section 1020.1 are permitted to be considered part of an accessible means of egress.
2. The area of refuge is not required at unenclosed exit stairways as permitted by Section 1020.1 in buildings or facilities that are equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1.
3. The clear width of 48 inches between handrails is not required at exit stairways in buildings or facilities equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.
4. The clear width of 48 inches between handrails is not required for exit stairways accessed from a horizontal exit.
5. The areas of refuge are not required at exit stairways serving open parking garages.
6. Areas of refuge are not required at exit stairways in buildings or facilities equipped throughout by an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.

(History: Ord. BC-2635 §37, 2007)

16.100.1008.1.8

Section 1008.1.8 of the 2006 International Building Code is hereby amended to read as follows:

1008.1.8 Door operations. Except as specifically permitted by this Section egress doors shall be readily openable from the egress side without the use of a key or special knowledge or effort.

1008.1.8.1 Hardware. Door handles, pulls, latches, locks and other operating devices on doors required to be accessible by Chapter 11 of the 2006 International Building Code shall not require tight grasping, tight pinching or twisting of the wrist to operate.

1008.1.8.2 Hardware height. Door handles, pulls, latches, locks and other operating devices shall be installed 34 inches maximum above the finished floor. Locks used only for security purposes and not used for normal operation are permitted at any height.

Exception: Access doors or gates in barrier walls and fences protecting pools, spas and hot tubs shall be permitted to have operable parts of the release of latch on self-latching devices at 54 inches maximum above the finished floor or ground, provided the self-latching devices are not also self-locking devices operated by means of a key, electronic opener or integral combination lock.

1008.1.8.3 Locks and latches. Locks and latches shall be permitted to prevent operation of doors where any of the following exists:

1. Places of detention or restraint.
2. In occupancy groups B, F, M and S, the main exterior door or doors shall be permitted to be equipped with key-operated locking devices from the egress side provided:
 - 2.1 The locking device is readily distinguishable as locked,
 - 2.2 A readily visible durable sign is posted on the egress side on or adjacent to the door stating: THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED. The sign shall be in letters 1 inch high on a contrasting background,
 - 2.3 The use of the key-operated locking device is revocable by the Fire Code Official for due cause.
3. Where egress doors are used in pairs, approved automatic flush bolts shall be permitted to be used, provided that the door leaf having the automatic flush bolts has no doorknob or surface-mounted hardware.
4. Doors from individual dwelling or sleeping units of Group R occupancies having an occupant load of 10 or less are permitted to be equipped with a night latch, dead bolt or security chain, provided such devices are openable from the inside without the use of a key or tool.

1008.1.8.4 Bolt locks. Manually operated flush bolts or surface bolts are not permitted.

Exceptions:

1. On doors not required for egress in individual dwelling units or sleeping units.

2. When a pair of doors serves a storage or equipment room, manually operated edge- or surface-mounted bolts are permitted on the inactive leaf.

1008.1.8.5 Unlatching. The unlatching of any door or leaf shall not require more than one operation.

Exceptions:

1. Places of detention or restraint.
2. Where manually operated bolt locks are permitted by Section 1008.1.8.4.
3. Doors with automatic flush bolts as permitted by Section 1008.1.8.3, Exception 3.
4. Doors from individual dwelling units and sleeping units of Group R occupancies as permitted by Section 1008.1.8.3, Exception 4.

1008.1.8.6 Delayed egress locks. Approved, listed, delayed egress locks shall be permitted to be installed on doors serving any occupancy except Group A, E and H occupancies in buildings that are equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or an approved automatic smoke or heat detection system installed in accordance with Section 907, provided that the doors unlock in accordance with Items 1 through 6 below. A building occupant shall not be required to pass through more than one door equipped with a delayed egress lock before entering an exit.

1. The doors unlock upon actuation of the automatic sprinkler system or automatic fire detection system.
2. The doors unlock upon loss of power controlling the lock or lock mechanism.
3. The door locks shall have the capability of being unlocked by a signal from the fire command center.
4. The initiation of an irreversible process which will release the latch in not more than 15 seconds when a force of not more than 15 pounds (67 N) is applied for 1 second to the release device. Initiation of the irreversible process shall activate an audible signal in the vicinity of the door. Once the door lock has been released by the application of force to the releasing device, relocking shall be by manual means only.

Exception: Where approved, a delay of not more than 30 seconds is permitted.

5. A sign shall be provided on the door located above and within 12 inches of the release device reading: PUSH UNTIL ALARM SOUNDS. DOOR CAN BE OPENED IN 15 [30] SECONDS.
6. Emergency lighting shall be provided at the door.

1008.1.8.7 Stairway doors. Interior stairway means of egress doors shall be openable from both sides without the use of a key or special knowledge or effort.

Exceptions:

1. Stairway discharge doors shall be openable from the egress side and shall only be locked from the opposite side.

2. This Section shall not apply to doors arranged in accordance with Section 403.12.
3. In stairways serving not more than four stories, doors are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side and capable of being unlocked simultaneously without unlatching upon a signal from the fire command center, if present, or a signal by emergency personnel from a single location inside the main entrance to the building.

(History: Ord. BC-2635 §38, 2007)

16.100.1019.1

Section 1019.1 of the 2006 International Building Code is hereby amended to read as follows:

1019.1 Minimum number of exits. All rooms and spaces within each story shall be provided with and have access to the minimum number of approved independent exits required by Table 1019.1 based on the occupant load of the story, except as modified in Section 1019.2. For the purposes of this chapter, occupied roofs shall be provided with exits as required for stories. The required number of exits from any story, basement or individual space shall be maintained until arrival at grade or the public way.

Table 1019.1
MINIMUM NUMBER OF EXITS FOR OCCUPANT LOAD

OCCUPANT LOAD (persons per story)	MINIMUM NUMBER OF EXITS (per story)
1-500	2
500-1000	3
More than 1,000	4

1019.1.1 Parking structures. Parking structures shall not have less than two exits from each parking tier, except that only one exit is required where vehicles are mechanically parked. Vehicle ramps shall not be considered as required exits unless pedestrian facilities are provided.

1019.1.2 Helistops. The means of egress from helistops shall comply with the provisions of this chapter, provided that landing areas located on buildings or structures shall have two or more exits. For landing platforms or roof areas less than 60 feet long, or less than 2,000 square feet in area, the second means of egress is permitted to be a fire escape or ladder leading to the floor below.

(History: Ord. BC-2635 §39, 2007)

16.100.1019.1.7

Repealed. See 16.100.1020.1.6.

(History: Ord. BC-2635 §211, 2007; BC-2459 §30, 2004; BC-2237 §1, 2001)

16.100.1020.1.6

Section 1020.1.6 of the 2006 International Building Code is hereby amended to read as follows:

1020.1.6 Stairway floor number signs. A sign shall be provided at each floor landing in interior vertical exit enclosures connecting more than three stories designating the floor level, the terminus of the top and bottom of the stair enclosure and the identification of the stair. The signage shall also state the story of, and the direction to the exit discharge and the availability of roof access from the stairway for the Fire Department. The sign shall be color coded, or have colored borders that are identified as follows: red shall be used for the primary exit enclosure with roof access, yellow for the secondary stairwell, blue for the third stairwell, white for the fourth, and green for the fifth. The sign shall be located 5 feet above the floor landing in a position which is readily visible when the doors are in the open and closed positions.
(History: Ord. BC-2635 §40, 2007)

16.100.1106.7

Repealed.

(History: Ord. BC-2459 §187, 2004; BC-2237 §1, 2001; Source or prior law: 16.04.540; BC-2013 §16, 97; BC-1824 §38, 94)

16.100.2902.1

Section 2902.1 of the 2006 International Building Code is hereby amended to read as follows:

2902.1 Minimum number of fixtures. Plumbing fixtures shall be provided for the type of occupancy and in the minimum number as shown in Table 403.1 of the 2006 International Plumbing Code. Types of occupancies not shown in Table 403.1 shall be considered individually by the Building Official. The number of occupants shall be determined by this code. Occupancy classification shall be determined in accordance with Chapter 3.
(History: Ord. BC-2635 §41, 2007)

16.100.3103.1.1

Section 3103.1.1 of the 2006 International Building Code is hereby amended to read as follows:

3103.1.1 Permit required. Temporary structures that cover an area in excess of 900 square feet, including connecting areas or spaces with a common means of egress or entrance which are used or intended to be used for the gathering together of 50 or more persons, shall not be erected, operated or maintained for any purpose without obtaining a permit from the Building Official.
(History: Ord. BC-2635 §42, 2007; BC-2459 §31, 2004; BC-2237 §1, 2001; Source or prior law: 16.04.630 (part); BC-2013 §17, 97)

16.100.3303.7

Section 3303.7 of the 2006 International Building Code is hereby added to read as follows:

3303.7 Fences. Every construction site where upon a structure or building is being demolished shall be enclosed with a barrier not less than six feet high to prevent the entry of unauthorized persons. All barriers shall be of adequate strength to resist wind pressure.

Exception: The Building Official may waive the requirement for the six foot fence for small structures that can be demolished in a short time period. Demolition debris or partially demolished structures shall always be protected.

(History: Ord. BC-2635 §43, 2007)

16.100.3400

Chapter 34 of the 2006 International Building Code is hereby deleted.

(History: Ord. BC-2635 §44, 2007)

16.100.3410.2

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §32, 2004)

[Next Page is 16-1750]

Chapter 16.105 EXISTING BUILDING CODE

16.105.100 International Existing Building Code – Incorporation.

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2006 International Existing Building Code, dated January, 2006, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190 . Not less than three (3) copies of said 2006 International Existing Building Code shall be marked Official Copy as Adopted by Ordinance No. BC-2635 to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.
(History: Ord. BC-2635 §45, 2007)

16.105.101.1

Section 101.1 of the 2006 International Existing Building Code is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the 2006 International Existing Building Code of the City of Overland Park, Kansas, hereinafter referred to as “this code.”
(History: Ord. BC-2635 §46, 2007)

16.105.101.2.1

Section 101.2.1 of the 2006 International Existing Building Code is hereby added to read as follows.

101.2.1 Administration. The administrative provisions of this code shall be those provisions contained in Overland Park Municipal Code, Chapter 16.100, Section 103 through Section 115.
(History: Ord. BC-2635 §47, 2007)

16.105.103

Sections 103 through 117 of the 2006 International Existing Building Code are hereby deleted.
(History: Ord. BC-2635 §48, 2007)

[Next Page is 16-1800]

Chapter 16.110
RESIDENTIAL CODE FOR ONE- & TWO-FAMILY DWELLINGS

16.110.100 Residential Code for One- & Two-Family Dwellings – Incorporation.

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2006 International Residential Code for One- and Two-Family Dwellings, dated February, 2006, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190 . Not less than three (3) copies of said 2006 International Residential Code for One- and Two-Family Dwellings shall be marked Official Copy as Adopted by Ordinance No. BC-2635 to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient. (History: Ord. BC-2635 §49, 2007; BC-2459 §33, 2004; BC-2237 §2, 2001)

16.110.101.1

Section R101.1 of the 2006 International Residential Code for One- and Two-family dwelling is hereby amended to read as follows:

R101.1 Title. These provisions shall be known as the Residential Code for One-and Two-family Dwellings of the City of Overland Park, Kansas, and shall be cited as such and will be referred to herein as “this code.”

(History: Ord. BC-2635 §50, 2007)

16.110.101.2

Section R101.2 of the 2006 International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

R101.2 Scope. The provisions of the 2006 International Residential Code for One- and Two-Family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above-grade in height with a separate means of egress and their accessory structures.

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R101.2.1 Administration. The administrative provisions of this code shall be those provisions contained in Overland Park Municipal Code, Chapter 16.100, Section 103 through Section 115.

(History: Ord. BC-2635 §51, 2007; BC-2459 §34, 2004)

16.110.102.5.1

Section R102.5.1 of the 2006 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R102.5.1 Appendices adopted. The following appendices are adopted as part of the code:

1. Appendix E – Manufactured Housing Used as Dwellings.
2. Appendix G – Swimming Pools Spas and Hot Tubs.
3. Appendix H – Patio Covers.
4. Appendix I – Private Sewage Disposal.
5. Appendix K – Sound Transmission.

(History: Ord. BC-2635 §52, 2007; BC-2459 §35, 2004; BC-2237 §2, 2001)

16.110.103

Sections R103 through R114 of the 2006 International Residential Code for One- and Two-Family Dwellings are hereby deleted.

(History: Ord. BC-2635 §53, 2007; BC-2459 §36, 2004; BC-2237 §2, 2001)

16.110.120

Section R120 of the 2006 International Residential Code is hereby added to read as follows:

R120 Disclosure requirements.

Before the purchaser is obligated under any contract to purchase covered housing, the seller shall provide the purchaser with a Residential Home Buyer Notice and Disclosure in a form approved by the Director of Planning and Development Services.

That form shall substantially contain, without being limited to, the following information or future modifications thereof:

1. That the City of Overland Park has adopted a comprehensive Master Plan (Future Development Plan Map, Official Street Map, and Greenway Linkage Map) of the City of Overland Park, Kansas.
2. That the Master Plan (including the Future Development Plan Map) is a composite of mapped and written materials which together serve as a master plan and guide for the future physical development of Overland Park and comprises land use, traffic circulation, planning objectives, policies, standards and principles. Although the Master Plan serves as a current expression of the Governing Body, the Governing Body may approve land use applications which deviate from the Master Plan after public hearing.

3. That copies of the Master Plan are available in the Planning and Development Services Department at City Hall for a nominal cost. The Master Plan contains information about projected planned land uses, existing zoning districts, the location of bike/hike trails, existing and future streets, and private streets.
4. That the City of Overland Park has adopted an Official Building Code (O.P.M.C. Section 16.100.100, the 2006 International Building Code, which includes the 2006 International Residential Code) covering the construction of one- and two-family residential structures. The purpose of the Official Building Code is to provide minimum requirements to safeguard health, safety, and public welfare and the protection of property by regulating and controlling the design and construction of one- and two-family residential structures. The builder is responsible for compliance with the Official Building Code.
5. That the City of Overland Park provides a program of required inspections of one- and two-family dwelling structures on a regularly scheduled basis during construction. That these inspections are conducted to review the construction compliance with adopted minimum life safety codes and are not intended to serve as a quality assurance program or to protect the consumer from poor workmanship. Further, that due to the extensive nature of all the adopted codes, which regulate the built environment in Overland Park, it is an unreasonable expectation that the City of Overland Park will review all aspects of construction regulated by the adopted Building Codes. Ultimately, compliance is the responsibility of the contractor and/or permit applicant.
6. That a compilation of information, including the Future Development Plan Map, Official Street Map, Greenway Linkage Map, Minimum Standards for Residential Basement Foundations, and other publications prepared by the City of Overland Park, is available for purchase at City Hall for a nominal cost.
7. That Purchasers of covered housing have a responsibility to:
 - a) Obtain and examine the compilation of information available from the City, including the Master Plan, and be familiar with the relevant information contained therein, including the proposed future development of the surrounding neighborhood.
 - b) Reasonably inspect and examine the covered housing and the various separate components thereof to evaluate the general condition and quality of construction, and to take reasonable action to determine if the covered housing has been constructed in substantial compliance with the Official Building Code; provided, however, that any such duties of the purchasers do not, in any manner, relieve the builder of primary responsibility.
 - c) Make reasonable inquiry into the builder's reputation in the community for quality construction and customer service.
 - d) Review the real estate records to determine the existence of recorded deed restrictions and covenants, notices of current or future tax assessments, and other matters which might impact or affect the covered housing and adjacent property.

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For the purposes of this Section, "covered housing" shall mean real property on which there is situated a newly constructed single-family or duplex residential dwelling, used or occupied, or intended to be used or occupied in whole or in part, as the home or residence of the purchaser and not previously occupied pursuant to a Certificate of Occupancy; "seller" means any entity that transfers legal title to covered housing, in whole or in part, in return for consideration including, but not limited to, individuals, partnerships, corporations, and trusts.

The seller is required to obtain and preserve for not less than three (3) years a written acknowledgment of receipt of the required information.

This requirement is not intended to invalidate any contracts to purchase covered housing executed in violation of this ordinance or to otherwise affect a seller's or purchaser's rights under the law. Any person who knowingly fails to comply with any provision of this ordinance shall be subject to monetary penalties in accordance with the provisions of O.P.M.C. Section 1.12.010.

(History: Ord. BC-2635 §54, 2007; BC-2459 §37, 2004; BC-2237 §2, 2001; Source or prior law: Chapter 16.28; BC-1999 §1, 96)

16.110.301

Repealed. See 16.110.301.2(1).

(History: Ord. BC-2459 §187, 2004; BC-2237 §2, 2001; Source or prior law: 16.05.120; BC-2013 §20, 97)

16.110.301.2(1)

Table No. R301.2(1) of Section 301 of the 2006 International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

**TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

ROOF SNOW LOAD (PSF)	WIND SPEED ^c (MPH)	CONDITION BY ZONE 9 ^e	SUBJECT TO DAMAGE FROM				WINTER DESIGN TEMPERATURE FOR HEATING FACILITIES ⁱ	ICE SHIELD UNDER-LAYMENT REQUIRED ⁱ	FLOOD HAZARDS ^h	AIR FREEZING INDEX ^j	MEAN ANNUAL TEMPERATURE ^k
			Weathering ^a	Frost line depth ^b	Termite ^c	Decay ^d					
20	90	A	Severe	36"	Moderate-Heavy	Slight-Moderate	6° F	No	6/17/2002	1000	54.7° F

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.

- c. The jurisdiction shall fill in this part of the table with "very heavy," "moderate to heavy," "slight to moderate," or "none to slight" in accordance with Figure R301.2(6) depending on whether there has been a history of local damage.
- d. The jurisdiction shall fill in this part of the table with "moderate to severe" "slight to moderate," or "none to slight" in accordance with Figure R301.2(7) depending on whether there has been a history of local damage.
- e. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- f. The outdoor design dry-bulb temperature shall be selected from the columns of 97 ½-percent values for winter from Appendix D of the 2006 International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local weather experience as determined by the Building Official.
- g. The jurisdiction shall fill in this part of the table with the Seismic Design Category determined from Section R301.2.2.1.
- h. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the currently effective FIRM and FBFM, or other flood hazard map adopted by the community, as may be amended.
- i. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, for areas where the average daily temperature in January is 25° F (-4°C) or less, or where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."
- j. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.
- k. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32° Fahrenheit)" at www.ncdc.noaa.gov/fpsf.html.

(History: Ord. BC-2635 §55, 2007; BC-2459 §38, 2004; BC-2237 §2, 2001; Source or prior law: 16.05.120; BC-2013 §20, 97)

16.110.301.5

Table R301.5 of the 2006 International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

**Table R301.5
MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS
(in pounds per square foot)**

USE	LIVE LOAD
Attics with limited storage ^{b,g,h}	20
Attics without storage ^b	10
Decks ^c	40
Exterior Balconies	60
Fire Escapes	40
Guardrails and handrails ^d	200 ⁱ
Guardrails in-fill components ⁱ	50 ⁱ
Passenger vehicle garages ^a	50 ^a
Rooms other than sleeping rooms	40
Sleeping rooms	30
Stairs	40 ^c

For SI: 1 pound per square foot = 0.0479kPa, 1 square inch = 645 mm², 1 pound = 4.45 N.

- a. Elevated garage floors shall be capable of supporting a 2,000-pound load applied over a 20 square-inch area.
- b. Attics without storage are those attic areas that are not accessed by a pull-down stair, or a scuttle with a dimension of less than or equal to 30 inches high by 24 inches wide.

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- c. Individual stair treads shall be designed for the uniformly distributed live load or a 300 pound concentrated load acting over an area of 4 square inches, whichever produces the greater stresses.
- d. A single concentrated load applied in any direction at any point along the top.
- e. See Section R502.2.1 for decks attached to exterior walls.
- f. Guard in-fill components (all those except the handrail), balusters and panel fillers shall be designed to withstand a horizontally applied normal load of 50 pounds on an area equal to 1 square foot. This load need not be assumed to act concurrently with any other live load requirement.
- g. For attics with limited storage and constructed with trusses, this live load need be applied only to those portions of the bottom chord where there are two or more adjacent trusses with the same web configuration capable of containing a rectangle 42 inches high or greater by 2 feet wide or greater, located within the plane of the truss. The rectangle shall fit between the top of the bottom chord and the bottom of any other truss member.
- h. Attic spaces served by a fixed stair shall be designed to support the minimum live load specified for sleeping rooms.
- i. Glazing used in handrail assemblies and guards shall be designed with a safety factor of 4. The safety factor shall be applied to each of the concentrated loads applied to the top of the rail, and to the load on the in-fill components. These loads shall be determined independent of one another, and loads are assumed not to occur with any other live load.

(History: Ord. BC-2635 §56, 2007)

16.110.301.8

Repealed.

(History: Ord. BC-2459 §187, 2004; BC-2237 §2, 2001; Source or prior law: 16.05.175 (part); BC-2013 §26, 97)

16.110.306.5

Section R306.5 of the 2006 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R306.5 New single-family dwellings toilet facilities. Toilet facilities shall be provided within 500 feet (measured from the property line adjacent to the street for platted subdivisions along the public way) for all new single-family dwellings starting from the time of the first footing inspection until facilities are available in the dwelling. If the facilities are not located on the job site, the location of the required facilities shall be posted on the job site or other certification provided to the Building Official to verify the availability of toilet facilities. The facilities on the site shall be removed prior to issuance of a Temporary Certificate of Occupancy.

(History: Ord. BC-2635 §57, 2007; BC-2459 §39, 2004; BC-2237 §2, 2001; Source or prior law: 16.08.170; BC-2013 §41, 97)

16.110.309.6

Repealed. See 16.110.309.7.

(History: Ord. BC-2459 §187, 2004; BC-2237 §2, 2001; Source or prior law: 16.05.130; BC-2013 §21, 97)

16.110.309.7

Section R309.7 of the 2006 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R309.7 Residential driveways. Residential concrete and asphalt driveway slabs shall be a minimum of 4-inches thick. The driveway shall have a constant slope so as to avoid ponding of water. The slope shall be away from the house or building or drain by means approved by the Building Official.

(History: Ord. BC-2635 §58, 2007; BC-2459 §40, 2004; BC-2237 §2, 2001; Source or prior law: 16.05.130; BC-2013 §21, 97)

16.110.310.1

Section R310.1 of the 2006 International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

R310.1 Emergency escape and rescue required. Basements and every sleeping room shall have at least one operable emergency escape and rescue opening. Such opening shall open directly into a public street, public alley, yard or court. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Where emergency escape and rescue openings are provided as a means of escape and rescue they shall have a sill height of not more than 44 inches above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this Section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Escape and rescue window openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2.

Exceptions:

1. Dwellings for which the building permit for the initial construction of that dwelling was issued prior to January 1, 2001, are exempt from the above requirement for subsequent basement remodels; provided, however, that exemption shall only apply if the basement has not been expanded subsequent to January 1, 2001, or that basement does not at any time contain any sleeping areas; conversion of any habitable area to a sleeping area at any time will trigger the emergency escape and rescue requirements set forth above. All currently existing openings that provide for emergency escape and rescue, regardless of whether or not they comply with the above escape and rescue requirements, cannot be removed or altered without bringing the basement into full compliance with the minimum requirements of this Section, regardless of when building permits for the dwelling were issued.
2. Basements used only to house mechanical equipment and not exceeding total floor area of 200 square feet.

R310.1.1 Minimum opening area. All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet.

Exception: Grade floor openings shall have a minimum net clear opening of 5 square feet.

R310.1.2 Minimum opening height. The minimum net clear opening height shall be 24 inches.

R310.1.3 Minimum opening width. The minimum net clear opening width shall be 20 inches.

R310.1.4 Operational constraints. Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys, tools or special knowledge.

(History: Ord. BC-2635 §59, 2007; BC-2459 §41, 2004; BC-2341 §1, 2002)

16.110.315.1

Repealed.

(History: Ord. BC-2459 §187, 2004; BC-2237 §2, 2001)

16.110.321.1

Section R321.1 of the 2006 International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

R321.1 Premises identification. Approved numbers or addresses shall be provided for all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property and located not more than 50 feet from the property line. Address characters shall have a contrasting background and have a minimum height of 4 inches in Use Groups R-3 and R-4; 6 inches in Use Group R-3 Child Care Facilities.

(History: Ord. BC-2635 §60, 2007; BC-2459 §42, 2004; BC-2237 §2, 2001; Source or prior law: 16.14.320 (part); BC-2013 §83, 97; BC-1824 §129, 94; 16.05.177.500 (part); BC-2143 §20, 98)

16.110.321.2

Section R321.2 of the 2006 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R321.2 Illumination. Single family dwellings shall have the ability to illuminate the address and numbers during the hours of darkness with a power source connected to the house electrical system or other approved source of illumination.

(History: Ord. BC-2635 §61, 2007; BC-2459 §43, 2004; BC-2237 §2, 2001; Source or prior law: 16.05.177.500 (part); BC-2143 §20, 98)

16.110.325.1

Repealed. See 16.110.321.1.

(History: Ord. BC-2459 §187, 2004; BC-2237 §2, 2001; Source or prior law: 16.14.320 (part); BC-2013 §83, 97; BC-1824 §129, 94; 16.05.177.500 (part); BC-2143 §20, 98)

16.110.325.2

Repealed. See 16.110.321.2.

(History: Ord. BC-2459 §187, 2004; BC-2237 §2, 2001; Source or prior law: 16.05.177.500 (part); BC-2143 §20, 98)

16.110.328

Section R328 of the 2006 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

**SECTION R328
PHYSICAL SECURITY**

R328.1 Purpose. The purpose of this Section is to establish minimum standards that incorporate physical security to make dwelling units resistant to unlawful entry.

R328.1.1 Scope. The provisions of this Section shall apply to all new structures and to additions and alterations made to existing buildings.

R328.2 Doors. Except for vehicular access doors, all exterior swinging doors of residential buildings and attached garages, including the doors leading from the garage area into the dwelling unit, shall comply with Sections R328.2.1 through R328.2.5 for the type of door installed.

R328.2.1 Wood doors. Where installed, exterior wood doors shall be of solid core construction such as high-density particleboard, solid wood, or wood block core with a minimum thickness of one and three-fourths inches (1 3/4") at any point. Doors with panel inserts shall be solid wood. The panels shall be a minimum of one inch (1") thick. The tapered portion of the panel that inserts into the groove of the door shall be a minimum of one-quarter inch (1/4") thick. The groove shall be a dado groove or applied molding construction. The groove shall be a minimum of one-half inch (1/2") in depth.

R328.2.2 Steel doors. Where installed, exterior steel doors shall be a minimum thickness of 24 gauge.

R328.2.3 Fiberglass doors. Fiberglass doors shall have a minimum skin thickness of one-sixteenth inch (1/16") and have reinforcement material at the location of the deadbolt.

R328.2.4 Double doors. Where installed, the inactive leaf of an exterior double door shall be provided with flush bolts having an engagement of not less than one inch into the head and threshold of the doorframe.

R328.2.5 Sliding doors. Where installed, exterior sliding doors shall comply with all of the following requirements:

- A. Sliding door assemblies shall be installed to prevent the removal of the panels and the glazing from the exterior with the installation of shims or screws in the upper track.
- B. All sliding glass doors shall be equipped with a secondary locking device consisting of a metal pin or a surface mounted bolt assembly. Metal pins shall be installed at the intersection of the inner and outer panels of the inside door and shall not penetrate the frame's exterior surface. The surface mounted bolt assembly shall be installed at the base of the door.

R328.3 Door frames. The exterior door frames shall be installed prior to a rough-in inspection. Door frames shall comply with Sections R328.3.1 through R328.3.3 for the type of assembly installed.

R328.3.1 Wood frames. Wood door frames shall comply with all of the following requirements:

- A. All exterior door frames shall be set in frame openings constructed of double studding or equivalent construction, including garage doors, but excluding overhead doors. Door frames, including those with sidelights shall be reinforced in accordance with ASTM F476-84 Grade 40.
- B. In wood framing, horizontal blocking shall be placed between studs at the door lock height for three (3) stud spaces or equivalent bracing on each side of the door opening.

R328.3.2 Steel frames. All exterior door frames shall be constructed of 18 gauge or heavier steel, and reinforced at the hinges and strikes. All steel frames shall be anchored to the wall in accordance with manufacturer specifications. Supporting wall structures shall consist of double studding or framing of equivalent strength. Frames shall be installed to eliminate tolerances inside the rough opening.

R328.3.3 Door jambs.

- A. Door jambs shall be installed with solid backing in a manner so no void exists between the strike side of the jamb and the frame opening for a vertical distance of twelve inches (12") each side of the strike. Filler material shall consist of a solid wood block.
- B. Door stops on wooden jambs for in-swinging doors shall be of one-piece construction. Jambs for all doors shall be constructed or protected so as to prevent violation of the strike.

R328.4 Door hardware. Exterior door hardware shall comply with Sections R328.4.1 through R328.4.6.

R328.4.1 Hinges. Hinges for exterior swinging doors shall comply with the following:

- A. At least two (2) screws, three inches (3") in length, penetrating at least one inch (1") into wall structure shall be used. Solid wood fillers or shims shall be used to eliminate any space between the wall structure and door frame behind each hinge.
- B. Hinges for out-swinging doors shall be equipped with mechanical interlock to preclude the removal of the door from the exterior.

R328.4.2 Strike plates. Exterior door strike plates shall be a minimum of 18 gauge metal with four offset screw holes. Strike plates shall be attached to wood with not less than three inch (3") screws, which shall have a minimum of one inch (1") penetration into the nearest stud. Note: For side lighted units, refer to Section R328.4.6.

R328.4.3 Escutcheon plates. All exterior doors shall have escutcheon plates or wrap-around door channels installed around the lock protecting the door's edge.

R328.4.4 Locks. Exterior doors shall be provided with a locking device complying with one of the following:

Single Cylinder Deadbolt shall have a minimum projection of one inch (1"). The deadbolt shall penetrate at least three-fourths inch (3/4") into the strike receiving the projected bolt. The cylinder shall have a twist-resistant, tapered hardened steel cylinder guard. The cylinder shall have a minimum of five (5) pin tumblers, shall be connected to the inner portion of the lock by solid metal connecting screws at least one-fourth inch (1/4") in diameter and two and one-fourth inches (2-1/4") in length. Bolt assembly (bolt housing) unit shall be of single piece construction. All deadbolts shall meet ANSI grade 2 specifications.

R328.4.5 Entry vision and glazing. All main or front entry doors to dwelling units shall be arranged so that the occupant has a view of the area immediately outside the door without opening the door. The view may be provided by a door viewer having a field of view of not less than 180 degrees through windows or through view ports.

R328.4.6 Side lighted entry doors. Side light door units shall have framing of double stud construction or equivalent construction complying with Sections R328.3.1, R328.3.2 and R328.3.3. The doorframe that separates the door opening from the side light, whether on the latch side or the hinge side, shall be double stud construction or equivalent construction complying with Sections R328.3.1 and R328.3.2. Double stud construction or construction of equivalent strength shall exist between the glazing unit of the side light and wall structure of the dwelling.

R328.5 Street numbers. Street numbers shall comply with Section R321.1.

R328.6 Exterior Lighting. Exterior lighting shall comply with Sections R328.6.1 through R328.6.2.

R328.6.1 Front and street side exterior lighting. All front and street side door entrances should be protected with a minimum of one light outlet having a minimum of sixty (60) watts of lighting (or energy efficient equivalent), installed so that the light source is not readily accessible.

R328.6.2 Rear exterior lighting. Homes with windows or doors near ground level below eight feet (8') on the rear side of the house shall be equipped with a minimum of one light outlet having 100 watt lighting (or energy efficient equivalent) and shall be of the flood light type. Those fixtures placed below eight feet (8') shall be fixtures manufactured such that the light source is not readily accessible.

R328.7 Alternate materials and methods of construction. The provisions of this Section are not intended to prevent the use of any material or method of construction not specifically prescribed by this Section, provided any such alternate has been approved by the enforcing authority, nor is it the intention of this Section to exclude any sound method of structural design or analysis not specifically provided for in this Section. The materials, methods of construction, and structural design limitations provided for in this Section shall be used, unless the enforcing authority grants an exception.

The enforcing authority is authorized to approve any such alternate provided they find the proposed design, materials, and methods of work to be at least equivalent to those prescribed in this Section in quality, strength, effectiveness, burglary resistance, durability, and safety. (History: Ord. BC-2635 §62, 2007; BC-2459 §44, 2004; BC-2318 §1, 2001; BC-2237 §2, 2001; Source or prior law: 16.05.177.100; BC-2143 §1, 98; 16.05.177.110; BC-2143 §2, 98; 16.05.177.200; BC-2143 §3, 98; 16.05.177.210; BC-2143 §4, 98; 16.05.177.220; BC-2143 §5, 98; 16.05.177.230; BC-2143 §6, 98; 16.05.177.240 (part); BC-2143 §7, 98; 16.05.177.250; BC-2143 §8, 98; 16.05.177.300; BC-2143 §9, 98; 16.05.177.310 (part); BC-2143 §10, 98; 16.05.177.320; BC-2143 §11, 98; 16.05.177.330; BC-2143 §12, 98; 16.05.177.400; BC-2143 §13, 98; 16.05.177.410; BC-2143 §14, 98; 16.05.177.420; BC-2143 §15, 98; 16.05.177.430 (part); BC-2143 §16, 98; 16.05.177.440 (part); BC-2143 §17, 98; 16.05.177.450; BC-2143 §18, 98; 16.05.177.460; BC-2143 §19, 98; 16.05.177.500; BC-2143 §20, 98; 16.05.177.610; BC-2143 §21, 98; 16.05.177.620; BC-2143 §22, 98; 16.05.177.800; BC-2143 §23, 98)

16.110.401.4.2

Repealed.

(History: Ord. BC-2459 §187, 2004; BC-2237 §2, 2001)

16.110.403.1.1.1

Section R403.1.1.1 of the 2006 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R403.1.1.1 Continuous footing reinforcement. Continuous footings for basement foundation walls shall have minimum reinforcement consisting of not less than two No. 4 bars, uniformly spaced, located a minimum 3 inches (3”) clear from the bottom of the footing.
(History: Ord. BC-2635 §63, 2007; BC-2459 §45, 2004; BC-2237 §2, 2001)

16.110.403.1.1.2

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §46, 2004; BC-2237 §2, 2001)

16.110.403.1.6.2

Section R403.1.6.2 of the 2006 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R403.1.6.2 Foundation anchorage – basement walls. The spacing of anchor bolts or foundation anchor straps required by Section R403.1.6 shall be reduced to a maximum of 3 feet (3’) on center for basement foundation walls.
(History: Ord. BC-2635 §64, 2007; BC-2459 §47, 2004; BC-2237 §2, 2001)

16.110.404.1.3

Section R404.1.3 of the 2006 International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

R404.1.3 Design required. A design in accordance with accepted engineering practice shall be provided for concrete or masonry foundation walls when any of the conditions listed below exist. Where applicable, a standard design approved by the City may be used in lieu of a design from the design professional. For new single family dwellings where standard designs approved by the City are used, the design professional sealing the plans shall specify the use of those designs on the approved plans or through a separate report.

1. Walls are subject to hydrostatic pressure from ground water.
2. Walls supporting more than 48 inches (48”) of unbalanced backfill that do not have permanent lateral support at the top and bottom.
3. Sites containing CH, MH, OL, or OH soils as identified in Table R405.1
4. Foundation walls exceeding ten feet (10’) in height, measured from the top of the wall to the bottom of the slab.
5. Lots identified on the subdivision grading plan as having more than six feet (6’) of fill or having a finished slope steeper than 4 horizontal to 1 vertical before grading.
6. Footings and foundations with existing fill soils below the footing level.

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7. Sloping lots steeper than 4 to 1 before grading.
8. Lots where some footings will bear on soil and others will bear on rock.
9. Areas where problems have historically occurred.
10. Stepped footing and foundation walls.

(History: Ord. BC-2635 §65, 2007; BC-2459 §48, 2004; BC-2237 §2, 2001)

16.110.506.2.4

Repealed. See 16.110.506.2.6.

(History: Ord. BC-2635 §211, 2007; BC-2459 §49, 2004; BC-2237 §2, 2001)

16.110.506.2.5

Section 506.2.5 of the 2006 International Residential Code for One- and Two-Family dwellings is hereby added to read as follows.

R506.2.5 Design required. A design in accordance with accepted engineering practice shall be provided for concrete floors when the limitations for fill material set forth in Section R506.2.1 are exceeded. Where applicable, a standard design approved by the City may be used in lieu of a design from the design professional.

(History: Ord. BC-2635 §66, 2007)

16.110.506.2.6

Section R506.2.6 of the 2006 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R506.2.6 Basement floor slab isolation. Basement floor slabs shall be isolated from column pads, interior columns and interior bearing walls to facilitate differential movement. Nonbearing walls supported on basement floor slabs shall be provided with a minimum one inch (1") expansion joint to facilitate differential movement between the floor slab and the floor framing above. Isolation and/or an expansion joint is not required within six inches (6") of the exterior walls.

(History: Ord. BC-2635 §67, 2007)

16.110.602.10.5.1

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §50, 2004)

16.110.703.6

Repealed

(History: Ord. BC-2635 §211, 2007; BC-2459 §51, 2004)

16.110.703.6.2.2

Repealed. See 16.110.703.6.3.

(History: Ord. BC-2635 §211, 2007; BC-2459 §52, 2004)

16.110.703.6.3

Section R703.6.3 of the 2006 International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows.

R703.6.3 Water-resistive barrier. One layer of No. 15 asphalt felt, free from holes and breaks, complying with ASTM D226 for Type 1 felt or other approved water-resistive barrier where applied over studs or sheathing of all exterior walls. Such felt or material shall be applied horizontally, with the upper layer lapped over the lower layer not less than 2 inches. Where joints occur, felt shall be lapped not less than 6 inches. The felt or other approved material shall be continuous to the top of walls and terminated at penetrations and building appendages in a manner to meet the requirements of the exterior wall envelope as described in Section R703.1.

Exceptions: Omission of the water-resistive barrier is permitted in the following situations:

1. In detached accessory buildings.
2. Under exterior wall finish materials as permitted in Table R703.4.

(History: Ord. BC-2635 §68, 2007)

16.110.801.3

Section R801.3 of the 2006 International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

R801.3 Roof drainage. In areas where expansive or collapsible soils are known to exist, all dwellings shall have a controlled method of water disposal from roofs that will collect and discharge all roof drainage to the ground surface at least 3 feet from foundation walls or to an approved drainage system.

(History: Ord. BC-2635 §69, 2007; BC-2459 §53, 2004; BC-2237 §2, 2001)

16.110.901.2

Section R901.2 of the 2006 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R901.2 Legislative findings. The Governing Body hereby makes the following legislative findings:

1. The use of wood shingle, wood shake shingle, or other roofing materials less than Class C rated present a substantial threat to the public safety from the increased risk of fire and the potential for, under certain conditions, the spreading of fire to neighboring property, thereby placing lives and property at increased risk of harm.
2. A substantial number of subdivisions presently exist in the City that have homes with untreated and un-rated wood shingle, wood shake shingle, or other roofing materials, and many of those subdivisions have covenants, conditions or restrictions (hereinafter "restrictive covenants") that require the use of wood shingle or wood shake shingle roofing materials for re-roofing existing homes.

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3. While these restrictive covenants may permit the use of tile or slate materials in lieu of wood, use of these materials for re-roofing is generally not feasible for a roof support system originally constructed to accommodate wood.
4. Although treated wood shingles and wood shake shingles that meet the Class C rating requirements may be currently available, the long term benefit of such treatment is uncertain, that treatment may render the shingles more susceptible to hail damage and such materials cost substantially more than many other Class C or better roofing materials.
5. The use of wood shingle or wood shake shingle roofing materials throughout a subdivision is believed by some residents to preserve property values and to be aesthetically pleasing.
6. In most instances restrictive covenants requiring the use of such roofing materials were imposed by the developer of a subdivision and the residents who currently occupy these subdivisions have never had the opportunity to balance the risks and benefits of the required uses of such materials in their personal residences or their subdivisions, and to make their own informed judgment on such required use. In fact, many of these residents have not reviewed the restrictive covenants prior to acquiring the real estate, and the only notice an owner may receive of the existence of such covenants is an oblique reference in a title insurance commitment.
7. In most instances amendment of these restrictive covenants, through the process established by the subdivision documents, to allow the use of all Class C rated or better materials may require following complex procedures and the agreement of a super-majority of the residents of a subdivision, thereby presenting serious practical difficulties and obstacles in the way of accomplishing such amendments. Further, certain procedural obstacles concerning how often restrictive covenants can be amended might prevent a home association from adopting appropriate aesthetic regulations to govern the use of the alternate roofing materials allowed by this ordinance in a timely fashion to allow them to be in effect on April 24, 2000, the effective date of this ordinance, thereby requiring the Governing Body to modify such procedural requirements to allow such timely action to take place.
8. In deciding issues that have a direct and immediate effect on the lives, quality of living and property values of the residents of a subdivision, and issues that have serious public safety impacts on the subdivision and the entire community, it is in the democratic tradition of this county to allow the residents of each local subdivision to make an informed decision on balancing the risks and benefits of various types of roofing materials.
9. The Governing Body believes that, when offered the opportunity to make an informed decision on this issue, a substantial number of residents throughout the City will decide to discontinue using wood shingle and wood shake shingle roofing materials, thereby significantly increasing the number of homes in the community that utilize alternative roofing materials that better protect the lives throughout the entire City.

(History: Ord. BC-2635 §70, 2007; BC-2459 §54, 2004; BC-2237 §2, 2001; Source or prior law: 16.30.010; BC-2167 §1, 2000)

16.110.901.3

Section R901.3 of the 2006 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R901.3 Restrictive covenants. It shall be unlawful for any individual or organization to establish or enforce restrictive covenants which prohibit or effectively prevent the owner of a residential dwelling from using any of the following types of shingles for roof covering materials allowed by this code: wood shingle or wood shake, composite, slate, tile, clay or concrete. Nothing in this ordinance shall prohibit a homes association, if it determines to do so, from adopting restrictive covenants or otherwise governing the use of such roofing materials only to the extent of regulating the colors, styles or dimensions of roofing materials, or other aesthetic factors. Notwithstanding any existing procedural provisions governing the time period for consideration of amendments of restrictive covenants by home associations to the contrary, a home association, if it determines to do so, may amend their restrictive covenants to provide for such aesthetic regulations for a period of 180 days from and after April 24, 2000. Any such amendments after that 180 day period of time shall be subject to any procedural requirements set forth in such covenants.

(History: Ord. BC-2635 §71, 2007; BC-2459 §55, 2004; BC-2237 §2, 2001; Source or prior law: 16.30.020; BC-2167 §1, 2000)

16.110.907.3

Section 907.3 of the 2006 International Residential Code for One- and Two-family Dwellings is hereby amended to read as follows:

R907.3 Re-covering versus replacement. New roof coverings shall not be installed without first removing existing roof coverings where any of the following conditions occur:

1. Where the existing roof or roof covering is water-soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.
2. Where the existing roof covering is wood shake, slate, clay, cement or asbestos-cement tile.
3. Where the existing roof has two or more applications of any type of roof covering.
4. For asphalt shingles, when the building is located in an area subject to severe hail exposure according to Figure R903.5.

Exceptions:

1. Complete and separate roofing systems, such as standing-seam metal roof systems, that are designed to transmit the roof loads directly to the building's structural system and that do not rely on existing roofs and roof coverings for support, shall not require the removal of existing roof coverings.
2. Installation of metal panel, metal shingle, and concrete and clay tile roof coverings over existing wood shake roofs shall be permitted when the application is in accordance with Section R907.4.
3. The application of new protective coating over existing spray polyurethane foam roofing systems shall be permitted without tear-off of existing roof coverings.

(History: Ord. BC-2635 §72, 2007)

16.110.1101.2

Section N1101.2 of the 2006 International Residential Code is hereby amended to read as follows:

N1101.2 Compliance. Compliance with this Chapter shall be demonstrated by either meeting the requirements of the 2006 International Energy Conservation Code or meeting the requirements of this chapter. Climate zones from Figure N1101.2 or Table N1101.2 shall be used in determining the applicable requirements from this chapter. Compliance with this chapter may also be demonstrated by submitting verification the home has a Home Energy Rating score of 80 or above. The home energy rating shall be performed in accordance with the Mortgage Industry national home Energy Rating System Accreditation Standard by a rater certified and listed by the Residential Energy Services Network (RESNET), based on the Model Energy code, (1993 version or later), has been achieved. The qualifications of the home energy rater shall be approved by the Building Official prior to submittal of the Home Energy Rating verification. Approval from the Building Official to utilize the Home Energy Rating as a means of demonstrating compliance with this chapter shall be obtained at the time the building permit is issued. The Building Official is authorized to approve other equivalent forms of compliance with this chapter.

N1101.2.1 Warm humid counties. Warm humid counties are listed in Table N1101.2.1. (History: Ord. BC-2635 §73, 2007; BC-2459 §56, 2004)

16.110.1102.1

Repealed. See 16.110.1102.2.6 (part).

(History: Ord. BC-2635 §211, 2007; BC-2459 §57, 2004; BC-2237 §2, 2001; Source or prior law: 16.06.160; BC-2013 §32, 97)

16.110.1102.1.5.1

Repealed. See 16.110.1102.1.

(History: Ord. BC-2459 §187, 2004; BC-2237 §2, 2001; Source or prior law: 16.06.160; BC-2013 §32, 97)

16.110.1102.2.6

Section N1102.2.6 of the 2006 International Residential Code is hereby amended to read as follows:

N1102.2.6 Basement walls. Exterior walls associated with conditioned basements shall be insulated from the top of the basement wall down to 10 feet below grade or to the basement floor, whichever is less. Walls associated with unconditioned basements shall meet this requirement unless the floor overhead is insulated in accordance with Sections N1102.1 and N1102.2.5.

Exception: Exterior basement walls made of concrete or masonry are not required to be insulated when such walls are not adjacent to finished space and are more than 50 percent below grade. Exterior basement walls made of concrete and masonry shall be insulated whenever the adjacent interior space is finished.

(History: Ord. BC-2635 §74, 2007)

16.110.3103.1

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §58, 2004; BC-2237 §2, 2001)

16.110.3802.11

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §59, 2004)

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Chapter 16.120 FIRE CODE

16.120.100 Fire Code -- Incorporation.

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2006 International Fire Code, dated January, 2006 as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said 2006 International Fire Code shall be marked Official Copy as Adopted by Ordinance No. BC-2635, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

(History: Ord. BC-2635 §75, 2007; BC-2459 §60, 2004; BC-2237 §3, 2001)

16.120.101.2

Section 101.2 of the 2006 International Fire Code is hereby amended to read as follows:

101.2 Scope. This code establishes regulations affecting or relating to structures, processes, premises and safeguards regarding:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices;
2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises;
3. Fire hazards in the structure or on the premises from occupancy or operation;
4. Matters related to the construction, extension or repair of various building systems or components.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

101.2.1.1 Appendices adopted. The following appendices are adopted as part of this code:

Appendix B – Fire Flow Requirements for Buildings.

Appendix C – Fire Hydrant Locations and Distribution.

Appendix D – Fire Apparatus Access Roads.

(History: Ord. BC-2635 §76, 2007; BC-2459 §61, 2004; BC-2237 §3, 2001)

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16.120.101.2.1.1

Repealed. See 16.120.101.2.

(History: Ord. BC-2459 §187, 2004; BC-2237 §3, 2001)

16.120.101.6

Repealed.

(History: Ord. BC-2459 §187, 2004; BC-2237 §3, 2001; Source or prior law: 16.14.210; BC-2013 §77, 97; BC-1824 §116, 94)

16.120.102.6

Section 102.6 of the 2006 International Fire Code is hereby amended to read as follows:

102.6 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 45 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

102.6.1 Electrical Code. The ICC Electrical Code referenced in Chapter 45 has been deleted and replaced with NFPA-70 (National Electrical Code). Wherever the term ICC Electrical Code has been used in this code it shall be used synonymously with the term “NFPA-70” listed in Chapter 45.

(History: Ord. BC-2635 §77, 2007; BC-2459 §62, 2004; BC-2237 §3, 2001)

16.120.102.6.1

Repealed. See 16.120.102.6.

(History: Ord. BC-2459 §187, 2004; BC-2237 §3, 2001)

16.120.103

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §63, 2004; BC-2237 §3, 2001; Source or prior law: 16.14.211; BC-2013 §78, 97)

16.120.104.1

Section 104.1 of the 2006 International Fire Code is hereby amended to read as follows:

104.1 General. The Fire Code Official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in this code.

When in the enforcement of this code, the Fire Code Official comes across situations where an alteration or repair has been made to an existing building, or an alteration or repair needs to be

made to an existing building for code compliance reasons, and a permit for the work would be required per Section 16.100.105.1 of the OPMC, the matter as it relates to the application of the building codes shall be referred to the Building Official. The Building Official shall exercise their authority as specified in 16.100.104.1 of the OPMC.
(History: Ord. BC-2635 §78, 2006)

16.120.104.2

Section 104.2 of the 2006 International Fire Code is hereby amended to read as follows:

104.2 Applications and permits. The Fire Code Official is authorized to receive applications and issue permits for operations regulated by this code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.
(History: Ord. BC-2635 §79, 2006)

16.120.104.12

Section 104.12 of the 2006 International Fire Code is hereby added to read as follows:

104.12 Fees. Fees required for permits, inspections, re-inspections and all other Fire Department services or activities provided for in the 2006 International Fire Code shall be established by resolution of the Governing Body.
(History: Ord. BC-2635 §80, 2007; BC-2640 §1, 2006)

16.120.105.1

Section 105.1 of the 2006 International Fire Code is hereby amended to read as follows:

105.1 General. Permits shall be in accordance with Sections 105.1.1 through 105.6.46.

105.1.1 Permits required. Permits required by this code shall be obtained from the Overland Park Fire Department. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the Fire Department.

Exceptions:

1. Fireworks. Permit applications for fireworks permits shall be submitted to the City Clerk as required by O.P.M.C. Chapter 5.40.
2. Explosives and blasting agents. Permit applications for blasting and explosives shall be submitted to the Planning and Development Services Department Engineering Services Division with subsequent review and approval by the Overland Park Fire Department.

105.1.2 Types of permits. Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.6 for either:

1. A prescribed period.
2. Until renewed or revoked.

(History: Ord. BC-2635 §81, 2007; BC-2459 §64, 2004; BC-2237 §3, 2001; Source or prior law: 16.14.220 (part); BC-2013 §80, 97; BC-1824 §117, 94)

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16.120.105.1.1

Repealed. See 16.120.105.1.

(History: Ord. BC-2459 §187, 2004; BC-2237 §3, 2001; Source or prior law: 16.14.220 (part); BC-2013 §80, 97; BC-1824 §117, 94)

16.120.105.3

Section 105.3 of the 2006 International Fire Code is hereby amended to read as follows:

105.3 Conditions of a permit. A permit shall constitute permission to maintain, store or handle materials; or to conduct processes which produce conditions hazardous to life or property; or to install equipment utilized in connection with such activities. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of this code or other applicable regulations or laws of the jurisdiction.

105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed, or revoked or for such a period of time as specified in the permit. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

105.3.2 Extensions. A permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this Section for good and satisfactory reasons. The Fire Code Official is authorized to grant, in writing, one or more extensions of the time period of a permit for periods of not more than 90 days each. Such extensions shall be requested by the permit holder in writing and justifiable cause demonstrated.

105.3.3 Posting the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the Fire Code Official.

105.3.4 Compliance with code. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

105.3.5 Information on the permit. The Fire Code Official shall issue all permits required by this code on an approved form furnished for that purpose. The permit shall contain a general description of the operation or occupancy and its location and any other information required by the Fire Code Official. Issued permits shall bear the signature of the Fire Code Official or other approved legal authorization.

(History: Ord. BC-2635 §82, 2007)

16.120.105.4

Section 105.4 of the 2006 International Fire Code is hereby deleted.

(History: Ord. BC-2635 §83, 2007)

16.120.105.6

The following Sections of the 2006 International Fire Code are hereby deleted: Sections 105.6.1 through 105.6.13, Sections 105.6.15 through 105.6.19, Sections 105.6.21 through 105.6.29, Sections 105.6.31 through 105.6.35, Sections 105.6.37 through 105.6.42, and Sections 105.6.44 through 105.6.46.

(History: Ord. BC-2635 §84, 2007)

16.120.105.6.15

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §65, 2004; BC-2237 §3, 2001)

16.120.105.6.20

Section 105.6.20 of the 2006 International Fire Code is hereby amended to read as follows:

105.6.20 Hazardous materials. An operational permit is required for the using, dispensing, transporting, handling, and/or storing of extremely hazardous substances. “Extremely Hazardous Substances (EHS) Facilities” are defined as facilities subject to the provisions of Superfund Amendments and Reauthorization Act of 1986 (SARA TITLE III), Section 302, for storing, dispensing, using, or handling of listed chemicals in excess of their threshold planning quantities (TPQ).

(History: Ord. BC-2635 §85, 2007)

16.120.105.6.21

Repealed. See 16.120.105.6.20.

(History: Ord. BC-2635 §211, 2007; BC-2459 §66, 2004; BC-2237 §3, 2001; Source or prior law: 16.14.376 (part); BC-1824 §136, 94)

16.120.105.6.30

Section 105.6.30 of the 2006 International Fire Code is hereby amended to read as follows:

105.6.30 Open burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to. Applications for open burning shall be submitted in writing to the Overland Park Fire Department, before the fire is set and shall be in such form and contain such information as required by the Fire Department. Such applications shall contain information regarding the purpose of the proposed burning, the nature and quantities of material to be burned, the time and date when such burning will take place, the location of the burning site, and the name and phone number of the person responsible for supervision of the burning.

Exception:

1. Fires deemed to be recreational by the fire code official.

(History: Ord. BC-2730 §1, 2008, modified during codification under authority of K.S.A. 12-3015; BC-2635 §86, 2007)

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16.120.105.6.31

Repeal. See 16.120.105.6.30.

(History: Ord. BC-2635 §211, 2007; BC-2459 §67, 2004; BC-2237 §3, 2001; Source or prior law: 16.14.350; BC-1824 §132, 94)

16.120.105.6.43

Section 105.6.43 of the 2006 International Fire Code is hereby amended to read as follows:

105.6.43 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 900 square feet, or a canopy in excess of 900 square feet.

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Funeral tents and curtains or extensions attached thereto, when used for funeral services.
3. Fabric canopies open on all sides which comply with all of the following:
 - 3.1 Individual canopies having a maximum size of 900 square feet.
 - 3.2 The aggregate area of multiple canopies placed side by side without a fire break of not less than 12 feet shall not exceed 900 square feet total.
 - 3.3 A minimum clearance of 12 feet to structures and other tents shall be provided.

(History: Ord. BC-2635 §87, 2007)

16.120.105.7

Section 105.7 of the 2006 International Fire Code is hereby deleted.

(History: Ord. BC-2635 §88, 2007)

16.120.105.7.12

Repealed. See 16.120.105.6.43.

(History: Ord. BC-2635 §211, 2007; BC-2459 §68, 2004)

16.120.108

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §69, 2004; BC-2237 §3, 2001; Source or prior law: 16.14.240; BC-1824 §119, 94)

16.120.108.1

Section 108.1 of the 2006 International Fire Code is hereby amended to read as follows:

108.1 Board of Appeals. An application for appeal of orders, decisions or determinations made by the Fire Code Official shall be made to the Board of Appeals as established in 16.100.112.1 of the Overland Park Municipal Code. The appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The Board shall not have authority to waive requirements of this code.

(History: Ord. BC-2635 §89, 2007)

16.120.109.3

Section 109.3 of the 2006 International Fire Code is amended to read as follows:

109.3 Violations penalties. Persons who shall violate a provision of this code, or Chapters 16.100 through 16.190 of the Overland Park Municipal Code, or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under provisions of this code, shall be subject to penalties as prescribed by law, or other references incorporated, is guilty of a public offense, punishable as provided in Overland Park Municipal Code Section 1.12.010.

(History: Ord. BC-2635 §90, 2007; BC-2459 §70, 2004; BC-2237 §3, 2001; Source or prior law: 16.14.230 (part); BC-1824 §118, 94)

16.120.111.4

Section 111.4 of the 2006 International Fire Code is hereby deleted.

(History: Ord. BC-2635 §91, 2007; BC-2459 §71, 2004; BC-2237 §3, 2001)

16.120.307.2

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §72, 2004; BC-2237 §3, 2001; Source or prior law: 16.14.330; BC-1824 §130, 94)

16.120.307.2.2

Repealed. See 16.120.307.2.

(History: Ord. BC-2459 §187, 2004; BC-2237 §3, 2001; Source or prior law: 16.14.330; BC-1824 §130, 94)

16.120.307.3

Repealed. See 16.120.307.4.

(History: Ord. BC-2635 §211, 2007; BC-2459 §73, 2004; BC-2237 §3, 2001; Source or prior law: 16.14.360 (part); BC-1824 §133, 94)

16.120.307.3.3

Repealed. See 16.120.307.3.

(History: Ord. BC-2459 §187, 2004; BC-2237 §3, 2001; Source or prior law: 16.14.370; BC-1824 §134, 94)

16.120.307.4

Section 307.4 of the 2006 International Fire Code is hereby amended to read as follows:

307.4 Location. The location for open burning shall not be less than 50 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure.

Exceptions:

1. Fires in approved containers that are not less than 15 feet from a structure.

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2. The minimum required distance from a structure shall be 25 feet where the pile size is 3 feet or less in diameter and 2 feet or less in height.
3. Open burning for land clearing purposes shall not be less than 1,000 feet from any structure or public roadway and at least one mile from any airport. The Fire Code Official may set the location as deemed necessary when it is determined that a closer location is not hazardous.

307.4.1 Bonfires. A bonfire shall not be conducted within 50 feet of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet of a structure shall be eliminated prior to ignition.

307.4.2 Recreational fires. Recreational fires shall not be conducted within 25 feet of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.

307.4.3 Land clearing. On-site open burning operations carried out for the purpose of burning materials associated with land clearing operations or crop or game management practices shall be permitted with the following restrictions:

1. Such burning is not carried out on any one parcel of land for a time period aggregating more than five days during any calendar year.
2. Such burning shall be limited to natural vegetation present on the site at which the land clearance and burning is carried out.
3. Burning operations shall not be initiated until at least one hour after sunrise, and all active blazes shall be extinguished at sunset. Burning shall not be carried out during inclement or foggy conditions or on very cloudy days.
4. Burning shall be restricted to periods when surface wind speed is more than five (5) mph and less than 15 mph and from a direction that will not carry the smoke over any occupied dwellings or public roadways or any airports within one mile of the burning site.
5. All burning of materials associated with land clearing operations shall take place in a pit approved by the Fire Department. A blower capable of injecting sufficient air into the pit is required. Those sites without pits and blowers will be rejected.
6. The burning of vegetation in providing a firebreak in pasture or other crop management may be allowed where necessary during evening or early morning hours in order to take advantage of calm wind conditions. Such burning shall take place no closer than 1,000 feet from any structure.

Exceptions:

1. The burning of debris resulting from a declared disaster or emergency is allowed by City personnel or their designates on City-owned public property when authorized by the City Council and approved by the Fire Department.
2. The setting of fires for purposes relating to the training of government or industrial personnel in fire-fighting procedures when such activity is approved by the Fire Department.

7. The provisions of this subsection 307.4.3 shall not apply to any property that is zoned RUR, PRUR, RLD or PRLD that was annexed into the City pursuant to Ordinance No. A-2719, unless and until such land is rezoned. Open burning of vegetation, such as grass, woody species, crop residue, and other dry plant growth for the purpose of crop, range, pasture, wildlife or watershed management shall be exempt from the provisions of this Section 307.4; however, all open burning for such purposes shall comply with K.A.R. 28-19-648, as it may be amended from time to time.

307.4.4 Attendance. Open burning, bonfires and recreational fires shall be constantly attended until the fire is extinguished. Approved on-site extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate use.

(History: Ord. BC-2730 §2, 2008, modified during codification under authority of K.S.A. 12-3015; BC-2635 §92, 2007)

16.120.307.5

Repealed.

(History: Ord. BC-2459 §187, 2004; BC-2237 §3, 2001)

16.120.307.5.1

Repealed. See 16.120.308.3.1.1.

(History: Ord. BC-2459 §187, 2004; BC-2376 §1, 2003)

16.120.308.3

Section 308.3 of the 2006 International Fire Code is hereby amended to read as follows:

308.3 Open flame. A person shall not utilize or allow to be utilized, an open flame in connection with a public meeting or gathering for purposes of deliberation, worship, entertainment, amusement, instruction, education, recreation, awaiting transportation or similar purpose in Group A or E occupancies without first obtaining a permit in accordance with Section 105.6.

308.3.1 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be located or operated on combustible balconies or within 10 feet of combustible construction.

Exceptions:

One- and two-family dwellings.

Where buildings, balconies and decks are protected by an automatic sprinkler system.

308.3.1.1 Liquefied-petroleum-gas-fueled cooking devices. LP-gas burners having an LP-gas container with a water capacity greater than 2.5 pounds (1.14 kg) [nominal 1 pound (0.464 kg) LP-gas capacity] shall not be located or operated on combustible balconies or within 10 feet of combustible construction.

Exceptions:

1. One- and two-family dwellings.
2. Where buildings, balconies and decks are protected by an automatic sprinkler system.

(History: Ord. BC-2635 § 93, 2007)

16.120.308.3.1.1

Repealed. See 16.120.308.3.

(History: Ord. BC-2635 §211, 2007; BC-2459 §74, 2004; BC-2376 §1, 2003)

16.120.310.2

Section 310.2 of the 2006 International Fire Code is hereby amended to read as follows:

310.2 Prohibited areas. Smoking shall be prohibited where conditions are such as to make smoking a hazard, including areas of piers, wharves, warehouses, stores, industrial plants, institutions, schools, assembly occupancies and in spaces where combustible materials are stored or handled.

Exception: Smoking shall be permitted in approved designated smoking areas as provided for in O.P.M.C. Chapter 11.52.

(History: Ord. BC-2635 §94, 2007; BC-2459 §75, 2004; BC-2237 §3, 2001; Source or prior law: 16.14.304 (part); BC-1824 §127, 94)

16.120.312.4

Section 312.4 of the 2006 International Fire Code is hereby added to read as follows:

312.4 Protection of gas meters. Where meters supplying fuel gas are located adjacent to parking spaces or vehicular driveways they shall be protected from physical damage as provided for in Section 312.1 of this code.

(History: Ord. BC-2635 §95, 2007)

16.120.314.4

Section 314.4 of the 2006 International Fire Code is hereby amended to read as follows:

314.4 Vehicles. Liquid- or gas-fueled vehicles, boats or other motorcraft shall not be located indoors except as follows:

1. Batteries are disconnected or disabled in an approved manner.
2. Fuel in tanks does not exceed one-quarter tank or 5 gallons (whichever is least).
3. Fuel tanks and fill openings are closed and sealed to prevent tampering.
4. Vehicles, boats or other motorcraft equipment are not fueled or de-fueled within the building.

(History: Ord. BC-2635 §96, 2007)

16.120.407.2

Section 407.2 of the 2006 International Fire Code is amended to read as follows:

407.2 Material Safety Data Sheets. Material Safety Data Sheets (MSDS) for all hazardous materials shall be readily available on the premises.

407.2.1 Extremely Hazardous Substance (EHS) repository container. A repository container (lock box) shall be provided for all facilities containing extremely hazardous substances and shall include a list of personnel designated by Section 407.4 and additional information as required by Section 407.5 through 407.7.

(History: Ord. BC-2635 §97, 2007; BC-2459 §76, 2004; BC-2237 §3, 2001; Source or prior law: 16.14.378 (part); BC-1824 §138, 94)

16.120.407.2.1

Repealed. See 16.120.407.2.

(History: Ord. BC-2459 §187, 2004; BC-2237 §3, 2001; Source or prior law: 16.14.378 (part); BC-1824 §138, 94)

16.120.503.3

Section 503.3 of the 2006 International Fire Code is amended to read as follows:

503.3 Marking. Where required by the Fire Department, approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

503.3.1 Marking requirements. Each separate fire lane signage, which may consist of one sign or a combination of signs, shall have a cumulative minimum size of 96 square inches and contain the "No Parking" words or symbol with the words "Fire Lane" located directly beneath the "No Parking" words or symbol. Each sign or combination of signs are required to be uniformly mounted between two feet eight inches (2'8") to seven feet zero inches (7'0") above grade to the bottom of the sign, and so located not to obstruct pedestrian traffic. The sign or combination of signs shall be mounted within six feet (6') of the curb or striped pavement and are required to face or run parallel with oncoming vehicular traffic. The sign or combination of signs may be mounted on the building, pole base, or any other structure provided the signage meets the setback and minimum and maximum height requirements indicated above. The sign, or combination of signs, are required to be spaced no more than 200 feet (200') apart. In addition, the curb, or pavement if a curb is absent, is required to be marked with a yellow stripe that shall run not less than six feet (6') of each thirty-foot length of fire lane. Each separate yellow striped area shall contain 3-inch black lettering indicating "Fire Lane"; provided, however, that the presence of such lettering is not a prerequisite to the enforcement of fire lane parking violations. Furthermore, the exceeding of any standards intended to inform the public of the location of a fire lane shall not affect the enforcement of this Section.

(History: Ord. BC-2635 §98, 2007; BC-2459 §77, 2004; BC-2237 §3, 2001; Source or prior law: 16.14.270; BC-2013 §82, 97; BC-1824 §122, 94)

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16.120.503.3.1

Repealed. See 16.120.503.3.

(History: Ord. BC-2459 §187, 2004; BC-2237 §3, 2001; Source or prior law: 16.14.270; BC-2013 §82, 97; BC-1824 §122, 94)

16.120.503.5.1

Section 503.5.1 of the 2006 International Fire Code is hereby deleted.

(History: Ord. BC-2635 §99, 2007)

16.120.503.6

Section 503.6 of the 2006 International Fire Code is by amended to read as follows:

503.6 Security Gates. Where security gates are installed an approved means of emergency operation shall be provided. The security gates and the emergency operation shall be maintained operational at all times and shall comply with the following:

1. All gates shall be of the sliding, hinged, or counter-balanced type, and where electrically controlled, shall be capable of being operated to the full open position by emergency responders during a loss of power to the gates' operating mechanism.
2. Electrical or mechanical operated gates shall be capable of being unlocked or opened with an approved Fire Department county keyed cylinder installed at an accessible location on the entry side of the gate. The key-operated switch shall bypass the release mechanism to allow the gate to be operated by emergency response personnel.
3. In addition to an approved key cylinder operation device, gates shall be equipped with audible release, set to operate with an emergency response yelp tone.
4. Keypads and other entry devices installed on gates shall not interfere with the operation of either the approved key access cylinder or emergency response audible release devices.

(History: Ord. BC-2635 §100, 2007)

16.120.505.1

Section 505.1 of the 2006 International Fire Code is hereby amended to read as follows:

505.1 Address numbers. New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position on the building or on any structure, mail box, sign or monument on the property that is securely fixed to the ground to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Numbers shall be a minimum height of: four inches (4") in Use Groups R-3 and R-4; six inches (6") in Use Group R-3 Child Care Facilities; and eight inches (8") in all other Use Groups. When required by the Building Official, the identifying numbers shall be lighted by an approved light source.

505.1.1 Secondary address numbers. Multi-tenant retail shopping centers in which tenant spaces have secondary entry doors from an exterior facade of the building and have paved vehicle access adjacent to such doors shall have approved numbers or addresses placed on or adjacent to each door. Secondary address numbers shall be a minimum of four inches (4”) in height.

Exceptions:

1. If more than one entry door is installed on a facade, only one door needs to be marked (entry doors defined as overhead or cargo doors and normal passage doors).
2. Further exceptions shall be permitted by the Building Official after consultation with the Crime Prevention Unit of Overland Park Police Department if it can be shown that marking the doors would create a security risk.

505.1.2 Additional identification. Where identification of additional exits would be of benefit to emergency response personnel, a sequential numbering system can be required by the Fire Code Official whereby the interior and exterior surfaces of each exit is marked in an approved manner.

(History: Ord. BC-2731 §1, 2008; BC-2635 §101, 2007; BC-2459 §78, 2004; BC-2237 §3, 2001; Source or prior law: 16.07.304.3; BC-2114 §9, 98; 16.14.320 (part); BC-2013 §83, 97; BC-1824 §129, 94)

16.120.505.1.1

Repealed. See 16.120.505.1.

(History: Ord. BC-2459 §187, 2004; BC-2237 §3, 2001; Source or prior law: 16.07.304.3.1 (beginning on the bottom of page 268-7; BC-2114 §10, 98); 16.14.320 (part); BC-2013 §83, 97; BC-1824 §129, 94)

16.120.505.2

Section 505.2 of the 2006 International Fire Code is hereby amended to read as follows:

505.2 Street or road signs. Streets and roads shall be identified with approved signs. The signage shall consist of Arabic numerals or alphabet letters which are reflective and contrast with their background. The numbers and letters shall be a minimum of six inches high with a minimum stroke width of 0.5 inches. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.

(History: Ord. BC-2635 §102, 2007)

16.120.506.2

Section 506.2 of the 2006 International Fire Code is hereby amended to read as follows:

506.2 Key box maintenance. The operator of the building shall immediately notify the Overland Park Fire Department and provide the new key when a lock is changed or re-keyed.

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The key to such lock shall be secured in the key box. The key box shall be maintained in working order by the operator/owner/occupant of the building.

(History: Ord. BC-2635 §103, 2007; BC-2459 §79, 2004; BC-2237 §3, 2001; Source or prior law: 16.14.310 (part); BC-1824 §128, 94)

16.120.508.1

Section 508.1 of the 2006 International Fire Code is amended to read as follows:

508.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

508.1.1 Water distribution system failures. Water districts serving areas within Overland Park shall notify the Emergency Communications Center of any failure in their water distribution system; hydrant repair, main breaks, pump failures, or other interruptions of water supply that may affect water supply for fire control purposes.

(History: Ord. BC-2635 §104, 2007; BC-2459 §80, 2004; BC-2237 §3, 2001; Source or prior law: 16.05.170 (part); BC-2013 §25, 97)

16.120.508.1.1

Repealed. See 16.120.508.1.

(History: Ord. BC-2459 §187, 2004; BC-2237 §3, 2001; Source or prior law: 16.05.170 (part); BC-2013 §25, 97)

16.120.508.4

Section 508.4 of the 2006 International Fire Code is hereby amended to read as follows:

508.4 Water supply test. The Overland Park Fire Department shall be notified prior to the water supply test. Water supply tests shall be witnessed by the Fire Department or approved documentation of the test shall be provided to the Fire Department prior to final approval of the water supply system.

508.4.1 Testing notification. Fire Departments serving areas within Overland Park shall notify the Emergency Communications Center when conducting flow tests and when they are flowing 500 g.p.m. or more. The Emergency Communications Center shall notify the appropriate water district serving the area.

(History: Ord. BC-2635 §105, 2007; BC-2459 §81, 2004; BC-2237 §3, 2001)

16.120.508.4.1

Repealed. See 16.120.508.4.

(History: Ord. BC-2459 §187, 2004; BC-2237 §3, 2001)

16.120.508.5.1

Repealed.

(History: Ord. BC-2459 §187, 2004; BC-2237 §3, 2001; Source or prior law: 16.04.370 (part); BC-2171 §1, 99; BC-2013 §6, 97; BC-1824 §11, 94)

16.120.508.5.2

Section 508.5.2 of the 2006 International Fire Code is hereby amended to read as follows:

508.5.2 Inspection, testing and maintenance. Fire hydrant systems shall be subject to annual tests as required by the Fire Department. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall comply with approved standards.

508.5.2.1 Line and hydrant tests. Private hydrants and supply piping shall be tested as specified in NFPA 24. Hydrants shall comply with the AWWA standards adopted by the Johnson County Water District and maintained to AWWA-M17.

508.5.2.2 Hydrants – color. All hydrants shall be painted and highly visible. Private hydrants shall be painted red in color.
(History: Ord. BC-2635 §106, 2007; BC-2459 §82, 2004; BC-2237 §3, 2001; Source or prior law: 16.04.515 (part); BC-2013 §11, 97)

16.120.508.5.2.1

Repealed. See 16.120.508.5.2.

(History: Ord. BC-2459 §187, 2004; BC-2237 §3, 2001; Source or prior law: 16.04.515 (part); BC-2013 §11, 97)

16.120.508.5.2.2

Repealed. See 16.120.508.5.2.

(History: Ord. BC-2459 §187, 2004; BC-2237 §3, 2001; Source or prior law: 16.04.515 (part); BC-2013 §11, 97)

16.120.510.1

Section 510.1 of the 2006 International Fire Code is hereby amended to read as follows:

510.1 Identification. Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the Fire Department. Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible.

510.1.1 Identification standard. Rooms containing the equipment identified in Section 510.1 shall be identified by minimum 4-inch (4”) letters with a minimum 0.5-inch (0.5”) stroke on contrasting background.
(History: Ord. BC-2635 §107, 2007; BC-2459 §83, 2004; BC-2237 §3, 2001; Source or prior law: 16.04.515 (part); BC-2013 §11, 97)

16.120.510.1.1

Repealed. See 16.120.510.1.

(History: Ord. BC-2459 §187, 2004; BC-2237 §3, 2001; Source or prior law: 16.04.515 (part); BC-2013 §11, 97)

16.120.510.2

Section 510.2 of the 2006 International Fire Code is hereby added to read as follows:

510.2 “As-built” floor plans. A digital file showing “as-built” building floor plans shall be submitted to the Fire Department for approval. The plans shall show the following: the location of exit stairways, exit discharge, roof access, primary or public corridors, elevator shafts, the fire control room, fire alarm control panel, all remote enunciators and all rooms or spaces where fire alarm initiating devices and/or control panels for the unlocking of stairway doors, emergency generators, smoke control systems, and elevators are located, the location of utility disconnects for the electrical service, water service and gas service, and the location of fire/smoke walls in Group I occupancies indicating separate smoke compartments.

A hard copy of the approved “as-built” drawings shall be made available and displayed in a permanent manner immediately adjacent to the fire alarm control panel.

Exceptions:

1. The “as-built” floor plans may be located at an alternate location when approved.
2. The requirement for “as-built” floor plans for tenant finish work may be waived at the discretion of the Fire Department.

(History: Ord. BC-2635 §108, 2007)

16.120.804.1

Repealed.

(History: Ord. BC-2459 §187, 2004; BC-2237 §3, 2001)

16.120.804.1.1

Repealed. See 16.120.806.1.1.

(History: Ord. BC-2635 §211, 2007; BC-2459 §84, 2004)

16.120.806.1.1

Section 806.1.1 of the 2006 International Fire Code is hereby amended to read as follows:

806.1.1 Restricted occupancies. Natural cut needle bearing trees shall be prohibited in Group A, E, I-1, I-2, I-3, I-4, M, R-1, R-2 and R-4 occupancies.

Exception: Trees located in areas protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 shall not be prohibited in Use Group R-2.

(History: Ord. BC-2635 §109, 2007)

16.120.901.2

Section 901.2 of the 2006 International Fire Code is hereby deleted.

(History: Ord. BC-2635 §110, 2007)

16.120.901.4.5

Section 901.4.5 of the 2006 International Fire Code is hereby added to read as follows:

901.4.5 Existing installations - supervision. All existing required fire suppression and fire alarm systems shall be supervised in conformance with Sections 903.4 and 907.15, respectively. (History: Ord. BC-2635 §111, 2007; BC-2459 §85, 2004; BC-2237 §3, 2001; Source or prior law: 16.14.372; BC-2013 §84, 97)

16.120.903.3.5.3

Section 903.3.5.3 of the 2006 International Fire Code is here by added to read as follows:

903.3.5.3 Main control valves. Water supply lines for automatic sprinkler systems shall be provided with a control valve located on the riser. The valve shall be capable of isolating the underground fire service main from automatic sprinkler system.

903.3.5.3.1 Main control valve access. The isolation control valve shall be accessible. To be considered accessible, a clear space 3 feet by 3 feet by 7 feet high shall be provided in front of the valve. Access to the clear space shall be provided by an unobstructed aisle not less than 3 feet wide and 7 feet high. The valve shall be operable from the floor level. (History: Ord. BC-2635 §112, 2007)

16.120.903.3.7

Repealed. See 16.120.912.3.

(History: Ord. BC-2635 §211, 2007; BC-2459 §86, 2004; BC-2237 §3, 2001)

16.120.903.4

Section 903.4 of the 2006 International Fire Code is hereby amended to read as follows:

903.4 Sprinkler system monitoring and alarms. All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressure, and water-flow switches on all sprinkler systems shall be electrically supervised.

Exceptions:

1. Automatic sprinkler systems protecting one- and two-family dwellings.
2. Limited area systems serving fewer than 20 sprinklers.
3. Automatic sprinkler systems installed in accordance with NFPA 13R where a common supply main is used to supply both domestic water and the automatic sprinkler system, and a separate shutoff valve for the automatic sprinkler system is not provided.
4. Jockey pump control valves that are sealed or locked in the open position.
5. Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position.
6. Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position.
7. Trim valves to pressure switches in dry, pre-action and deluge sprinkler systems that are sealed or locked in the open position.
8. On existing installations, isolation valves for the backflow prevention devices remotely located in pits which are locked and/or chained in the open position.
9. Underground key or hub valves in roadway boxes provided by the municipality or public utility.

10. Backflow prevention device test valves located in limited area sprinkler systems that are locked in the open position, provided that the occupancy is not equipped with a fire alarm system.

903.4.1 Signals. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote supervising station or proprietary supervising station as defined in NFPA 72 or, when approved by the Fire Code Official, shall sound an audible signal at a constantly attended location.

903.4.2 Alarms. An approved audio/visual device shall be connected to every automatic sprinkler system. Such sprinkler system water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building directly above the Fire Department connection or in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

903.4.3 Floor control valves. Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor of a multi-story building.

Exception: Automatic sprinkler systems designed in accordance with Section 903.3.1.2 or 903.3.1.3.

(History: Ord. BC-2635 §113, 2007)

16.120.903.4.1

Repealed.

(History: Ord. BC-2459 §187, 2004; BC-2237 §3, 2001; Source or prior law: 16.04.525 (part); BC-2013 §14, 97)

16.120.906.1

Section 906.1 of the 2006 International Fire Code is hereby amended to read as follows:

- 906.1 Where required.** Portable fire extinguishers shall be installed in the following locations.
1. In Group A, B, E, F, H, I, M, R-1, R-4 and S occupancies.
Exception: In Group A, B and E occupancies equipped throughout with quick-response sprinklers, fire extinguishers shall be required only in special-hazard areas.
 2. Within 30 feet of commercial cooking equipment.
 3. In areas where flammable or combustible liquids are stored, used or dispensed.
 4. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 1415.1.
 5. Where required by the sections indicated in Table 906.1.
 6. Special-hazard areas, including but not limited to laboratories, computer rooms, and generator rooms, where required by the Building Official.

(History: Ord. BC-2635 §114, 2007; BC-2459 §87, 2004; BC-2237 §3, 2001; Source or prior law: 16.04.521 (part); BC-2013 §13, 97)

16.120.907.15

Section 907.15 of the 2006 International Fire Code is hereby amended to read as follows:

907.15 Monitoring. Fire alarm systems required by this chapter or by the 2006 International Building Code shall be monitored by an approved central station as defined in NFPA 72, or the fire alarm system shall be monitored by an approved entity that has been listed by a nationally recognized agency to perform such service. The approved monitoring entity shall notify the Fire Department when their service has been discontinued.

Fire alarm systems that require two or more zones, or have addressable fire alarm panels, shall report a signal to the monitoring company wherein the fire alarm initiating device and its location can be determined. The monitoring company shall then report this information to the emergency communication center dispatch.

Exception: Supervisory service is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.10.
2. Smoke detectors in Group I-3 occupancies.
3. Automatic sprinkler systems in one- and two-family dwellings.
4. Proprietary systems as approved by the Fire Department.
5. Alterations to existing systems which are monitored by other means than that which is specified in this Section are subject to the approval of the Fire Department.

(History: Ord. BC-2635 §115, 2007)

16.120.912.2

Section 912.2 of the 2006 International Fire Code is hereby amended to read as follows:

912.2 Location. With respect to hydrants, driveways, buildings and landscaping, Fire Department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of Fire Department connections shall be located in an approved location. A Fire Department connection for each standpipe system or water-based fire-extinguishing system shall be located not more than 100 feet from the nearest fire hydrant connection to an approved water supply.

912.2.1 Visible location. Fire Department connections shall be located on the street side of buildings, fully visible and recognizable from the street or nearest point of Fire Department vehicle access or as otherwise approved.

912.2.2 Existing buildings. On existing buildings wherever the Fire Department connection is not visible to approaching fire apparatus, the Fire Department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" at least 6 inches high and words in letters at least 2 inches high or an arrow to indicate the location. All such signs shall be subject to the approval of the Fire Code Official.

(History: Ord. BC-2635 §116, 2007)

16.120.912.3

Section 912.3 of the 2006 International Fire Code is hereby amended to read as follows:

912.3 Access. Immediate access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other object for a minimum of 3 feet.

912.3.1 Locking Fire Department connection caps. The Fire Code Official is authorized to require locking caps on Fire Department connections for water-based fire protection systems where the responding Fire Department carries appropriate key wrenches for removal.

912.3.2 Fire Department connections. The location of Fire Department connections shall be in an approved location. The connection shall be fitted with a four-inch (4”) Storz quick coupling connector.

(History: Ord. BC-2635 §117, 2007)

16.120.913.4

Section 913.4 of the 2006 International Fire Code is hereby amended to read as follows:

913.4 Valve supervision. Where provided, the fire pump suction, discharge and bypass valves, and the isolation valves on the backflow prevention device or assembly shall be supervised open by one of the following methods.

1. Central-station, proprietary, or remote-station signaling service.
2. Local signaling service that will cause the sounding of an audible signal at a constantly attended location.

913.4.1 Test outlet valve supervision. Fire pump test outlet valves shall be supervised in the closed position.

(History: Ord. BC-2635 §118, 2007; BC-2459 §88, 2004; BC-2237 §3, 2001; Source or prior law: 16.04.525 (part); BC-2013 §14, 97)

16.120.1003.2.2.11

Repealed.

(History: Ord. BC-2459 §187, 2004; BC-2237 §3, 2001)

16.120.1005.3.2.4

Repealed. See 16.120.1019.1.7.

(History: Ord. BC-2459 §187, 2004; BC-2237 §3, 2001)

16.120.1007.3

Section 1007.3 of the 2006 International Fire Code is hereby amended to read as follows:

1007.3 Exit stairways. In order to be considered part of an accessible means of egress, an exit stairway shall have a clear width of 48 inches minimum between handrails and shall either incorporate an area of refuge within an enlarged floor-level landing or shall be accessed from either an area of refuge complying with Section 1007.6 or a horizontal exit.

Exceptions:

1. Unenclosed exit stairways as permitted by Section 1020.1 are permitted to be considered part of an accessible means of egress.
2. The area of refuge is not required at unenclosed exit stairways as permitted by Section 1020.1 in buildings or facilities that are equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1.
3. The clear width of 48 inches between handrails is not required at exit stairways in buildings or facilities equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.
4. The clear width of 48 inches between handrails is not required for exit stairways accessed from a horizontal exit.
5. The areas of refuge are not required at exit stairways serving open parking garages.
6. Areas of refuge are not required at exit stairways in buildings or facilities equipped throughout by an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.

(History: Ord. BC-2635 §119, 2007)

16.120.1008.1.8

Section 1008.1.8 of the 2006 International Fire Code is hereby amended to read as follows:

1008.1.8 Door operations. Except as specifically permitted by this Section egress doors shall be readily openable from the egress side without the use of a key or special knowledge or effort.

1008.1.8.1 Hardware. Door handles, pulls, latches, locks and other operating devices on doors required to be accessible by Chapter 11 of the 2006 International Building Code shall not require tight grasping, tight pinching or twisting of the wrist to operate.

1008.1.8.2 Hardware height. Door handles, pulls, latches, locks and other operating devices shall be installed 34 inches maximum above the finished floor. Locks used only for security purposes and not used for normal operation are permitted at any height.

Exception: Access doors or gates in barrier walls and fences protecting pools, spas and hot tubs shall be permitted to have operable parts of the release of latch on self-latching devices at 54 inches maximum above the finished floor or ground, provided the self-latching devices are not also self-locking devices operated by means of a key, electronic opener or integral combination lock.

1008.1.8.3 Locks and latches. Locks and latches shall be permitted to prevent operation of doors where any of the following exists:

1. Places of detention or restraint.
2. In occupancy groups B, F, M and S, the main exterior door or doors shall be permitted to be equipped with key-operated locking devices from the egress side provided:
 - 2.1 The locking device is readily distinguishable as locked,

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- 2.2 A readily visible durable sign is posted on the egress side on or adjacent to the door stating: **THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED**. The sign shall be in letters 1 inch high on a contrasting background,
- 2.3 The use of the key-operated locking device is revocable by the Fire Code Official for due cause.
3. Where egress doors are used in pairs, approved automatic flush bolts shall be permitted to be used, provided that the door leaf having the automatic flush bolts has no doorknob or surface-mounted hardware.
4. Doors from individual dwelling or sleeping units of Group R occupancies having an occupant load of 10 or less are permitted to be equipped with a night latch, dead bolt or security chain, provided such devices are openable from the inside without the use of a key or tool.

(History: Ord. BC-2635 §120, 2007)

16.120.1019.1.7

Repealed. See 16.120.1020.1.6.

(History: Ord. BC-2635 §211, 2007; BC-2459 §89, 2004; BC-2237 §3, 2001)

16.120.1020.1.6

Section 1020.1.6 of the 2006 International Fire Code is amended to read as follows:

1020.1.6 Stairway floor number signs. A sign shall be provided at each floor landing in interior vertical exit enclosures connecting more than three stories designating the floor level, the terminus of the top and bottom of the stair enclosure and the identification of the stair. The signage shall also state the story of, and the direction to the exit discharge and the availability of roof access from the stairway for the Fire Department. The signs shall be color coded, or have colored borders that are identified as follows: red shall be used for the primary exit enclosure with roof access, yellow for the secondary stairwell, blue for the third stairwell, white for the fourth, and green for the fifth. The sign shall be located five feet above the floor landing in a position which is readily visible when the doors are in the open and closed positions.

(History: Ord. BC-2635 §121, 2007)

16.120.2401.2

Repealed.

(History: Ord. BC-2459 §187, 2004; BC-2237 §3, 2001; Source or prior law: 16.04.630; BC-2013 §17, 97)

16.120.2403.2

Section 2403.2 of the 2006 International Fire Code is hereby deleted.

(History: Ord. BC-2635 §122, 2007; BC-2459 §90, 2004)

16.120.2703.5

Repealed.

(History: Ord. BC-2459 §187, 2004; BC-2237 §3, 2001; Source or prior law: 16.14.379 (part); BC-1824 §139, 94)

16.120.3301.1.3

Section 3301.1.3 of the 2006 International Fire Code is amended to read as follows:

3301.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. Wholesale, storage, sale and/or handling of fireworks as permitted in Section 3304, and OPMC 5.40.020 and 5.40.120.
2. Activities complying with OPMC 5.40.120.
3. The use of fireworks for display as permitted in Section 3308.
4. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable local or state laws, ordinances and regulations provided such fireworks comply with CPSC 16 CFR, Parts 1500-1507, and DOTn 49 CFR, Parts 100-178, for consumer fireworks.

(History: Ord. BC-2635 §123, 2007; BC-2459 §91, 2004; BC-2237 §3, 2001)

16.120.3304.1

Section 3304.1 of the 2006 International Fire Code is amended to read as follows:

3304.1 General. Storage of explosives and explosive materials, other than Division 1.4G fireworks, small arms ammunition, small arms primers, propellant-actuated cartridges, and smokeless propellants in magazines, shall conform to the provisions of this Section and OPMC Chapters 5.36 and 5.38.

(History: Ord. BC-2635 §124, 2007; BC-2459 §92, 2004; BC-2237 §3, 2001; Source or prior law: 16.14.380 (part); BC-1824 §140, 94)

16.120.3305

Section 3305 of the 2006 International Fire Code is hereby deleted.

(History: Ord. BC-2635 §125, 2007; BC-2459 §93, 2004; BC-2237 §3, 2001)

16.120.3403.6.3.2

Section 3403.6.3.2 of the 2006 International Fire Code is hereby added to read as follows:

3403.6.3.2 Maintenance testing. All pressure piping in remote pumping installations shall be subjected to a pressure test at intervals no greater than two years. The test shall be conducted using an approved testing system or method approved by the Building Official and tested per manufacturer's specifications. The date of test, the duration, the name of the operator, operator certification number, and test results shall be recorded and maintained until the date of the next test.

(History: Ord. BC-2635 §126, 2007; BC-2459 §94, 2004; BC-2237 §3, 2001; Source or prior law: 16.14.440; BC-2013 §88, 97)

16.120.3404.2.11.5.2

Section 3404.2.11.5.2 of the 2006 International Fire Code is hereby deleted.

(History: Ord. BC-2635 §127, 2007; BC-2459 §95, 2004; BC-2237 §3, 2001)

16.120.3404.2.12.3

Section 3404.2.12.3 of the 2006 International Fire Code is hereby added to read as follows:

3404.2.12.3 Testing of storage tanks in service. All underground flammable liquid storage tanks which have been buried for five or more years shall be tested for tightness to the standards set forth in NFPA 30 2003 and NFPA 30A 2003. The test shall be conducted using an approved testing system or method approved by the Building Official. In the event that such approved testing system or method is required on any buried storage tank prior to the expiration of the five years, a later test will not be required without cause until the expiration of five years from the date of the last test. After the fifth year, such approved tests shall be repeated on all such tanks at intervals no greater than five years without cause. The date of the test, the model and the type of tester, the name of the operator of the equipment, the operator's certification number, the duration, and results thereof shall be recorded and maintained until the date of the next test. A copy of the test results shall be sent to the Building Official.

Exception: All steel tanks which have been internally coated shall be tested for tightness every two years as indicated above.

(History: Ord. BC-2635 §128, 2007; BC-2459 §96, 2004; BC-2237 §3, 2001; Source or prior law: 16.14.450; BC-2013 §89, 97)

16.120.3404.2.13.1.3

Section 3404.2.13.1.3 of the 2006 International Fire Code is hereby amended to read as follows:

3404.2.13.1.3 Out of service for one (1) year. Underground tanks that have been out of service for a period of one (1) year shall be removed from the ground in accordance with Section 3404.2.14.

(History: Ord. BC-2635 §129, 2007; BC-2459 §97, 2004; BC-2237 §3, 2001)

16.120.3404.2.13.1.4

Section 3404.2.13.1.4 of the 2006 International Fire Code is hereby deleted.

(History: Ord. BC-2635 §130, 2007; BC-2459 §98, 2004; BC-2237 §3, 2001)

16.120.D103.1

Section D103.1 of Appendix D of the 2006 International Fire Code is hereby deleted.

(History: Ord. BC-2635 §131, 2007; BC-2459 §99, 2004)

16.120.D104.1

Section D104.1 of Appendix D of the 2006 International Fire Code is hereby amended to read as follows:

D104.1 Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet or three stories in height shall have at least two means of fire apparatus access for each structure.

(History: Ord. BC-2635 §132, 2007; BC-2459 §100, 2004)

16.120.D107.1

Section D107.1 of Appendix D of the 2006 International Fire Code is hereby amended to read as follows:

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 50 shall be provided with separate and approved fire apparatus access roads, and shall meet the requirements of Section D104.3.

Exceptions:

1. The number of dwelling units served by a single fire apparatus access road may be increased where approved by the Fire Department when all dwelling units are protected by an approved sprinkler system.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the Fire Department.

(History: Ord. BC-2635 §133, 2007; BC-2459 §101, 2004)

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Chapter 16.130 PLUMBING CODE

16.130.100 Plumbing Code - Incorporation.

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2006 International Plumbing Code, dated January, 2006, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said 2006 International Plumbing Code shall be marked Official Copy as Adopted by Ordinance No. BC-2635, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

(History: Ord. BC-2635 §134, 2007; BC-2459 §102, 2004; BC-2237 §4, 2001)

16.130.101.2

Section 101.2 of the 2006 International Plumbing Code is hereby amended to read as follows:

101.2 Scope. The provisions of this code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. This code shall also regulate nonflammable medical gas, inhalation anesthetic, vacuum piping, non-medical oxygen systems and sanitary and condensate vacuum collection systems. The installation of fuel gas distribution piping and equipment, fuel gas-fired water heaters and water heater venting systems shall be regulated by the 2006 International Fuel Gas Code. Provisions in the appendices shall not apply unless specifically adopted.

Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the 2006 International Residential Code.

101.2.1 Administration. The administrative provisions of this code shall be those provisions contained in the Overland Park Municipal Code, Chapter 16.100, Section 103 through Section 115.

(History: Ord. BC-2635 §135, 2007; BC-2459 §103, 2004)

16.130.101.2.1

Repealed.

(History: Ord. BC-2459 §187, 2004; BC-2237 §4, 2001)

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16.130.103

Sections 103 through 109 of the 2006 International Plumbing Code are hereby deleted.
(History: Ord. BC-2635 §136, 2007; BC-2459 §104, 2004; BC-2237 §4, 2001; Source or prior law: 16.08.120; BC-2013 §36, 97)

16.130.108

Repealed.
(History: Ord. BC-2635 §211, 2007; BC-2459 §105, 2004; BC-2237 §4, 2001; Source or prior law: 16.08.130 & 16.08.140; BC-2013 §§37 & 38, 97)

16.130.305.6.1

Section 305.6.1 of the 2006 International Plumbing Code is hereby amended to read as follows:

305.6.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of eighteen inches (18”) below finished grade at the point of septic tank connection. Building sewers shall be a minimum of forty-two inches (42”) below grade measured from the top of the pipe. Sewer pipe below grade connecting to the public sewer shall comply with the requirements of the Johnson County Wastewater District regulations for sewers.

(History: Ord. BC-2635 §137, 2007; BC-2459 §106, 2004; BC-2237 §4, 2001; Source or prior law: 16.08.165; BC-2013 §40, 97)

16.130.305.6.2

Section 305.6.2 of the 2006 International Plumbing Code is hereby added to read as follows:

305.6.2 Frost depth. The frost depth is 36 inches (36”).
(History: Ord. BC-2635 §138, 2007; BC-2459 §107, 2004; BC-2237 §4, 2001; Source or prior law: 16.08.160 (part); BC-2013 §39, 97)

16.130.312.1

Section 312.1 of the 2006 International Plumbing Code is hereby amended to read as follows:

312.1 Required tests. The permit holder shall make the applicable tests prescribed in Sections 312.2 through 312.9 to determine compliance with the provisions of this code. The permit holder shall give reasonable advance notice to the Building Official when the plumbing work is ready for tests. The equipment, material, power and labor necessary for the inspection and test shall be furnished by the permit holder and the permit holder shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests. All plumbing system piping shall be tested with either water or, for piping systems other than plastic, by air. After the plumbing fixtures have been set and their traps filled with water, the entire drainage system shall be submitted to final tests. The Building Official shall require the removal of any cleanouts if necessary to ascertain whether the pressure has reached all parts of the system.

Exception: DWV Plastic plumbing systems may be tested by air when the plumbing system being tested would be subjected to freezing conditions.

312.1.1 Test gauges. Gauges used for testing shall be as follows:

1. Tests requiring a pressure of 10 psi or less shall utilize a testing gauge having increments of 0.10 psi or less.
2. Tests requiring a pressure of greater than 10 psi but less than or equal to 100 psi shall utilize a testing gauge having increments of 1 psi or less.
3. Tests requiring a pressure of greater than 100 psi shall utilize a testing gauge having increments of 2 psi or less.

(History: Ord. BC-2635 §139, 2007; BC-2459 §108, 2004)

16.130.312.6

Sections 312.6 and 312.7 of the 2006 International Plumbing Code are hereby deleted.

(History: Ord. BC-2635 §140, 2007; BC-2459 §109, 2004; BC-2237 §4, 2001; Source or prior law: 16.08.180; BC-2013 §42, 97)

16.130.312.9

Section 312.9 of the 2006 International Plumbing Code is hereby deleted.

(History: Ord. BC-2635 §141, 2007; BC-2459 §110, 2004; BC-2237 §4, 2001; Source or prior law: 16.08.185; BC-2013 §43, 97)

16.130.403.1

Table 403.1 of the 2006 International Plumbing Code is hereby amended to read as follows:

Table 403.1
MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES^a
(See Sections 403.2 and 403.3)

NO.	CLASSIFICATION	OCCUPANCY	DESCRIPTION	WATER CLOSETS (URINALS SEE SECTION 419.2)		LAVATORIES		BATHTUBS/ SHOWERS	DRINKING FOUNTAIN (SEE SECTION 410.1)
				MALE	FEMALE	MALE	FEMALE		
1	Assembly (see Sections 403.2, 403.4 and 403.4.1)	A-1 ^d	Theaters and other buildings for the performing arts and motion pictures	1 per 125	1 per 65	1 per 200		—	1 per 500
		A-2 ^d	Nightclubs, bars, taverns, dance halls and buildings for similar purposes	1 per 40	1 per 40	1 per 75		—	1 per 500
			Restaurants, banquet halls and food courts	1 per 75	1 per 75	1 per 200		—	1 per 500
		A-3 ^d	Auditoriums without permanent seating, art galleries, exhibition halls, museums, lecture halls, libraries, arcades and gymnasiums	1 per 125	1 per 65	1 per 200		—	1 per 500
			Passenger terminals and transportation facilities	1 per 500	1 per 500	1 per 750		—	1 per 1,000
			Places of worship and other religious services	1 per 150	1 per 75	1 per 200		—	1 per 1,000

Table 403.1
 MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES^a
 (See Sections 403.2 and 403.3)

NO.	CLASSIFICATION	OCCUPANCY	DESCRIPTION	WATER CLOSETS (URINALS SEE SECTION 419.2)		LAVATORIES		BATHTUBS/ SHOWERS	DRINKING FOUNTAIN (SEE SECTION 410.1)
				MALE	FEMALE	MALE	FEMALE		
		A-4	Coliseums, arenas, skating rinks, pools and tennis courts for indoor sporting events and activities	1 per 75 for the first 1,500 and 1 per 120 for the remainder exceeding 1,500	1 per 40 for the first 1,500 and 1 per 60 for the remainder exceeding 1,500	1 per 200	1 per 150	—	1 per 1,000
		A-5	Stadiums, amusement parks, bleachers and grandstands for outdoor sporting events and activities	1 per 75 for the first 1,500 and 1 per 120 for the remainder exceeding 1,500	1 per 40 for the first 1,500 and 1 per 60 for the remainder exceeding 1,500	1 per 200	1 per 150	—	1 per 1,000
2	Business (see Sections 403.2, 403.4 and 403.4.1)	B ^e	Buildings for the transaction of business, professional services, other services involving merchandise, office buildings, banks, light industrial and similar uses	1 per 25 for the first 50 and 1 per 50 for the remainder exceeding 50		1 per 40 for the first 80 and 1 per 80 for the remainder exceeding 80		—	1 per 100
3	Educational	E	Educational facilities	1 per 50		1 per 50		—	1 per 100
4	Factory and industrial	F-1 and F-2	Structures in which occupants are engaged in work fabricating, assembly or processing of products or materials	1 per 100		1 per 100		(see Section 411)	1 per 400
5	Institutional	I-1	Residential care	1 per 10		1 per 10		1 per 8	1 per 100
		I-2	Hospitals, ambulatory nursing home patients ^b	1 per room ^c		1 per room ^c		1 per 15	1 per 100
		I-2	Employees, other than residential care ^b	1 per 25		1 per 35		—	1 per 100
		I-2	Visitors other than residential care	1 per 75		1 per 100		—	1 per 500
		I-3	Prisons ^b	1 per cell		1 per cell		1 per 15	1 per 100
		I-3	Reformatories, detention centers, and correctional centers ^b	1 per 15		1 per 15		1 per 15	1 per 100
		I-4	Adult day care and child care	1 per 15		—		—	1 per 100
6	Mercantile (see Sections 403.2, 403.4, 403.4.1 and 403.4.2)	M ^r	Retail stores, service stations, shops, sales-rooms, markets and shopping centers	1 per 500		1 per 750		—	1 per 1,000
7	Residential	R-1	Hotels, motels, boarding houses (transient)	1 per sleeping unit		1 per sleeping unit		1 per sleeping unit	—

Table 403.1
 MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES^a
 (See Sections 403.2 and 403.3)

NO.	CLASSIFICATION	OCCUPANCY	DESCRIPTION	WATER CLOSETS (URINALS SEE SECTION 419.2)		LAVATORIES		BATHTUBS/ SHOWERS	DRINKING FOUNTAIN (SEE SECTION 410.1)
				MALE	FEMALE	MALE	FEMALE		
		R-2	Dormitories, fraternities, sororities and boarding houses (not transient)	1 per 10		1 per 10		1 per 8	1 per 100
		R-2	Apartment house	1 per dwelling unit		1 per dwelling unit		1 per dwelling unit	—
		R-3	One- and two-family dwellings	1 per dwelling unit		1 per dwelling unit		1 per dwelling unit	—
		R-4	Residential care/ assisted living facilities	1 per 10		1 per 10		1 per 8	1 per 100
8	Storage (see Sections 403.2, 403.4 and 403.4.1)	S-1, S-2	Structures for the storage of goods, warehouses, store- house and freight depots. Low and Moderate Hazard	1 per 100		1 per 100		See Section 411	1 per 1,000

- a. The fixtures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated. The number of occupants shall be determined by the 2006 International Building Code.
- b. Toilet facilities for employees shall be separate from facilities for inmates or patients.
- c. A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient sleeping units shall be permitted where such room is provided with direct access from each patient room and with provisions for privacy.
- d. The occupant load for seasonal outdoor seating and entertainment areas shall be included when determining the minimum number of facilities required.
- e. A drinking fountain is not required in B occupancies with an occupant load less than 15.
- f. A drinking fountain is not required in mercantile occupancies with a total occupant load less than 50.

(History: Ord. BC-2635 §142, 2007)

16.130.403.2

Repealed.

(History: Ord. BC-2459 §187, 2004; BC-2237 §4, 2001)

16.130.504.3

Section 504.3 of the 2006 International Plumbing Code is hereby amended to read as follows:

504.3 Shutdown. A means for disconnecting an electric hot water supply system from its energy supply shall be provided in accordance with the NFPA 70 National Electrical Code, 2005 Edition. A separate valve shall be provided to shut off the energy fuel supply to all other types of hot water supply systems.

(History: Ord. BC-2635 §143, 2007; BC-2459 §111, 2004; BC-2237 §4, 2001)

16.130.701.2

Section 701.2 of the 2006 International Plumbing Code is hereby amended to read as follows:

701.2 Sewer Required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer, where available, or an approved private sewage disposal system in accordance with the 2006 International Private Sewage Disposal Code.

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701.2.1 Public systems available. A public water main or public sewer system shall be considered available when the lot or tract is located within 200 feet (200') of the public water main or sewer and public water main or sewer is considered available for connection by the Johnson County Water District or the Johnson County Wastewater District.

(History: Ord. BC-2832 §1, 2009)

16.130.701.2.1

Repealed.

(History: Ord. BC-2832 §3, 2009; BC-2635 §144, 2007; BC-2459 §112, 2004; BC-2237 §4, 2001; Source or prior law: 16.08.190; BC-2013 §44, 97)

16.130.715.1

Section 715.1 of the 2006 International Plumbing Code is hereby amended as follows:

715.1 Sewage backflow. Where the flood level rims of plumbing fixtures are below the elevation of the manhole cover of the next upstream manhole in the public sewer, such fixtures shall be protected by a backwater valve installed in the building drain, branch of the building drain or horizontal branch serving such fixtures when required by the Johnson County Wastewater District.

(History: Ord. BC-2635 §145, 2007; BC-2459 §113, 2004; BC-2237 §4, 2001)

16.130.904.1

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §114, 2004; BC-2237 §4, 2001)

16.130.1101.1

Section 1101.1 of the 2006 International Plumbing Code is hereby amended to read as follows:

1101.1 Scope. The provisions of this chapter shall govern the materials, design, construction and installation of storm drainage starting at the building roof and terminating at the connection to the site storm drainage system as covered in Title 15 of the Overland Park Municipal Code. Nothing in this chapter shall be construed to take precedence over the requirements set forth in Title 15 of the Overland Park Municipal Code or the requirements set forth by the Johnson County Wastewater District.

(History: Ord. BC-2635 §146, 2007; BC-2459 §115, 2004; BC-2237 §4, 2001; Source or prior law: 16.08.200; BC-2013 §45, 97)

16.130.1301

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §116, 2004; BC-2237 §4, 2001)

16.130.1301.1

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §117, 2004)

[Next Page is 16-2100]

Chapter 16.140 MECHANICAL CODE

16.140.100 Mechanical Code – Incorporation.

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2006 International Mechanical Code, dated January, 2006, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said 2006 International Mechanical Code shall be marked Official Copy as Adopted by Ordinance No. BC-2635, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

(History: Ord. BC-2635 §147, 2007; BC-2459 §118, 2004; BC-2237 §5, 2001)

16.140.101.2

Section 101.2 of the 2006 International Mechanical Code is hereby amended to read follows:

101.2 Scope. This code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the 2006 International Fuel Gas Code.

Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the 2006 International Residential Code.

101.2.1 Appendices. Provisions of the appendices shall not apply unless specifically adopted.

101.2.2 Administration. The administrative provisions of this code shall be those provisions contained in the Overland Park Municipal Code, Chapter 16.100, Section 103 through Section 115.

(History: Ord. BC-2635 §148, 2007; BC-2459 §119, 2004)

Chapter 16.140

16.140.101.5

Repealed.

(History: Ord. BC-2459 §187, 2004; BC-2237 §5, 2001)

16.140.102.10

Section 102.10 of the 2006 International Mechanical Code is hereby added to read as follows:

102.10 State Boiler Inspector. Where permits are issued and portions of the work require inspection and approval of boilers and pressure vessels by the state of Kansas, those portions of the work will comply with the state requirements in lieu of compliance with the technical provisions of this code. Contact the State Boiler Inspector at the State Department of Human Resources for complete information regarding state requirements. State approval is generally required for all boilers that require permits.

Exceptions:

1. Boilers serving individual dwelling units and their accessory structures.
2. Boilers serving apartment houses with less than five (5) families.
3. Pressure vessels that do not exceed 15 cubic feet and 250 psi.

(History: Ord. BC-2635 §149, 2007; BC-2459 §120, 2004; BC-2237 §5, 2001)

16.140.103

Sections 103 through 109 of the 2006 International Mechanical Code are hereby deleted.

(History: Ord. BC-2635 §150, 2007; BC-2459 §121, 2004; BC-2237 §5, 2001; Source or prior law: 16.12.031; BC-2013 §92, 97; BC-1824 §97, 94; 16.12.120; BC-2013 §72, 97)

16.140.106.3

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §122, 2004; BC-2237 §5, 2001; Source or prior law: 16.12.135; BC-2013 §74, 97)

16.140.107

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §123, 2004; BC-2237 §5, 2001; Source or prior law: 16.12.145; BC-2013 §75, 97)

[Next Page is 16-2200]

Chapter 16.150 FUEL GAS CODE

16.150.100 Fuel Gas Code – Incorporation.

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2006 International Fuel Gas Code, dated January, 2006, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said 2006 International Fuel Gas Code shall be marked Official Copy as Adopted by Ordinance No. BC-2635, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

(History: Ord. BC-2635 §151, 2007; BC-2459 §124, 2004; BC-2237 §6, 2001)

16.150.101.1

Section 101.1 of the 2006 International Fuel Gas Code is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Overland Park, Kansas, hereinafter referred to as “this code.”

101.1.1 Administration. The administrative provisions of this code shall be those provisions contained in the Overland Park Municipal Code, Chapter 16.100, Section 103 through Section 115.

(History: Ord. BC-2635 §152, 2007)

16.150.101.3.1

Section 101.3.1 of the 2006 International Fuel Gas Code is hereby added to read as follows:

101.3.1 Appendices adopted. The following appendices are adopted as part of the code:

1. Appendix A – Sizing and Capacities of Gas Piping.
2. Appendix B – Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances Listed for Use and Type B Vents.
3. Appendix C – Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems.

(History: Ord. BC-2635 §153, 2007; BC-2459 §125, 2004; BC-2237 §6, 2001)

Chapter 16.150

16.150.101.6

Repealed.

(History: Ord. BC-2459 §187, 2004; BC-2237 §6, 2001)

16.150.103

Sections 103 through 109 of the 2006 International Fuel Gas Code are hereby deleted.

(History: Ord. BC-2635 §154, 2007; BC-2459 §126, 2004; BC-2237 §6, 2001)

16.150.106

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §127, 2004; BC-2237 §6, 2001)

16.150.107

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §128, 2004; BC-2237 §6, 2001)

16.150.301.16

Section 301.16 of the 2006 International Fuel Gas Code is here by added to read as follows:

301.16 Protection from physical damage. Where meters supplying fuel gas are located adjacent to parking spaces or vehicular driveways they shall be protected from physical damage per Section 312 of the 2006 International Fire Code.

(History: Ord. BC-2635 §155, 2007)

[Next Page is 16-2300]

Chapter 16.160 ELECTRICAL CODE

16.160.100 Electrical Code -- Incorporation.

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the NFPA 70 National Electrical Code, 2005 Edition, approved as an American National Standard on August 5, 2004, as published by National Fire Protection Association, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said NFPA 70 National Electrical Code, 2005 Edition, approved as an American National Standard on August 5, 2004, shall be marked Official Copy as Adopted by Ordinance No. BC-2635, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

(History: Ord. BC-2635 §156, 2007; BC-2459 §129, 2004; BC-2237 §7, 2001)

16.160.180

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §130, 2004)

16.160.190.4

Article 90, Section 90.4 of NFPA 70 National Electrical Code, 2005 Edition, is hereby deleted.

(History: Ord. BC-2635 §157, 2007)

16.160.190.10

Article 90, Section 90.10 of NFPA 70 National Electrical Code, 2005 Edition, is hereby added to read as follows:

90.10 Administration. The administrative provisions for this code shall be those provisions contained in the Overland Park Municipal Code, Chapter 16.100, Section 103 through Section 115.

(History: Ord. BC-2635 §158, 2007)

16.160.210.12

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §131, 2004)

16.160.310.14

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §132, 2004; BC-2237 §7, 2001; Source or prior law: 16.16.027 (part); BC-1824 §145, 94; BC-E-1673 §1, 91; BC-E-1522 §1, 88; BC-E-1269,A §1, 85)

16.160.334.10

Article 334, Section 334.10 of the NFPA 70 National Electrical Code, 2005 Edition, is hereby amended to read as follows:

334.10 Uses permitted. Type NM, Type NMC, and Type NMS cables shall be permitted to be used in the following.

1. One- and two-family dwellings.
2. Multifamily dwellings except as prohibited in 334.12.
3. Other structures except as prohibited in 334.12. Cables shall be concealed within walls, floors, or ceiling that provide a thermal barrier of material that has at least a 15-minute finish rating as identified in listings of fire-rated assemblies.
4. Cable trays, where the cables are identified for the use.
 - A. **Type NM.** Type NM cable shall be permitted as follows:
 - (1) For both exposed and concealed work in normally dry locations except as prohibited in 334.10(3).
 - (2) To be installed or fished in air voids in masonry block or tile walls.
 - B. **Type NMC.** Type NMC cable shall be permitted as follows:
 - (1) For both exposed and concealed work in dry, moist, damp, or corrosive locations, except as prohibited in 334.10(3).
 - (2) In outside and inside walls of masonry block or tile.
 - (3) In a shallow chase in masonry, concrete, or adobe protected against nails or screws by a steel plate at least 1/16 in. thick and covered with plaster, adobe, or similar finish.
 - C. **Type NMS.** Type NMS cable shall be permitted as follows:
 - (1) For both exposed and concealed work in normally dry locations except as prohibited in 334.10(3).
 - (2) To be installed or fished in air voids in masonry block or tile walls.
 - (3) To be used as permitted in Article 780.

(History: Ord. BC-2635 §159, 2007; BC-2459 §133, 2004)

[Next Page is 16-2400]

Chapter 16.170
ENERGY CONSERVATION CODE

16.170.100 Energy Conservation Code – Incorporation.

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2006 International Energy Conservation Code, dated January, 2006, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said 2006 International Energy Conservation Code shall be marked Official Copy as Adopted by Ordinance No. BC-2635, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

(History: Ord. BC-2635 §160, 2007; BC-2459 §134, 2004; BC-2237 §8, 2001)

16.170.101.1

Section 101.1 of the 2006 International Energy Conservation Code is hereby amended to read as follows:

101.1 Title. This code shall be know as the 2006 International Energy Conservation Code of the City of Overland Park, Kansas, and shall be cited as such. It is referred to herein as “this code.”

(History: Ord. BC-2635 §161, 2007)

16.170.101.2

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §135, 2004)

16.170.101.3.1.3

Repealed.

(History: Ord. BC-2459 §187, 2004; BC-2237 §8, 2001; Source or prior law: 16.06.140 (part); BC-2013 §30, 97)

16.170.101.4

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §136, 2004)

Chapter 16.170

16.170.130

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §137, 2004; BC-2237 §8, 2001)

16.170.402.2.6

Section 402.2.6 of the 2006 International Energy Conservation Code is hereby amended to read as follows:

402.2.6 Basement walls. Exterior basement walls associated with conditioned basements shall be insulated from the top of the basement wall down to 10 feet below grade or to the basement floor, whichever is less. Walls associated with unconditioned basements shall meet this requirement unless the floor overhead is insulated in accordance with Sections 402.1.1 and 402.2.5.

Exception: Exterior basement walls made of concrete or masonry are not required to be insulated when such walls are not adjacent to finished space and are more than 50 percent below grade. Exterior basement walls shall be insulated whenever the adjacent interior space is finished.

(History: Ord. BC-2635 §162, 2007; BC-2635 §162, 2007)

16.170.601.2

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §138, 2004)

16.170.802.1

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §139, 2004)

16.170.802.2

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §140, 2004)

16.170.830

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §141, 2004)

[Next Page is 16-2500]

Chapter 16.180
PRIVATE SEWAGE DISPOSAL CODE

16.180.100 Private Sewage Disposal Code – Incorporation.

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2006 International Private Sewage Disposal Code, dated January, 2006, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said 2006 International Private Sewage Disposal Code shall be marked Official Copy as Adopted by Ordinance No. BC-2635, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.
(History: Ord. BC-2635 §163, 2007; BC-2459 §142, 2004; BC-2237 §9, 2001)

16.180.101.1

Section 101.1 of the 2006 International Private Sewage Disposal Code is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Private Sewage Disposal Code of the City of Overland Park, Kansas, hereinafter referred to as “this code.”
(History: Ord. BC-2635 §164, 2007)

16.180.101.2

Section 101.2 of the 2006 International Private Sewage Disposal Code is hereby amended to read as follows:

101.2 Scope. Septic tank and effluent absorption systems or other treatment tank and effluent disposal systems shall be permitted where an exception has been granted by the Governing Body or where both the following conditions are met:

1. Public sewers are not available as defined in the 2006 International Plumbing Code; and
2. The building being served is a single-family dwelling located either on a lot of at least five (5) acres in area unless a preliminary plat has been approved prior to September 13, 1976, or on a lot zoned RE, Residential Estates, of at least one (1) acre in area.

Exception: The Governing Body, upon good cause being shown and after public hearing, may grant exceptions from the provisions of Items 1 and 2 above if two-thirds (2/3) or more of the votes cast by Councilmembers are affirmative votes in

favor of the exception. The applicant shall serve notice of public hearing. A copy of the plat map with the 200-foot (200') radius shown must be submitted. Any information or plans concerning improvements on this property must also be submitted. This information must be filed with the Building Official at least ten (10) days prior to the hearing.

Notification shall be by certified mail, return receipt requested, to all owners of record within the 200-foot (200') radius of subject property stating the date, time and place of the hearing and the nature of the variance or appeal requested. This shall be done no later than ten (10) days prior to the hearing. A copy of the application shall accompany the notice.

Return receipts, a copy of the notice to the owners, and a list of all owners of record of property within or touched by the 200-foot (200') radius shall be filed with the Building Official at least five (5) days prior to the hearing, at which time, an Affidavit of Mailing stating that the certified notices were mailed by the required date shall be signed by the applicant and notarized.

Unless specifically approved, the private sewage disposal system of each building shall be entirely separate from and independent of any other building. The use of a common system or a system on a parcel other than the parcel where the structure is located shall be subject to the full requirements of this code as for systems serving public buildings.

Except where specific reference is made in this code to an appendix, the provisions in the appendices shall not apply unless specifically adopted.

(History: Ord. BC-2635 §165, 2007; BC-2459 §143, 2004; BC-2237 §9, 2001; Source or prior law: 7.52.010 (part); SS-1701 §1, 91; SS-1341 §1, 85; SS-878 §1, 76; SS-183A §1, 66; 7.52.020 (part); SS-1701 §1, 91; SS-183A §2, 66; SS-183 §2, 63; 7.52.030; SS-1701 §1, 91; SS-183 §3, 63; 16.09.210; BC-2013 §47, 97)

16.180.101.3

Section 101.3 of the 2006 International Private Sewage Disposal Code is hereby amended to read as follows:

101.3 Public sewer connection. No permit for construction of a private sewage treatment system shall be issued for any lot or tract of land any part of which is located within 200 feet of a main or lateral sewer line which is part of a public sewage treatment system which can serve the lot or tract.

101.3.1 Public sewer availability. Where public sewers become available and it has been determined that connection to the public system is feasible and reasonably available to the property owner the use of an existing private sewage disposal system shall be discontinued and the structure served by the private sewage disposal system shall then be connected to the public sewer, where any of the following conditions are met.

1. Where a significant addition or alteration is made to an existing structure which would necessitate the need for a significant alteration or enlargement of the existing private sewage disposal system.
2. A change in use or occupancy classification which would result in a higher occupancy rate, regardless of the amount of construction that may or may not be undertaken.
3. Where a significant alteration, addition or repair to an existing private sewage disposal system is proposed.
4. Where a private sewage disposal system has failed as described in Section 101.5.1 of the 2006 International Private Sewage Disposal Code.

101.3.2 Extension or Waivers. The requirement for connection to a public sewer system for any particular tract or lot may be waived, or the time to connect may be extended, by the Building Official for cause shown that the required connection would result in undue hardship.

(History: Ord. BC-2832 §2, 2009; BC-2734 §1, 2008; BC-2635 §166, 2007; BC-2459 §144, 2004; BC-2237 §9, 2001; Source or prior law: 16.08.190 (part); BC-2013 §44, 97)

16.180.102.2

Repealed.

(History: Ord. BC-2832 §3, 2009; BC-2635 §167, 2007; BC-2459 §145, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.220 (part); BC-2013 §48, 97)

16.180.102.4

Repealed.

(History: Ord. BC-2459 §187, 2004; BC-2237 §9, 2001; Source or prior law: 7.52.035 (part); SS-1701 §1, 91)

16.180.103

Sections 103 through 109 of the 2006 International Private Sewage Disposal Code are hereby deleted.

(History: Ord. BC-2635 §168, 2007; BC-2459 §146, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.230; BC-2013 §49, 97)

16.180.106.3

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §147, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.240; BC-2013 §50, 97)

16.180.107

Repealed.

(History: Ord. BC-2635 §211, 2007; BC-2459 §148, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.250, 16.09.260 and 16.09.270; BC-2013 §§51, 52 and 53, 97)

16.180.302.2

Section 302.2 of the 2006 International Private Sewage Disposal Code is hereby amended to read as follows:

302.2 Cesspools and privies. Privies and cesspools shall be prohibited. Any existing cesspool or privy shall be considered a nuisance and abated.

(History: Ord. BC-2635 §169, 2007; BC-2459 §149, 2004; BC-2237 §9, 2001; Source or prior law: Chapter 7.48 (part); PV-156 §§1 and 2, 62; 16.09.280; BC-2013 §54, 97; 16.09.290; BC-2013 §55, 97)

16.180.403.1

Repealed.

(History: Ord. BC-2459 §187, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.300; BC-2013 §56, 97)

16.180.403.1.6

Section 403.1.6 of the 2006 International Private Sewage Disposal Code is hereby added to read as follows:

403.1.6 Soil data. A soil test report shall be submitted, indicating soil boring and percolation test data related to the undisturbed and finished grade elevations, vertical elevation reference point, and horizontal reference point. Surface elevations shall be given for all soil borings. All soil reports shall bear the signature of a soil tester and shall reference the soil in accordance with the Munsell Color System at each horizon level.

The City is to be notified at least 24 hours prior to the conduction of any soil testing to allow monitoring of these tests by the City at its discretion.

(History: Ord. BC-2635 §170, 2007; BC-2459 §150, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.310; BC-2013 §57, 97)

16.180.403.5

Section 403.5 of the 2006 International Private Sewage Disposal Code is hereby added to read as follows:

403.5 Protection of excavated areas. All borings, trenches, and other excavations shall be protected by fences or other means to prevent injury by parties entering the property.

(History: Ord. BC-2635 §171, 2007; BC-2459 §151, 2004)

16.180.404

Section 404 of the 2006 International Private Sewage Disposal Code is hereby deleted.
(History: Ord. BC-2635 §172, 2007; BC-2459 §152, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.320; BC-2013 §58, 97)

16.180.405.2.5

Section 405.2.5 of the 2006 International Private Sewage Disposal Code is hereby amended to read as follows:

405.2.5 Observations. The first observation shall be made on or before March 1. Observations shall be made thereafter every seven (7) days or less until November 30 or until the site is determined to be unacceptable, whichever occurs first. Where water is observed above the critical depth at any time, an observation shall be made one (1) week later. Where water is present above the critical depth at both observations, monitoring shall cease and the site shall be considered unacceptable. Where water is not present above the critical depth at the second observation, monitoring shall continue until November 30. Where any two observations seven (7) days apart show the presence of water above the critical depth, the site shall be considered unacceptable and the Building Official shall be notified in writing. When rainfall of 0.5 inch (1/2”) or more occurs in a 24-hour period during monitoring, observations shall be made at more frequent intervals, where necessary.
(History: Ord. BC-2635 §173, 2007; BC-2459 §153, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.330; BC-2013 §59, 97)

16.180.405.2.6

Section 405.2.6 of the 2006 International Private Sewage Disposal Code is hereby amended to read as follows:

405.2.6 Reporting data. Where monitoring shows saturated conditions, the following data shall be submitted in writing: test locations; ground elevations at the wells; soil profile descriptions; soil series, if available from soil maps; dates observed; depths to observed water; and local precipitation data, monthly from at least one year prior to monitoring and daily during monitoring.

Where monitoring discloses that the site is acceptable, the following data shall be submitted in writing: location and depth of test holes; ground elevations at the wells and soil profile descriptions; soil series, if available from soil maps; dates observed; results of observations; information on artificial drainage; and local precipitation data, monthly from at least one year prior to monitoring and daily during monitoring. A request to install a soil absorption system shall be made in accordance with Section 106.
(History: Ord. BC-2635 §174, 2007; BC-2459 §154, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.340; BC-2013 §60, 97)

16.180.406.1

Table 406.1 of the 2006 International Private Sewage Disposal Code is hereby amended to read as follows:

**TABLE 406.1
MINIMUM HORIZONTAL SEPARATION DISTANCES
FOR SOIL ABSORPTION SYSTEMS**

ELEMENT	DISTANCE (feet)
Cistern	50
Habitable building, below-grade foundation	25
Habitable building, slab-on-grade	15
Lake, high-water mark	50
Lot line	10
Reservoir	50
Roadway ditches	10
Spring	100
Streams or watercourse	50
Swimming pool	15
Uninhabited building	10
Water main	50
Water service	10
Water well	50

For SI: 1 foot = 304.8 mm.

(History: Ord. BC-2635 §175, 2007; BC-2459 §155, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.350; BC-2013 §61, 97)

16.180.505.11

Repealed. See 16.180.505.12.

(History: Ord. BC-2635 §211, 2007; BC-2459 §156, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.360; BC-2013 §62 97)

16.180.505.12

Section 505.12 of the 2006 International Private Sewage Disposal Code is hereby amended to read as follows:

505.12 Vitrified clay pipe. The use of vitrified clay pipe is prohibited.

(History: Ord. BC-2635 §176, 2007)

16.180.603.1

Section 603.1 of the 2006 International Private Sewage Disposal Code is hereby amended to read as follows:

603.1 General. The bottom area for seepage trenches or beds or the side-wall area for seepage pits required for a soil absorption system serving residential property shall be determined from Table 603.1 using soil percolation test data and type of construction.

Exception: The only percolation class permitted in the City of Overland Park is Class 4. (History: Ord. BC-2635 §177, 2007; BC-2459 §157, 2004; BC-2237 §9, 2001)

16.180.605.1

Section 605.1 of the 2006 International Private Sewage Disposal Code is hereby amended to read as follows:

605.1 Seepage trench excavations. Seepage trench excavations shall be 1 foot to 3 feet wide. Trench excavations shall be spaced a minimum of 6 feet apart. The absorption area of a seepage trench shall be computed by using only the bottom of the trench area. Distribution piping in a seepage bed shall be uniformly spaced a maximum of 5 feet and a minimum of 3 feet apart, and a maximum of 3 feet and a minimum of 1 foot from the sidewall or headwall. The bottom excavation area of the distribution header shall not be computed as absorption area. Individual seepage trenches shall be a maximum of 100 feet long, unless otherwise approved.

(History: Ord. BC-2635 §178, 2007; BC-2459 §158, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.370; BC-2013 §63, 97)

16.180.605.3

Section 605.3 of the 2006 International Private Sewage Disposal Code is hereby deleted.

(History: Ord. BC-2635 §179, 2007; BC-2459 §159, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.380; BC-2013 §64, 97)

16.180.605.5

Section 605.5 of the 2006 International Private Sewage Disposal Code is hereby amended to read as follows:

605.5 Aggregate and backfill. A minimum of 6 inches of aggregate ranging in size from ½ to 2 ½ inches shall be laid into the trench or bed below the distribution pipe elevation. The aggregate shall be evenly distributed a minimum of 2 inches over the top of the distribution pipe. The aggregate shall be covered with approved synthetic materials or 9 inches of uncompacted marsh hay or straw. Building paper shall not be used to cover the aggregate. A minimum of 18 inches of soil backfill shall be provided above the covering.

Exceptions:

1. **Shallow-in-ground system:** On sites where conventional in-ground systems are unsuitable due to conditions such as high water table, shallow bedrock or slowly permeable soil layer, it may be possible to install a shallow-in-ground system. Essentially shallow-in-ground systems are identical to conventional systems in terms of design and construction with the following modifications:
 - a. The trench excavation can be as shallow as six inches (6"). The actual excavation will be dependent upon the depth to the limiting factor. There must be two-to-four foot (2'-4') separation between the bottom of the trench and the limiting factor.
 - b. The backfill material must be of the same textural class as the excavated soil. This material must be inspected and accepted by the local authority. A minimum of 10-12 inches (10"-12") of backfill cover needs to be provided, and it should extend at least 20 feet (20') beyond the perimeter of the absorption field.

- c. It is recommended that the site be prepared by cutting grass as short as possible or even chisel plowing the area as is done prior to installation of a mound.
2. **Gravel less/chambered system:** This system may be considered in a situation where there is a residential property with a failed septic system under the following conditions:
 - a. There is not enough property available to accommodate a full sized gravel trench system in square feet.
 - b. Upon doing soil profile excavation pits, the soils are found to be permeable to 60" in depth with no limiting areas.
 - c. The required square footage of trench will be determined by calculating the square footage of trench required for a convention absorption system, which is 330 square feet per bedroom (Section 603) and then allowing only 70% of that total square foot requirement for a chambered system.
 - d. All other aspects of the system will be installed according to the 2006 International Private Sewage Disposal Code.

(History: Ord. BC-2635 §180, 2007; BC-2459 §160, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.390; BC-2013 §65, 97)

16.180.605.10

Section 605.10 of the 2006 International Private Sewage Disposal Code is hereby added to read as follows:

605.10 New construction. Where a private sewage system is installed where new home construction is not completed, distribution piping shall be protected with barriers to prevent construction traffic from crossing over the lateral field, trunk lines, and manifold piping. (History: Ord. BC-2635 §181, 2007; BC-2459 §161, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.400; BC-2013 §66, 97)

16.180.702.2.1

Section 702.2.1 of the 2006 International Private Sewage Disposal Code is hereby added to read as follows:

702.2.1 Percolation rate. The only percolation rate permitted in the City of Overland Park for Table 702.2 is 45 to 60. (History: Ord. BC-2635 §182, 2007; BC-2459 §162, 2004; BC-2237 §9, 2001)

16.180.802.2

Section 802.2 of the 2006 International Private Sewage Disposal Code is hereby amended to read as follows:

802.2 Design of septic tanks. Septic tanks shall have a minimum of two (2) compartments. The inlet compartment shall be not less than two-thirds (2/3) of the total capacity of the tank, not less than a 670-gallon liquid capacity and not less than 3 feet wide and 5 feet long. The

secondary compartment of a septic tank shall have a minimum capacity of 330 gallons and not more than one-third (1/3) of the total capacity. The secondary compartment of septic tanks having a capacity greater than 1,500 gallons shall be not less than 5 feet long.

The liquid depth shall be a minimum of 30 inches and a maximum average of 6 feet. The total depth shall be at least 8 inches greater than the liquid depth.

Rectangular tanks shall be constructed with the longest dimensions parallel to the direction of the flow.

Cylindrical tanks shall have a minimum inside diameter of 48 inches.

(History: Ord. BC-2635 §183, 2007; BC-2459 §163, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.410 (part); BC-2013 §67, 97)

16.180.802.7.1

Section 802.7.1 and Table 802.7.1 of the 2006 International Private Sewage Disposal Code are hereby amended to read as follows:

802.7.1 Sizing of septic tank. The minimum liquid capacity for one- and two-family dwellings shall be in accordance with Table 802.7.1.

**TABLE 802.7.1
SEPTIC TANK CAPACITY FOR
ONE- AND TWO-FAMILY DWELLINGS**

NUMBER OF BEDROOMS	SEPTIC TANK (gallons)
1	1,000
2	1,200
3	1,200
4	1,425
5	1,425
6	1,875
7	1,875
8	2,100

For SI: 1 gallon = 3.785 L.

(History: Ord. BC-2635 §184, 2007; BC-2459 §164, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.420; BC-2013 §68, 97)

16.180.805.1

Section 805.1 of the 2006 International Private Sewage Disposal Code is hereby amended to read as follows:

805.1 Approval. The installation of a holding tank shall not be approved where the site can accommodate the installation of any other private sewage disposal system specified in this code. A pumping and maintenance schedule for each holding tank installation shall be submitted to the Building Official.

Exception: Temporary sewage disposal facilities are permitted for systems meeting all of the following:

1. The system is installed for a period of time not to exceed two (2) years. Sufficient documentation, acceptable to the Building Official, shall be submitted to substantiate the temporary nature of the facility to ensure the facility will be removed or connected to the public sewer system within two (2) years.
2. The design and construction of the system conforms to the Holding Tank requirements of the 2006 International Private Sewage Disposal Code.
3. Public sewers are not available as defined in the 2006 International Plumbing Code.
4. The use of the building shall not utilize commercial cooking operations or any material that would be detrimental to the system.

(History: Ord. BC-2635 §185, 2007; BC-2459 §165, 2004; BC-2237 §9, 2001)

16.180.903.6.4

Section 903.6.4 of the 2006 International Private Sewage Disposal Code is hereby added to read as follows:

903.6.4 Percolation rate. The only percolation rate permitted in the City of Overland Park for Table 903.6 is greater than 60 to 120.

(History: Ord. BC-2635 §186, 2007; BC-2459 §166, 2004; BC-2237 §9, 2001)

16.180.1001

Repealed.

(History: Ord. BC-2459 §187, 2004; BC-2237 §9, 2001)

16.180.1202.7

Section 1202.7 of the 2006 International Private Sewage Disposal Code is hereby added to read as follows:

1202.7 Certification. Prior to occupancy, a certified engineer registered in the State of Kansas, which designed the sewage system, is required to certify the installation of the complete sewage system.

(History: Ord. BC-2635 §187, 2007; BC-2459 §167, 2004; BC-2237 §9, 2001; Source or prior law: 16.09.440; BC-2013 §70, 97)

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Chapter 16.190
PROPERTY MAINTENANCE CODE

16.190.100 Property Maintenance Code – Incorporation.

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2006 International Property Maintenance Code, dated January, 2006, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said 2006 International Property Maintenance Code shall be marked Official Copy as Adopted by Ordinance No. BC-2635, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.
(History: Ord. BC-2635 §188, 2007; BC-2459 §168, 2004; BC-2237 §10, 2001)

16.190.101.1

Section 101.1 of the 2006 International Property Maintenance Code is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Overland Park, Kansas, hereinafter referred to as “this code.”
(History: Ord. BC-2635 §189, 2007; BC-2459 §169, 2004; BC-2237 §10, 2001; Source or prior law: 16.07.101; BC-2114 §1, 98)

16.190.101.5

Section 101.5 of the 2006 International Property Maintenance Code is hereby added to read as follows:

101.5 General. The Building Official, or, where appropriate, the Governing Body, is authorized, subject to any adopted policies or administrative rules or regulations, to take the following actions to bring the subject property into compliance with this code or other ordinances of the City. Those actions include, without being limited to, abatement of the violation; vacation of the premises until the violation is corrected; prohibition of occupancy of the premises until the violation is corrected; issuance of a Notice to Appear in Municipal Court; injunctive or other relief in the District Court of Johnson County; suspension or revocation of any City licenses pertaining to the premises that remain in violation, and any other necessary or

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appropriate actions authorized by any applicable law, ordinance, statute, rule or regulation. If no public necessity is found for the immediate demolition of the structure or premises, the Building Official or Governing Body may take such other action, including, without limitation, causing the property to be cleaned, cleared, vacated, secured or otherwise repaired or any other action deemed necessary to promote the public health, safety or general welfare. The provisions of O.P.M.C. Section 7.26.230 shall be made applicable to this Section and pursuant to those provisions and any other applicable laws, statutes, ordinances, rules or regulations, the property owner may be charged for the costs incurred by the City in taking any actions to abate or correct such unlawful conditions, including administrative fees, and a lien may be placed on the property for any such unpaid costs and fees. The City Manager shall designate the department, division, employee or agency of the City to enforce this code, and such designee shall, for the purposes of this code, be known as the "Building Official" or "Code Administrator." In this code the term "Department of Property Maintenance Inspection" shall be used synonymously with the term "Building Official" or "Code Administrator."

(History: Ord. BC-2635 §190, 2007; BC-2459 §170, 2004; BC-2237 §10, 2001; Source or prior law: 16.07.105 (part); BC-2114 §2, 98)

16.190.102.3

Section 102.3 of the 2006 International Property Maintenance Code is hereby amended to read as follows:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the 2006 International Existing Building Code. Nothing in this code shall be construed to cancel, modify or set aside any provisions of Title 18 of the Overland Park Municipal Code also known as the "Unified Development Ordinance."

(History: Ord. BC-2635 §191, 2007; BC-2459 §171, 2004; BC-2237 §10, 2001)

16.190.102.7

Section 102.7 of the 2006 International Property Maintenance Code is hereby amended to read as follows:

102.7 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 8 and such codes and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between the provisions of this code and the referenced standards, the provisions of this code shall apply.

102.7.1 Electrical Code. The ICC Electrical Code referenced in Chapter 45 has been deleted and replaced with NFPA-70 (National Electrical Code, 2005 Edition). Wherever the term ICC Electrical Code has been used in this code it shall be used synonymously with the term "NFPA-70" listed in Chapter 45.

(History: Ord. BC-2635 §192, 2007; BC-2459 §172, 2004)

16.190.103

Sections 103, 104, 105, and 106 of the 2006 International Property Maintenance Code are hereby deleted.

(History: Ord. BC-2635 §193, 2007; BC-2459 §173, 2004; BC-2237 §10, 2001)

16.190.107.4

Section 107.4 of the 2006 International Property Maintenance Code is hereby amended to read as follows:

107.4 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 113.4 of the 2006 International Building Code.

(History: Ord. BC-2635 §194, 2007; BC-2459 §174, 2004; BC-2237 §10, 2001)

16.190.108.1.4

Section 108.1.4 of the 2006 International Property Maintenance Code is hereby amended to read as follows:

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered, or occupied or is being maintained in violation of the Municipal Code or any other applicable laws, statutes, rules or regulations.

(History: Ord. BC-2635 §195, 2007; BC-2459 §175, 2004; BC-2237 §10, 2001)

16.190.108.6

Sections 108.6 through 108.6.11 of the 2006 International Property Maintenance Code are hereby added to read as follows:

108.6 Fire, explosion, or windstorm. Damage created by fire, explosion, or windstorm shall comply with the provisions of Sections 108.6.1 through 108.6.11.

108.6.1 Scope and application. The City of Overland Park, Kansas, is hereby authorized to utilize the procedures established by K.S.A. 40-3901 et seq., whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or structure located within the City, arising out of any fire, explosion or windstorm, where the amount recoverable for the loss or damage to the building or structure under all policies covering such building or structure is in excess of 75 percent (75%) of the face value of the policy covering such building or structure, unless there is compliance with the procedures set out in this ordinance.

108.6.2 Lien created. The Governing Body of the City hereby creates a lien in favor of the City on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the City, caused by or arising out of any fire, explosion or windstorm, where the amount recoverable for

all the loss or damage to the building or other structure under all policies is in excess of 75 percent (75%) of the face value of the policy(s) covering such building or other insured structure. The lien arises upon any unpaid tax, special ad valorem levy, or any other charge imposed upon real property by or on behalf of the City which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss.

108.6.3 Same, encumbrances. Prior to final settlement on any claim covered by Section 108.6.2, the insurer or insurers shall contact the County Treasurer, Johnson County, Kansas, to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer or insurers shall execute and transmit in an amount equal to the owing under the encumbrances a draft payable to the County Treasurer, Johnson County, Kansas.

108.6.4 Same; pro rata basis. Such transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the building or other structure.

108.6.5 Procedure:

1. When final settlement on a covered claim has been agreed to or arrived at between the named insured or insureds and the company or companies, and the final settlement exceeds 75 percent (75%) of the face value of the policy covering the building or other structure, and when all amounts due the holder of a first mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company or companies shall execute a draft payable to the City Treasurer in an amount equal to the sum of 15 percent (15%) of the covered claim payment unless the Building Official of the City has issued a certificate to the insurance company or companies that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt, or otherwise made the premises safe and secure.
2. Such transfer of funds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the City shall be disbursed in accordance with the policy terms.
3. Upon the transfer of funds as required by Section 108.6.1 of this Section, the insurance company shall provide the City with the name and address of the named insured or insureds, the total insurance coverage applicable to said building or other structure, and the amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured or insureds, whereupon the Building Official shall contact the named insured or insureds by registered mail, informing them that said insurance proceeds have been received by the City and apprise them of the procedures to be followed under this ordinance.

108.6.6 Fund created; deposit of moneys. The City Treasurer is hereby authorized and shall create a fund to be known as the "Insurance Proceeds Fund." All moneys received by the City Treasurer as provided for by this ordinance, shall be placed in said fund and deposited in an interest-bearing account.

108.6.7 Building Inspector; investigation, removal of structure.

1. Upon receipt of moneys provided for by this ordinance, the City Treasurer shall immediately notify the Building Official of said receipt, and transmit all documentation received from the insurance company or companies to the Building Official.
2. Within 20 days of the receipt of said moneys, the Building Official shall determine, after prior investigation, whether the City shall instigate proceedings under the provisions of K.S.A. 12-1750 et seq., as amended.
3. Prior to the expiration of the 20 days established by Section 108.6.7(2) of this Section, the Building Official shall notify the City Treasurer whether he or she intends to initiate proceedings under K.S.A. 12-1750 et seq., as amended.
4. If the Building Official has determined that proceedings under K.S.A. 12-1750 et seq., as amended shall be initiated, he or she will do so immediately but no later than 30 days after receipt of the moneys by the City Treasurer.
5. Upon notification to the City Treasurer by the Building Official that no proceedings shall be initiated under K.S.A. 12-1750 et seq., as amended, the City Treasurer shall return all such moneys received, plus accrued interest, to the insured or insureds as identified in the communication from the insurance company or companies. Such return shall be accomplished within 30 days of the receipt of the moneys from the insurance company or companies.

108.6.8 Removal of structure excess moneys. If the Building Official has proceeded under the provisions of K.S.A. 12-1750 et seq., as amended, all moneys in excess of that which is ultimately necessary to comply with the provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured.

108.6.9 Same; disposition of funds. If the Building Official, with regard to a building or other structure damaged by fire, explosion, or windstorm, determines that it is necessary to act under K.S.A. 12-1756, any proceeds received by the City Treasurer under the authority of Section 108.6.5(1) relating to that building or other structure shall be used to reimburse the City for any expenses incurred by the City in proceeding under K.S.A. 12-1756. Upon reimbursement from the insurance proceeds, the Building Official shall immediately effect the release of the lien resulting therefrom. Should the expenses incurred by the City exceed the insurance proceeds paid over to the City Treasurer under Section 108.6.5(1), the Building Official shall publish a new lien as authorized by K.S.A. 12-1756, in an amount equal to such excess expenses incurred.

108.6.10 Effect upon insurance policies. This ordinance shall not make the City a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

108.6.11 Insurers; liability. Insurers complying with this ordinance or attempting in good faith to comply with this ordinance shall be immune from civil and criminal liability and such action shall not be deemed in violation of K.S.A. 40-2404 and any amendments thereto, including withholding payment of any insurance proceeds pursuant to this ordinance, or releasing or disclosing any information pursuant to this ordinance.

(History: Ord. BC-2635 §196, 2007; BC-2459 §176, 2004; BC-2237 §10, 2001; Source or prior law: 7.04.240 (part); NU-1382,A §1, 87; NU-1382 §1, 86; 7.04.250 (part); NU-1382,A §2, 87; NU-1382 §1, 86; 7.04.260 (part); NU-1382,A §3, 87; NU-1382 §1, 86; 16.07.108; BC-2114 §6, 98)

16.190.108.7

Repealed. See 16.190.108.6 through 16.190.108.6.11

(History: Ord. BC-2459 §187, 2004; BC-2237 §10, 2001; Source or prior law: 7.04.240 (part); NU-1382,A §1, 87; NU-1382 §1, 86; 7.04.250 (part); NU-1382,A §2, 87; NU-1382 §1, 86; 7.04.260 (part); NU-1382,A §3, 87; NU-1382 §1, 86; 16.07.108; BC-2114 §6, 98)

16.190.109.1

Section 109.1 of the 2006 International Property Maintenance Code is hereby amended to read as follows:

109.1 Imminent danger. When, in the opinion of the Building Official, there is imminent danger of failure or collapse of a building, or when any structure or part of a structure has collapsed, or when there is actual or potential danger to the building occupants because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Building Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. When the Building Official has determined that a structure is in danger of collapse or has suffered a partial collapse, and thus poses an imminent danger to life for those in proximity to the structure, the Building Official is further authorized to order the immediate removal or demolition of the structure or portion thereof as authorized under K.S.A. 12-1756.

The Building Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Building Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

(History: Ord. BC-2635 §197, 2007)

16.190.110.1.1

Section 110.1.1 of the 2006 International Property Maintenance Code is hereby added to read as follows:

110.1.1 Enforcement against unsafe structure. The following procedures shall be used to process actions regarding unsafe structures:

1. The Building Official shall cause a written report to be filed with the Governing Body of the City describing the situation, its location, and the circumstances that support the determination that the structure is unsafe; and,
2. The Governing Body shall fix a time and place at which the owner, representative, tenant, or lien holders of record may appear and show cause why such structure should not be condemned and ordered repaired or demolished; and,
 - 2.1 A resolution, including the findings of the Governing Body and the time and place for the hearing, shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail, return receipt requested, within three days after its first publication to each such owner, representative, tenant or lien holder of record, as can reasonably be determined, at the last known address and shall be marked, “deliver to addressee only.”
3. On the hearing date fixed by the Governing Body’s resolution all relevant parties, interest holders, and relevant City officials shall be allowed to present evidence concerning the status of the property. The Governing Body shall subsequently make findings by resolution; and,
4. If the Governing Body finds that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired or removed and the premises made safe and secure; and,
 - 4.1 Such resolution shall be published once in the official city newspaper and a copy mailed to the owners, representatives, tenants, or lien holders of record by certified mail, return receipt requested.
 - 4.2 The resolution shall fix a reasonable time within which the repair or removal of the structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated, or fails to diligently commence such action until the work is completed, the Governing Body will cause the structure to be razed and removed.
5. If the Building Official determines that a violation of this Act exists, he or she may issue a Notice to Appear in Municipal Court for such violation. No other procedures are required as a prerequisite to the issuance of a Notice to Appear.

(History: Ord. BC-2635 §198, 2007; BC-2459 §177, 2004; BC-2237 §10, 2001; Source or prior law: 7.04.210; NU-1382 §1, 86)

16.190.111

Section 111 of the 2006 International Property Maintenance Code is hereby deleted.

(History: Ord. BC-2635 §199, 2007; BC-2459 §178, 2004; BC-2237 §10, 2001)

16.190.112

Section 112 of the 2006 International Property Maintenance Code is hereby added to read as follows:

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112 Appeals. Any person directly affected by a decision of the Building Official or a notice or order issued under this code directly pertaining to the interpretation or application of technical provisions of this code or the City's adopted building codes shall have the right to appeal to the Code Board of Appeals, pursuant to the applicable provisions of the Overland Park Municipal Code pertaining to that board. Any person directly affected by any decision of the Building Official or a notice or order issued under this code not under the jurisdiction of the Code Board of Appeals shall have only such rights of appeal as are specified in any applicable laws, statutes, ordinances, rules or regulations.

(History: Ord. BC-2635 §200, 2007; BC-2459 §179, 2004; BC-2237 §10, 2001; Source or prior law: 16.07.111; BC-2114 §7, 98)

16.190.303.2

Repealed. See 16.190.304.2.

(History: Ord. BC-2459 §187, 2004; BC-2237 §10, 2001; Source or prior law: 16.07.304.2 (part); BC-2114 §8, 98)

16.190.303.3.1

Repealed. See 16.190.304.3.1.

(History: Ord. BC-2459 §187, 2004; BC-2237 §10, 2001; Source or prior law: 16.07.304.3.1 (beginning on the bottom of page 268-7); BC-2114 §10, 98; 16.14.320 (part); BC-2013 §83, 97; BC-1824 §129, 94)

16.190.303.7

Repealed. See 16.190.304.7.

(History: Ord. BC-2459 §187, 2004; BC-2237 §10, 2001; Source or prior law: 16.07.304.3.1 (that is on page 268-8); BC-2114 §11, 98)

16.190.303.14

Repealed. See 16.190.304.14.

(History: Ord. BC-2459 §187, 2004; BC-2237 §10, 2001; Source or prior law: 16.07.304.15; BC-2114 §12, 98)

16.190.304.2

Section 304.2 of the 2006 International Property Maintenance Code is hereby amended to read as follows:

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint areas in excess of 20 percent (20%) of any individual surface area shall be eliminated and such surfaces repainted. The area of peeling, flaking or chipped paint shall be calculated by drawing one rectangle around all occurrences of the peeling, flaking and chipped paint on any individual surface and calculating the area of that rectangle. All siding and masonry

joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(History: Ord. BC-2635 §201, 2007; BC-2459 §180, 2004; BC-2237 §10, 2001; Source or prior law: 16.07.304.2 (part); BC-2114 §8, 98)

16.190.304.3.1

Section 304.3.1 of the 2006 International Property Maintenance Code is hereby added to read as follows:

304.3.1 Secondary entry numbers. Multi-tenant shopping centers in which tenant spaces have secondary entry doors from an exterior facade of the building and have paved vehicle access adjacent to such doors shall have approved numbers or addresses placed on or adjacent to each door. Secondary address numbers shall be a minimum of 4 inches in height.

Exception 1: If more than one entry door is installed on a facade, only one door needs to be marked (entry doors defined as overhead cargo doors and normal passage doors).

Exception 2: The Building Official may grant further exceptions after consultation with the Crime Prevention Unit of the Overland Park Police Department if it can be shown that marking the doors would create a security risk.

(History: Ord. BC-2635 §202, 2007; BC-2459 §181, 2004; BC-2237 §10, 2001; Source or prior law: 16.07.304.3.1 (beginning on the bottom of page 268-7); BC-2114 §10, 98; 16.14.320 (part); BC-2013 §83, 97; BC-1824 §129, 94)

16.190.304.7

Section 304.7 of the 2006 International Property Maintenance Code is hereby amended to read as follows:

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water and water from intermittent sources such as discharges from sump pumps, foundation drains, or other similar sources, excluding lawn sprinklers, shall not be discharged at a point closer than five feet to any adjoining property line nor in a manner that creates a public nuisance.

(History: Ord. BC-2635 §203, 2007; BC-2459 §182, 2004; BC-2237 §10, 2001; Source or prior law: 16.07.304.3.1 (that is on page 268-8); BC-2114 §11, 98)

16.190.304.14

Section 304.14 of the 2006 International Property Maintenance Code is hereby amended to read as follows:

304.14 Insect screens. During the period from May 15 to October 15, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

(History: Ord. BC-2635 §204, 2007; BC-2459 §183, 2004; BC-2237 §10, 2001; Source or prior law: 16.07.304.15; BC-2114 §12, 98)

16.190.404.4

Section 404.4 of the 2006 International Property Maintenance Code is hereby amended to read as follows:

404.4 Bedroom and living room requirements. Every bedroom and living room shall comply with the requirements of Section 404.4.1 through 404.4.5.

404.4.1 Room area. Every living room shall contain at least 120 square feet. Every bedroom occupied by one person shall contain at least 70 square feet. Every bedroom occupied by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.

404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

(History: Ord. BC-2635 §205, 2007)

16.190.404.5

Section 404.5 of the 2006 International Property Maintenance Code is hereby by amended to read as follows:

404.5 Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the Building Official, endanger the life, health, safety or welfare of the occupants. Dwelling units shall not be occupied by more occupants than permitted by Table 404.5.

404.5.1 Sleeping area. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

404.5.2 Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 404.5 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

Table 404.5
MINIMUM AREA REQUIREMENTS

Space	Minimum Area in square feet		
	1-2 Occupants	3-5 Occupants	6 or more Occupants
Living room ^{a,b}	No requirements	120	150
Dining room ^{a,b}	No requirements	80	100
Bedrooms	Shall comply with Section 404.4		

a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

(History: Ord. BC-2635 §206, 2007)

16.190.602.3

Section 602.3 of the 2006 International Property Maintenance Code is hereby amended to read as follows:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 15 to May 15 to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the 2006 International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

(History: Ord. BC-2635 §207, 2007; BC-2459 §184, 2004; BC-2237 §10, 2001; Source or prior law: 16.07.602.2.1 (part); BC-2114 §14, 98)

16.190.602.4

Section 602.4 of the 2006 International Property Maintenance Code is hereby amended to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 15 to May 15 to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.

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2. Areas in which persons are primarily engaged in vigorous physical activities.
 (History: Ord. BC-2635 §208, 2007; BC-2459 §185, 2004; BC-2237 §10, 2001; Source or prior law: 16.07.602.3; BC-2114 §15, 98)

16.190.606.1

Section 606.1 of the 2006 International Property Maintenance Code is hereby amended to read as follows:

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in Table 606.1.

**TABLE 606.1
 INSPECTION AND TEST INTERVALS IN “MONTHS”**

Reference Section	Equipment Type	Periodic Inspections		Periodic Test					
		Requirement	Interval	Category 1		Category 3		Category 5	
				Requirement	Interval	Requirement	Interval	Requirement	Interval
8.11.2	Electric elevators	8.11.2.1	6	8.11.2.2	12	N/A	N/A	8.11.2.3	60
8.11.3	Hydraulic elevators	8.11.3.1	6	8.11.3.2	12	8.11.3.3	36	8.11.3.4	60
8.11.4	Escalators and moving walks	8.11.4.1	6	8.11.4.2	12	N/A	N/A	N/A	N/A
8.11.5.1	Sidewalk elevators	8.11.2.1, 8.11.3.1	6	8.11.2.2, 8.11.3.2	12	8.11.3.3	36	8.11.2.3, 8.11.3.4	60
8.11.5.3	Hand elevators	8.11.2.1	12	8.11.2.2	12	N/A	N/A	8.11.2.3, 8.11.3.4	60
8.11.5.4	Dumbwaiters	8.11.2.1, 8.11.3.1	12	8.11.2.2, 8.11.3.2	12	8.11.3.3	36	8.11.2.3, 8.11.3.4	60
8.11.5.5	Material lifts and dumbwaiters with automatic transfer devices	8.11.2.1, 8.11.3.1	12	8.11.2.2, 8.11.3.2	12	8.11.3.3	36	8.11.2.3, 8.11.3.4	60
8.11.5.6	Special purpose personnel elevators	8.11.2.1, 8.11.3.1	6	8.11.2.2, 8.11.3.2	12	8.11.3.3	36	8.11.2.3, 8.11.3.4	60
8.11.5.7	Inclined elevators	8.11.2.1, 8.11.3.1	6	8.11.2.2, 8.11.3.2	12	8.11.3.3	36	8.11.2.3, 8.11.3.4	60
8.11.5.8	Shipboard elevators	8.11.2.1, 8.11.3.1	6	8.11.2.2, 8.11.3.2	12	8.11.3.3	36	8.11.2.3, 8.11.3.4	60
8.11.5.9	Screw-column elevators	8.11.2.1, 8.11.3.1	6	8.11.2.2, 8.11.3.2	12	8.11.3.3	36	8.11.2.3, 8.11.3.4	60
8.11.5.10	Rooftop elevators	8.11.2.1, 8.11.3.1	6	8.11.2.2, 8.11.3.2	12	8.11.3.3	36	8.11.2.3, 8.11.3.4	60
8.11.5.12	Limited-use/limited-application elevators	8.11.2.1, 8.11.3.1	6	8.11.2.2, 8.11.3.2	12	8.11.3.3	36	8.11.2.3, 8.11.3.4	60
8.11.5.13	Elevators used for construction	8.11.2.1, 8.11.3.1	3	8.11.2.2, 8.11.3.2	12	8.11.3.3	36	8.11.2.3, 8.11.3.4	60

(History: Ord. BC-2635 §209, 2007)

16.190.800

Chapter 8 of the 2006 International Property Maintenance Code is hereby amended to read as follows:

REFERENCED STANDARDS. The referenced standards shall be amended as follows:

Delete:

- ICC EC – 2006 ICC Electrical Code.
- IZC – 2006 International Zoning Code.

Add:

- NFPA 70 National Electrical Code, 2005 Edition

(History: Ord. BC-2635 §210, 2007; BC-2459 §186, 2004; BC-2237 §10, 2001; Source or prior law: 16.07.800 (part); BC-2114 §16, 98)

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Chapter 16.200
EROSION AND SEDIMENT CONTROL

Sections:

16.200.010	Purpose of Ordinance.
16.200.020	Definitions.
16.200.030	Administration.
16.200.040	General Provisions.
16.200.050	Erosion and Sediment Control Plans.
16.200.060	Inspection.
16.200.070	Enforcement.
16.200.075	Variances.
16.200.080	Miscellaneous.

16.200.010 Purpose of Ordinance

The purpose of this Ordinance is to set forth procedures for controlling erosion and sedimentation caused by Land Disturbance activities, thereby providing for the protection and enhancement of the water quality of watercourses, Water Bodies, and wetlands.

(History: Ord. BC-2419 §1, 2003)

16.200.020 Definitions For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein or as defined in Title 18:

- A. "Best Management Practices", or "BMPs" mean physical facilities, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices which, when properly designed, installed and maintained, will be effective to prevent or reduce the discharge of water or air pollution associated with Land Disturbance activities regulated by this Ordinance.
- B. "Certified Professional in Erosion and Sediment Control (CPESC) " means an individual who is currently holding such certification as issued by CPESC, Inc., or other Person holding a state license authorizing them to prepare and submit an Erosion and Sediment Control Plan.
- C. "Code" means the Overland Park Municipal Code.
- D. "Director" means the Director of Planning and Development Services Department or the Director's authorized representative.
- E. "Erosion" means the wearing away of land by the action of wind, water, gravity or ice or a combination thereof.

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- F. "Erosion and Sediment Control Plan", or "Plan", means a Plan for the control of soil erosion and sedimentation resulting from land disturbing activity, and may include, without being limited to, the drawings, specifications, construction documents, schedules, or other related documents which establish the Best Management Practices (BMPs) on a project. The Plan shall include any information required to review the design of the BMPs and to ensure proper installation, maintenance, inspection, and removal of the BMPs, along with the details required to construct any portion of the final storm sewer system that was impeded by a BMP.
- G. "Erosion and Sediment Control Standards", or "Standards" means the Erosion and Sediment Control design criteria and specifications adopted in writing by the Director of Planning and Development Services Department.
- H. "Land Disturbance" means any activity that changes the physical conditions of landform, vegetation and hydrology, creates bare soil, or otherwise may cause Erosion or sedimentation. Such activities include, but are not limited to, clearing, removal of vegetation, stripping, grading, grubbing, excavating, filling, logging and storing of materials.
- I. "Perennial Vegetation" means grass or other appropriate natural growing vegetation that provides substantial land cover, Erosion protection and soil stability and that is capable of sustained and healthy growth over multiple years under the constraints of shade, temperature, and moisture that will be prevalent on the site. For the purposes of this Ordinance, annual grasses that do not regenerate after winter, ornamental plants or shrubs that do not offer effective Erosion and Sediment protection, and plants that are not suitable for the expected growing conditions on the site shall not be considered Perennial Vegetation.
- J. "Permit" means a Building Permit for construction of a building, Site Development Permit, Land Disturbance Permit, or Right of Way Permit.
- K. "Permit Holder" means the owner or contractor who is issued a Permit pursuant to Title 18. The Permit Holder may designate a separate contact person regarding field issues related to erosion and sediment control.
- L. "Person" means any individual, business, partnership, corporation, association, organization or legal entity of any kind including governmental entities.
- M. "Sediment" means any solid material, organic, or inorganic, that has been deposited in water, is in suspension in water, is being transported or has been removed from its site of origin by wind, water, ice or gravity as result of soil erosion. Sedimentation is the process by which eroded material is transported and deposited by the action of wind, water, ice or gravity.

- N. "Storm Sewer System" means any conveyance or system of conveyances for Storm Water, including road with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, as well as any system that meets the definition of a municipal separate Storm Sewer System or "MS4" as defined by the Environmental Protection Agency in 40 CFR 122.26.
- O. "Storm Water" means Storm Water runoff, snowmelt runoff, and surface runoff and drainage.
- P. "Water Bodies" means surface waters including rivers, streams, lakes and wetlands, including all areas designated by the federal government as a water of the United States. (History: Ord. BC-2523 §1, 2005; BC-2419 §1, 2003)

16.200.030 Administration

- A. Authority. The Director shall be responsible for the administration and enforcement of this Ordinance. The Director shall have the authority to adopt regulations, policies and procedures as necessary for the enforcement of this Ordinance. The Director may waive the requirements for maps, plans, reports or drawings, if the Director finds that the information otherwise submitted or to be submitted will be sufficient to show that the proposed work will conform to the requirements of this Ordinance.
- B. Right of entry. Whenever the Director has cause to believe that there exists, or potentially exists, in or upon any premises, any condition which constitutes a violation of this Ordinance, the Director is authorized to enter the premises at reasonable times to inspect or to perform the duties imposed by this Ordinance. If entry is refused, the Director shall have recourse to the remedies provided by law to secure entry.
- C. Erosion and Sediment Control Standards. The Director shall adopt and maintain Erosion and Sediment Control Standards to assist in the administration of this Ordinance. The Erosion and Sediment Control Standards shall be based on, but not limited to, the following principles:
 - 1. Fit the development to existing site conditions.
 - 2. Minimize the extent of exposure.
 - 3. Minimize duration of exposure.
 - 4. Break work activities into phases when possible.
 - 5. When possible, protect disturbed areas from any unnecessary run-on of stormwater from adjacent sites, at least during the construction period.
 - 6. Stabilize disturbed areas.
 - 7. Keep runoff velocities low.
 - 8. Retain Sediment on the site.
 - 9. Inspect and maintain control measures.
 - 10. Use performance measures and outcomes.
 - 11. Timely employment and maintenance of all measures.

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- D. **Time Requirement.** Where Land Disturbance activities have temporarily or permanently ceased on a portion of a project site for over 21 consecutive days, the disturbed areas shall be protected from Erosion by stabilizing the areas with mulch or other similarly effective soil stabilizing BMPs, unless the timeframe for compliance is extended by the Director. Where implementation of stabilization measures is precluded by snow cover, stabilization measures shall be initiated as soon as practicable.
- E. **Other Pollutants.** In addition to Sediment, the Erosion and Sediment Control Plan shall provide for the control of other pollutants related to the Land Disturbance activity that might cause an adverse impact to water quality, including, but not limited to, discarded building materials, concrete truck washout, fuel, hydraulic fluids, chemicals, litter, and sanitary wastes.

(History: Ord. BC-2419 §1, 2003)

16.200.040 General Provisions

- A. Any Person undertaking Land Disturbance activities, including the clearing, grading, excavating, filling, storing, and disposing of soil and earth materials, shall comply with the requirements and standards set forth in this Chapter of the Code. Permit requirements for Land Disturbance activities are described in Title 18 of the Code.
- B. **Applicability.** Regardless of whether or not a Land Disturbance activity requires a Permit, any Person engaged in any Land Disturbance activity shall comply with the spirit and intent of this Ordinance. At a minimum, such Persons shall employ BMP methods for Erosion and Sediment Control in proportion to the scale of the activity to reduce the amount of Sediment or other pollutants in stormwater discharges associated with those activities.
- C. **Responsible Person(s).** The responsible Person(s) are the owner of the property upon which a Land Disturbance takes place and any person(s) performing a Land Disturbance activity. When a Land Disturbance Permit or Site Development Permit is issued, an owner is responsible for Land Disturbance activities from Permit issuance to closure, unless the City approves a transfer of responsibility to a new owner when land is sold. When Land Disturbance is authorized through the issuance of a Permit pursuant to the Building Code, the owner remains responsible until that Permit is closed and any open Land Disturbance Permits on the same property are closed. Title 18 of the Code governs closure of the Permits.

(History: Ord. BC-2523 §2, 2005; BC-2419 §1, 2003)

16.200.050 Erosion and Sediment Control Plans

- A. All proposed Land Disturbance activity that requires a Permit in accordance with Title 18 of the Code shall be depicted on a site-specific Erosion and Sediment Control Plan. Land Disturbance activities that do not require a Permit in accordance with Title 18 of the

Code are required to employ applicable BMPs included in standard details provided by the City. The Erosion and Sediment Control Plan shall be submitted to the Director for review. The Plan shall include, at a minimum, the following information:

1. Proposed site map.
2. Areas to be disturbed.
3. Proposed Erosion and Sediment Control BMPs to be employed.
4. Phasing of Erosion and control measures.
5. Final stabilization plan for each phase.
6. Details and specifications for any sections of the final storm sewer system that must be constructed after the removal of BMPs such as temporary sediment basins.
7. Work schedule.
8. Maintenance and inspection requirements.

The Director may require any additional information or data deemed appropriate to ensure compliance with the intent, purpose and provisions of this Section of the Code.

- B. Review and Approval of Erosion and Sediment Control Plans. The Erosion and Sediment Control Plan shall be of sufficient clarity to indicate the location, manner, nature and extent of the work proposed. The Plan shall clearly show that the proposed work will conform to the provisions of this Code, the Erosion and Sediment Control Standards, and other relevant laws, ordinances, policies, rules and regulations as determined by the Director. The Director shall review the submitted documents to determine compliance with the Erosion and Sediment Control Standards. If the Director finds that the Plan is in compliance, the Applicant shall be advised that they may request a Permit. If the Director finds that the Plan is not in compliance, the Director shall advise the Applicant which elements of the Plan are not in compliance.
- C. Preparation of Plans. Erosion and Sediment Control Plans submitted to the City for review must be prepared under the supervision of and sealed by a licensed professional engineer or landscape architect or by a Certified Professional in Erosion and Sediment Control (CPESC). The engineer or landscape architect must be licensed to practice in the State of Kansas. The Director may waive this Plan preparation requirement if the Applicant's Plan consists entirely of utilizing standard plans and specifications as adopted in the City's Erosion and Sediment Control Standards.
- D. Amended Plans. Work shall be installed and maintained in accordance with the approved Plan. Changes made during construction that are not in compliance with the approved Plan shall be resubmitted for approval as an amended set of construction documents. Minor modifications of the approved Plan may be authorized by the Director without formal review provided those modifications are consistent with the Erosion and Sediment Control Standards and standard industry practice.

(History: Ord. BC-2523 §3, 2005; BC-2419 §1, 2003)

16.200.060 Inspection

- A. Initial Inspection. The Permit Holder shall notify the Director when initial Erosion and Sediment Control measures are installed in accordance with the Erosion and Sediment Control Plan. No Land Disturbance activities shall begin prior to approval from the Director that all pre-construction Erosion and Sediment Control measures are correctly installed per the approved Plan.
- B. Maintenance of Control Measures. All prescribed Erosion and Sediment Control measures shall be maintained in good order and in compliance with the Erosion and Sediment Control Plan at all times.
- C. Routine Inspection. It shall be the duty of the Permit Holder to routinely inspect the construction site and maintain effective Erosion and Sediment Control measures. Routine inspections shall be performed once per month or more frequently if required on the Plan and within twenty-four hours following each rainfall event of 1/2" or more within any twenty-four hour period. A log shall be kept of these inspections. Any deficiencies shall be noted in a report of the inspection and include the action taken to correct the deficiency. Inspection reports shall be submitted to the Director upon request. The inspection report shall include the following minimum information:
 - 1. Inspectors name.
 - 2. Date of inspection.
 - 3. Observations relative to the effectiveness of the Erosion and Sediment Control measures.
 - 4. Actions necessary to correct deficiencies.
 - 5. Signature of Person performing the inspection.

The Director may also perform inspections of the Land Disturbance site to verify compliance with the Erosion and Sediment Control Plan. Should it be found that Erosion and control methods are ineffective or are not being maintained properly, the Director may take enforcement actions described within this Chapter.

- D. Closure of Land Disturbance Activities. Once the site is stabilized a final inspection shall be requested. The site shall be considered stabilized when Perennial Vegetation, pavement, buildings or structures using permanent materials, cover all areas that have been disturbed. Perennial Vegetation shall be considered established and completed for stabilization when it has established a healthy and growing stand with a density of at least 70 percent of undisturbed areas at the site.
- E. Removal of Temporary Erosion and Sediment Control Measures. Subsequent to a satisfactory final inspection of the Land Disturbance, all temporary Erosion and Sediment Control measures must be removed and the final segments of the storm sewer system shall be constructed in the manner described within the approved plans. Such removal shall be complete prior to closure of the Permit which authorized the Land Disturbance.

(History: Ord. BC-2523 §4, 2005; BC-2419 §1, 2003)

16.200.070 Enforcement

- A. In General. The Director shall handle enforcement of the provisions of this Chapter through routine activities that include receiving inspection reports from the Permit Holder when requested, inspections, and communication with contractors. However, if these methods fail, the Director may proceed with any or all of the following enforcement measures:
1. Refusal of Inspection. Request for an inspection of any permitted construction activity may be denied if it is found that Erosion and Sediment control measures have not been implemented, or are found to be ineffective or are not maintained. If an inspection is refused, a notice of violation or a stop work order may be issued. No further inspections will be performed until the Erosion and control measures have been implemented or violations of Chapter 16.200 or Title 18 abated.
 2. Notice of Violation. The Director is authorized to serve a Notice of Violation or order on any Person found to be doing work in violation of the provisions of Chapter 16.200 or Title 18 of the Code. Such order shall direct the discontinuance of the illegal action or condition and order the abatement of the violation by the responsible Person.
 3. Stop Work Order. The Director is authorized to issue a stop work order for any or all construction activity within the established boundary of the Permit. The stop work order shall be in writing and shall be given to the owner of the property involved, or the owner's agent or to the Person doing the work. In addition, notice of the stop work order shall be posted on the site. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume. Any Person who shall continue to work after having been served with a stop work order, except such work as that Person is directed by the City to perform to remove a violation or unsafe condition, is guilty of a public offense and may be subject to penalties as prescribed herein.
 4. Abatement. Should any Person fail to comply with the provisions of this Chapter, the Director is authorized to correct or abate such violation. This action can be taken in lieu of, or in conjunction with, any action taken under O.P.M.C. Section 1.12.010, or enforcement actions set forth in this Chapter.
 - a. City expenditures to correct or abate a violation shall be assessed as a fee against the Land Disturbance, Site Development, Building Permit or any other Permit issued for work at the same site. The City will keep a record of the abatement costs. The fee shall be paid prior to recommencement of work on the site and prior to any further inspections. If the fee is not paid

within 30 days of the date the invoice is sent to the Permit Holder, the Director is authorized, as the Director deems appropriate, to expend additional abatement funds to provide permanent soil stabilization on the site. Such additional expenditures shall also be assessed as a fee against the Land Disturbance, Site Development, Building Permit, or other Permit issued for work on the same site.

- b. Should the Permit become suspended, revoked, or expired with the fee not paid, all City expenditures to correct or abate the violation may be assessed as a lien and special assessment against the lot or parcel of land on which the permitted activity took place. The same abatement and collection procedure shall apply if work is done without the issuance of a Permit. The City Clerk, at the time of certifying other City taxes, shall certify the unpaid portion of the costs and the County Clerk shall extend the same on the tax rolls of the county against the lot or parcel of land.

- B. **Abatement Funds.** Prior to approval of Land Disturbance Permits (LDP) or Site Development Permits (SDP) that authorize the disturbance of one (1) acre or more of land, the Director shall require surety in the form of a cash deposit or letter of credit, approved by the City, to be used to offset the costs of abatement of erosion and sediment caused by the land disturbance, including removal of the temporary BMPs and where applicable, their replacement by the final segments of the storm sewer system. The surety amount, established and reviewed annually by the Director, shall be based on the estimated cost to the City of providing temporary Erosion control and establishing Perennial Vegetation on typical project sites and may be increased to include costs associated with removing temporary BMPs and constructing the final segments of the storm sewer system. The surety amount will be proportioned based on the acreage of the site. If the surety is furnished in the form of a letter of credit, the amount shall equal the surety amount or five thousand dollars (\$5,000), whichever is greater. Amounts not used for abatement shall be returned to the Permit Holder after final inspection and approval to close the Permit.

The Director may waive surety requirements when projects have building construction activities in conjunction with land disturbance activities, provided all of the following conditions are met:

1. The City has accepted an application for a building permit for construction of a building on the same lot. The LDP or SDP may include work on property contiguous with the building lot, provided all property is under the same ownership.
2. All buildings and property will remain under a single ownership until closure of the LDP or SDP. If requested by the City, the applicant must submit a written certification verifying this condition.
3. Applications for all Building Permits, SDP or LDP are made by same party.

When a surety is waived, enforcement action for erosion and sediment control violations may be taken against the Building Permit holder.

- C. Violations and penalties.
1. Any Person who violates a provision of this Ordinance, fails to comply with any of the requirements thereof or fails to comply with a directive issued by the Director is guilty of a public offense and shall be subject to penalties as provided in Overland Park Municipal Code Section 1.12.010.
 2. The Director shall be permitted to cite the owner, or any/all Persons identified on a Permit as being legally responsible to the City for any violations of the Ordinance pertaining to that Permit.

(History: Ord. BC-2523 §5, 2005; BC-2419 §1, 2003)

16.200.075 Variances

- A. Any variance of the provisions in this Chapter shall be submitted to and approved by the Governing Body.
- B. The Director may grant a variance to the Erosion and Sediment Control Standards which have been adopted by the Director provided all of the following conditions are met:
1. The variance complies with the general spirit and intent of the Erosion and Sediment Control Standards.
 2. The granting of the variance will not adversely affect the rights of adjacent landowners.
 3. The granting of the variance will not result in substantial public expense, create nuisances, cause fraud on or cause harm to the public or conflict with existing local, federal or state laws, rules or regulations.
 4. The variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.
- C. Appeals of decisions made by the Director related to Erosion and Sediment Control Standards shall be made to the Governing Body.

(History: Ord. BC-2700 §1, 2008)

16.200.080 Miscellaneous

- A. **Other Laws.** Neither this Ordinance nor any administrative decision made under it exempts the Permit Holder or any other Person from other requirements of this Code, state and federal laws, or from procuring other required Permits, including any state or federal stormwater Permits authorized under the National Pollutant Discharge Elimination System (NPDES), or limits the right of any Person to maintain, at any time, any appropriate action at law or in equity, for relief or damages against the Permit Holder or any Person arising from the activity regulated by this Ordinance.
- B. **Disclaimer of Liability.** The performance standards and design criteria set forth herein establish minimum requirements, which must be implemented with good engineering practice and workmanship. Use of the requirements contained herein shall not constitute a representation, guarantee or warranty of any kind by the City, or its officers and employees, of the adequacy or safety of any best management practice or use of land, nor shall the approval and issuance of a Permit imply that land uses permitted will be free from damages caused by Storm Water. The degree of protection required by these regulations is considered reasonable for regulatory purposes and is based on historical records and engineering and scientific methods of study. Larger storms may occur or Storm Water runoff heights may be increased by man-made or natural causes. These regulations therefore shall not create liability on the part of the City or any officer with respect to any legislative or administrative decision lawfully made hereunder.
- C. **Severability.** If any section, subsection, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.
- D. **Effective Date.** The provisions of this Chapter shall apply to all Land Disturbance activities that take place on or after March 10, 2003
(History: Ord. BC-2419 §1, 2003)

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Chapter 16.210
STORMWATER TREATMENT

Sections:

16.210.010	Purpose and Findings.
16.210.020	Definitions.
16.210.030	Applicability.
16.210.040	Performance Criteria.
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16.210.010 Purpose and Findings.

- A. The purpose of this Act is to minimize and prevent the discharge of pollutants from developed land into the surface waters of the City by establishing reasonable requirements for the treatment of stormwater runoff from new development and redevelopment activities.
- B. The Governing Body finds that land development and the associated increases in impervious cover can increase the quantity and nature of pollutants carried by stormwater runoff, increase stormwater runoff rates and volumes, aggravate stream channel erosion and sediment transport, alter the hydrologic response of watersheds, and degrade the ecological function of downstream rivers, creeks, streams, lakes and other water bodies.
- C. Further, the Governing Body finds that stormwater treatment facilities and requirements can minimize those impacts by reducing pollutant levels carried in stormwater runoff, removing or reducing the concentrations of those pollutants that are carried, reducing stream bank erosion, and by restoring stormwater runoff rates and volumes to levels closer to the pre-development hydrologic regimes.

(History: Ord. SWT-2669 §1, 2008)

16.210.020 Definitions.

For the purposes of this Chapter, these words and phrases shall have the following meaning:

- A. "Applicant" means a property owner or agent of a property owner who has filed an application for a permit that is subject to the requirements of this Ordinance.
- B. "Channel" means a natural or artificial Watercourse with defined bed and banks that conducts continuously or periodically flowing water.

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- C. "City" means the City of Overland Park, Kansas.
- D. "Code" means the Overland Park Municipal Code.
- E. "Dedication" means the deliberate appropriation of property by its owner for general public use.
- F. "Developer" means a person who engages in Development of real estate, whether or not that person is the Landowner.
- G. "Development" means any man-made changes to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- H. "Director" means the Director of the Planning and Development Services Department or the Director's authorized representative.
- I. "Director of Public Works" means the Director of the Public Works Department or the Director's authorized representative.
- J. "Impervious Cover" means those surfaces that cannot effectively infiltrate rainfall, including building rooftops, pavement, sidewalks, and driveways.
- K. "Infiltration" means the process of percolating Stormwater into the subsoil.
- L. "Infill Development" means Development on a vacant or substantially vacant tract of land surrounded by existing Development except that tracts of land larger than ten (10) acres shall not be considered "Infill Development."
- M. "Land Disturbance" means any activity that changes the physical conditions of landform, vegetation and hydrology, creates bare soil, or otherwise may cause erosion or sedimentation. Such activities include, but are not limited to, clearing, removal of vegetation, stripping, grading, grubbing, excavating, filling, logging and storing of materials.
- N. "Landowner" means the legal or beneficial owner or owners of a lot or tract. The holder of a contract to purchase or other person having an enforceable proprietary interest in a lot or tract shall be deemed a landowner.
- O. "Maintenance Agreement" means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.
- P. "Off-site Facility" means a Stormwater Treatment Facility located outside the subject property boundary described in the permit application for land Development activity, including Facilities that may accept runoff from multiple projects.
- Q. "Pollutant" means any substance or material which contaminates or adversely alters the physical, chemical or biological properties of water, including changes in temperature, taste, odor, turbidity, or color.
- R. "Previously Constructed Development" means all buildings, parking, sidewalks, and other impervious surfaces that currently exist on a site that were built in accordance with an approved Development plan.
- S. "Redevelopment" means Development on a tract of land that has been previously developed in substantial accordance with an approved Development plan or final plat, either under City or County zoning codes, and where all or most of the existing structures and/or site improvements built under that plan are proposed to be razed and a new structure or structures or other site improvements are proposed to be constructed in accordance with an approved Development plan or plat.

- T. "Stop Work Order" means an order issued which requires that all construction activity on a site be stopped.
 - U. "Stormwater" means stormwater runoff, snow melt runoff, and surface runoff and drainage from precipitation.
 - V. "Stormwater Treatment Facilities" or "Facilities" means all structures, plantings, natural features, or other physical elements that are designed, constructed and maintained in accordance with this Ordinance and which are provided to prevent or reduce Stormwater Pollution or to control Stormwater runoff volume and discharges.
 - W. "Stormwater Treatment Standards" or "Standards" means the detailed design criteria, specifications, standard details, and maintenance requirements adopted in writing by the Director.
 - X. "Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.
- (History: Ord. SWT-2900 §1, 2011; SWT-2807 §1, 2009; SWT-2669 §1, 2008)

16.210.030 Applicability.

No land shall be developed without full compliance with this Chapter unless Development occurs as allowed by the following exceptions:

- A. Standard Exceptions: Projects meeting any of the following criteria are exempt from the provisions of this Chapter:
 1. Land Disturbances of less than one acre that are not part of a common plan for Development that will cumulatively disturb more than one acre.
 2. Expansions and modifications to Previously Constructed Developments otherwise subject to this Chapter where the proposed increase in impervious surface is less than 5,000 square feet. This exception shall not apply to multiple applications in the approval process and/or under construction at the same time that cumulatively exceed 5,000 square feet of impervious surface.
 3. Land Disturbances for utility construction.
 4. Agricultural land uses.
 5. Single lot residential Developments that are not part of a larger common plan for Development.
 6. Repairs to any Stormwater management Facility or practice deemed necessary by the Director of Public Works.
 7. Required Rezoning and Special Use Permits to allow a specific use with no physical changes proposed to the approved Preliminary Development Plan.
- B. City Administered Street Construction: Street and thoroughfare construction projects administered and constructed directly by the City shall comply with this Ordinance, except that compliance is not required for street and thoroughfare construction: (1) that would be exempt under the standard exceptions in Section 16.210.030A of this Chapter; and (2) that will maintain, enhance, or reconstruct existing roadways, including the intersection improvements, turn lane additions, safety improvements, or new entrances, but which will not add additional through lanes.

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Unless subject to another agreement, Stormwater Treatment Facilities installed as part of City administered projects are owned and maintained by the City.

The City does not assert jurisdiction under this Ordinance over any construction work on State of Kansas right-of-way.

- C. Previously Approved Development Plans: Projects having a preliminary Development plan (including preliminary plans approved with an accompanying rezoning or special use permit), preliminary plat, or site plan (for conventional zoning districts only) that had a final approval by the Governing Body, the Planning Commission, or the Planning and Development Services Department prior to adoption of this Ordinance are exempt from the provisions of this Chapter. “Substantial or Significant Changes” to Development plans after June 1, 2009, must comply with this Ordinance in the same manner as a new Development.

“Substantial or Significant Changes” shall mean any of the following criteria:

1. Increases in the density or intensity of residential uses of more than five percent (5%) when the increase creates additional impervious surface (typically horizontal in nature).
 2. Increases in the total floor area of all nonresidential buildings covered by the plan of more than ten percent (10%) when the increase creates additional impervious surface (typically horizontal in nature).
 3. Increase in lot coverage of more than five percent (5%).
 4. Changes in ownership patterns or stages of construction that will lead to a different Development concept.
 5. Decreases of areas devoted to open space of more than five percent (5%) or the substantial relocation of such areas.
 6. Decreases of any peripheral setback of more than five percent (5%).
 7. Changes of traffic circulation patterns that will affect traffic outside of the project boundaries.
 8. Modification or removal of conditions or stipulations to the preliminary Development plan approval.
 9. For any Developments proposed in the RP-OE, RP-OS, or PRN zoning districts, any change in the specified use or maintenance of any designated open space lands.
 10. For any Developments proposed in the PRN, any changes in the type of dwelling units or style of dwelling units proposed to be constructed in a particular area or block.
- D. Infill and Redevelopment Projects: Substantial or Significant Changes to approved Development plans after June 1, 2009, are subject to the provisions as required under Section 16.210.030 C of this Chapter.

(History: Ord. SWT-2900 §2, 2011; SWT-2855 §1, 2010; SWT-2801 §1, 2009; SWT-2780 §1, 2008; SWT-2747 §1, 2008; SWT-2669 §1, 2008)

16.210.040 Performance Criteria.

- A. Stormwater Treatment Standards (Standards): The Director shall adopt and maintain Stormwater Treatment Standards to implement and interpret the provisions of this Ordinance. The latest edition of the *Mid-America Regional Council and American Public Works Association Manual of Best Management Practices for Stormwater Quality (MARC BMP Manual)*, and all appendices, shall be the basis of these Standards. Included in the Standards shall be additional technical guidance or exceptions to the *MARC BMP Manual* which have been adopted by the Director. The additional guidance or exceptions may include, but not be limited to, modified best management practices, design criteria, construction specifications, or standard details. Copies of all adopted standards shall be on file and available in the Planning and Development Services Department. The Standards adopted by the Director shall be effective upon approval of the Governing Body after having received recommendations of the Public Works and Community Development Committees.
- B. Modifications to Standards: The Standards shall be adopted and amended by the Director following a public input process. The public input process shall include the following minimum steps: 1) posting proposed documents in draft form a minimum of 30 days prior to the Director holding a public informational meeting; and 2) extending a written comment period for a minimum of 30 days after the public informational meeting. A new public input process is not required for revisions to the proposed draft documents if the Standards are adopted by the Director within 180 days of the public informational meeting.
- C. Minimum Control Requirements: All stormwater treatment facilities shall be designed to provide a combination of pollutant removal and water volume control that satisfies the level of service and value rating calculations set forth in the Stormwater Treatment Standards and other requirements established by City approved watershed management plans or studies.
- D. Non-Structural Stormwater Practices: Non-structural stormwater treatment practices are encouraged to minimize the reliance on structural practices. Applicants wishing to obtain credit for using non-structural practices must ensure that these practices are documented and will remain unaltered by subsequent property owners by locating the facility in a conservation easement, separate tract dedicated for stormwater treatment facilities or similar instrument as approved by the Director.
- E. Infill and Redevelopment Projects: The Standards may modify or reduce requirements on infill and redevelopment projects.
- F. Modifications to Allow Alternate Compliance: In addition, the Director may waive or modify any of the Stormwater Treatment Standards to encourage the implementation of alternative or innovative practices that implement the intent of the modified standards and provide equivalent public benefits without significant adverse impacts on surrounding

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developments. Such modifications may be granted for issues including, but not limited to:

1. Approval of alternate materials, devices, techniques, details or specifications for individual treatment facilities that would be expected to provide similar or better performance.
2. Evaluations of credits, ratings, or level of service calculations to account for unique or special technical considerations.
3. Corrections, clarifications or modifications to requirements which the Director has found to give inadequate or undesirable performance.

G. Appeals of decisions made by the Director related to the Standards shall be made to the Governing Body.

(History: Ord. SWT-2807 §2, 2009; SWT-2669 §1, 2008)

16.210.050 Site Location and Placement.

The location of Stormwater Treatment Facilities shall be consistent with their function while also conforming to the uses and constraints of the site. The Facility locations shall be approved by the Director, and ownership and maintenance responsibility established. At a minimum, all Stormwater Treatment Facilities will be shown on final construction plans and in the maintenance plan.

- A. **Centralized and Common Stormwater Treatment Facilities:** Centralized and common Facilities for Stormwater management shall be shown on preliminary and final plans. The perimeter of the Facility shall be dimensioned on a plan provided as an attachment to the Maintenance Agreement. Provisions shall be made for maintenance of the Facilities, documentation of their presence, and rights of access, as set forth in Section 16.210.100.
- B. **Distributed Stormwater Treatment Facilities:** Distributed Stormwater Treatment Facilities shall be dimensioned on a plan provided as an attachment to the Maintenance Agreement. Provisions shall be made for maintenance of the Facilities, documentation of their presence, and rights of access, as set forth in Section 16.210.100.
- C. **Residential Single-Family and Two-Family Areas:** Generally, Stormwater Treatment Facilities for residential single-family and two-family Developments shall be centralized and located on a common tract, to be owned and maintained by a homes association.

The Director may allow a limited number of distributed Facilities on individual residential tracts, provided the applicant demonstrates that substantial provisions are in place to ensure long-term operation, maintenance and inspection of such Facilities without undue burden to the City for tracking or monitoring compliance.

- D. Private Facilities in the Public Street Right-of-Way: Privately owned and operated Stormwater Treatment Facilities shall be located outside of the public street right-of-way unless approved in writing by the Director of Public Works and a corresponding right-of-way Maintenance Agreement shall be recorded that provides for private maintenance responsibility in the public street right-of-way.
- E. Coordination with Utility Easements: Stormwater Treatment Facilities shall not be co-located within utility easements unless approved by the Director.
- F. Detention Ponds: When detention facilities for peak flood control are required under the provisions of Chapter 15.10 of the Code, such basins may be co-located with Stormwater Treatment Facilities, provided that the Facilities are designed to meet the requirements of both uses.
- G. Off-site Facilities: The Director may consider proposals to manage Stormwater runoff in Off-site Facilities that treat runoff from the proposed Development and comply with the Stormwater Treatment Standards. The Off-site Facility shall be in place prior to or concurrently with the proposed Development. Long-term operations and maintenance responsibilities for the Facilities must be established by legal agreements, approved by the City and recorded with Johnson County Records and Tax Administration.
- H. Existing stream corridors as required in Chapter 18.365 of the Code are considered a beneficial Stormwater Treatment Facility, therefore credit will be granted by the Stormwater Treatment Standards. In limited circumstances, which are specifically included in the Stormwater Treatment Standards, the outer one-third (1/3) of the designated stream corridor may incorporate additional features which enhance the corridor's Stormwater treatment function. Such Facilities must be consistent with the long-term integrity of the stream corridor as a natural, riparian zone.

(History: Ord. SWT-2900 §3, 2011; SWT-2807 §3, 2009; SWT-2669 §1, 2008)

16.210.060 Deviation.

- A. The Planning Commission or Governing Body may, in the process of approving preliminary plats, final plats, preliminary Development plans, final Development plans, special use permits, or rezonings, approve deviations from the specific terms of this Ordinance which would not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship for the Applicant, and provided that the spirit of this Ordinance shall be observed, the public safety and welfare secured and substantial justice done for the Applicants.
- B. An application for a deviation may only be granted upon a finding that all of the following conditions have been met:
 - 1. That the granting of the deviation will not adversely affect the rights of adjacent Landowners.

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2. That the strict application of the provisions of this Ordinance would constitute unnecessary hardship upon the Landowner represented in the application.
3. That the deviation desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.
4. That granting the deviation will comply with the general spirit and intent of this Ordinance.
5. That it has been determined the granting of a deviation will not result in extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local, federal, or state laws.

Upon consideration of the factors listed above and the purposes of this Ordinance, the City may attach such conditions to the granting of deviations as it deems necessary to further the purpose of this Chapter.

- C. In considering deviation applications, the City has the discretion of using any or all of the following project evaluations when, in the judgment of the Planning Commission or Governing Body, these evaluations are relevant and appropriate. No individual or combination of evaluations are necessarily required for an application to be approved and the Planning Commission or Governing Body may weigh these evaluations in light of all relevant considerations in determining whether or not to approve an application.
1. That alternative standards for Stormwater management, water quality protection, and ecological preservation have been established, and/or that mitigation measures are undertaken.
 2. That existing physical or natural characteristics of the site make strict application of the Ordinance infeasible.
 3. That concerns for flooding, stream bank erosion, stream instability, and maintenance of culverts, bridges or other structures are addressed.
 4. That the deviation is the minimum necessary to afford relief.
- D. For City administered street construction, a request for deviation will be initiated and recommended by the Director of Public Works and must be approved by the Governing Body. The City may consider, as part of a deviation request, the constraints posed by lack of available right-of-way, interaction with previously planned or approved Stormwater drainage systems, and the nature of surrounding land uses.

(History: Ord. SWT-2900 §4, 2011; SWT-2669 §1, 2008)

16.210.070 Stormwater Management Plan Requirements.

- A. Preliminary Stormwater Management Plan Requirements: No application for development shall be accepted unless it includes a preliminary stormwater management plan detailing in concept how runoff and associated water quality impacts resulting from the development will be controlled or managed. This plan must be prepared by a registered professional engineer in the State of Kansas and must show whether stormwater will be managed on-site or off-site, and show the general location and type of practices.

The preliminary stormwater management plan must include: conceptual stormwater management plans, sufficient information to evaluate the existing environmental characteristics of the project site, impacts of the proposed development, preliminary sizing for stormwater treatment facilities, and locations of any proposed access easements or conservation easements, and a description of the maintenance responsibility for proposed stormwater treatment facilities. The Director may set additional minimum submittal requirements.

- B. **Final Stormwater Management Plan Requirements:** Unless waived by the Director, the applicant shall obtain City approval for the final stormwater management plan prior to obtaining a permit. The final stormwater management plan, in addition to the information from the preliminary stormwater management plan, shall include all of the information required in the Standards and any other submittal requirements as determined by the Director.
- C. **Landscaping and Stabilization Requirements:** The landscape plan for permitting purposes shall include all of the following:
 1. Vegetative stabilization and management techniques to be used at a site after construction is completed.
 2. An explanation of how the site will be stabilized after construction.
 3. Identify the responsible party for the maintenance of vegetation at the site.
 4. Identify the practices that will be employed to ensure adequate vegetative cover is preserved.
 5. The design is prepared by a registered landscape architect in the State of Kansas.
 6. The design is approved prior to receiving a permit to construct the stormwater treatment facility.

(History: Ord. SWT-2669 §1, 2008)

16.210.080 Permit Procedures, Requirements, and Performance Surety.

- A. **Permit Required:** No person shall receive any permits for building, grading or other land Development without meeting the requirements of this Ordinance. Generally, permits for Stormwater Treatment Facility construction will be completed under the authorization of a building, site Development, or land disturbance permit. Application requirements and procedures are described in Title 18 of the Code.
- B. **Construction Plan Requirements:** The Director shall have the authority to set minimum construction plan submittal requirements by written policy or checklist.
- C. **Performance Surety Required:** The Director shall require the submittal of a performance surety in the form of an irrevocable letter of credit or cash deposit. If a letter of credit is provided, it shall be on the form as prescribed by the Director. The amount of the performance surety shall be 1.25 times the total construction cost of the Stormwater Treatment Facility as estimated by the project designer and approved by the Director.

Performance Surety Waiver for Single Lot Developments: If Stormwater Treatment Facilities only serve a single building lot and a building is being constructed, a performance surety may be waived by the Director provided all Stormwater Treatment Facilities are constructed and certified prior to issuance of a Certificate of Occupancy. When seasonal or environmental conditions cause a delay in constructing the Stormwater Treatment Facilities, the Director may approve issuing a Certificate of Occupancy provided a performance surety is posted in accordance with this Section.

- D. Release of Performance Surety: The performance surety will be released only when all of the following conditions have been met:
1. At least 90% of the land area served by the Stormwater Treatment Facilities has permanent stabilization in place.
 2. All of the Stormwater Treatment Facilities covered by the surety have been constructed and certified in accordance with this Chapter.
 3. If the Stormwater Treatment Facility is constructed prior to final stabilization of at least 90% of the land area served by the facility, and the most recent certification of the facility is more than 90 days old, an updated certification shall be required to verify that the facility is fully functional.
- E. Maintenance Surety: Prior to issuance of a final certificate of occupancy, the contractor shall submit cash, a letter of credit, or a maintenance bond. The contractor shall be responsible for all regular maintenance and repairs to the Stormwater Treatment Facility while the maintenance surety is in effect including, but not limited to, repairs necessary due to damage caused by intentional or unintentional acts of others. The maintenance surety shall be in the amount of 50% of the construction cost of the facility and can be utilized for any maintenance or rehabilitation costs associated with the Stormwater Treatment Facility deemed necessary by the City, including, but not limited to, removal of siltation, mowing, replacement of vegetation, piping repairs, replacement of underdrains, other repairs to the facility, and any administrative or engineering costs associated with such maintenance and repairs. Maintenance sureties shall conform to the following:
1. If the maintenance surety is in the form of a maintenance bond, it shall remain in effect for a period of two (2) years following initial certification of the Stormwater Treatment Facility.
 2. If the maintenance surety is in the form of a letter of credit, the contractor or Developer shall deposit with the City's Chief Financial Officer an irrevocable letter of credit from an acceptable financial institution payable to the City, collectable no later than two (2) years from the date of initial certification of the Stormwater Treatment Facility.
 3. If the maintenance surety is in the form of cash, or letter of credit, all remaining money and any interest accrued thereon shall be returned to the contractor no later than three (3) years after the date of initial certification of the Stormwater Treatment Facility.

- F. **Timing of Stormwater Treatment Facility Construction:** Stormwater Treatment Facilities shall be constructed as early as feasible during the Development process. However, since some commonly used Stormwater Treatment Facilities are sensitive to construction generated silt when upstream areas are under construction, the following provisions are allowable for timing of such Facility construction:
1. For a Stormwater Treatment Facility serving a single building lot, the Facility shall be constructed concurrently with the Development of the site and building, subject to exceptions set forward in Section 16.210.080D of this Chapter.
 2. When Stormwater Treatment Facilities serve multiple Development lots within a common plan of Development, a Stormwater Treatment Facility can be final graded, and permanent vegetation installed only after 90% of the land area served by the Facility has achieved permanent stabilization unless the Director approves a shortened schedule. Additionally, Stormwater Treatment Facilities must be installed and certified within six (6) months of permanent stabilization of the entire land area served by the Facility. Land area served by the Facility shall mean those areas served by the Facility within the common plan of Development and shall not include offsite areas even if they are tributary to the Facility.
 3. For Stormwater Treatment Facilities serving multiple Development lots within a common plan of Development, no Certificate of Occupancy shall be issued for any building or site unless a permit has been issued authorizing construction of a required Facility to serve the building or site.
- G. **Failure to Construct a Required Stormwater Treatment Facility:** When construction of a Stormwater Treatment Facility is delayed beyond the limits as provided in this Section, the Director may utilize any or all of the following enforcement mechanisms:
1. Draw upon performance surety funds as necessary to construct the Stormwater Treatment Facility. In the event that the performance surety funds are not adequate to cover all costs associated with construction of said Facility, the Director may assess the property owners for any additional costs in accordance with Section 16.210.100H of this Chapter.
 2. Withhold issuance of building permits for properties proposed to be served by such Stormwater Treatment Facility.
 3. Withhold issuance of Certificates of Occupancy or Certificates of Compliance for permitted work that is proposed to be served by such Stormwater Treatment Facility.
 4. Issue Stop Work Orders for permitted work for any or all property that is proposed to be served by such Stormwater Treatment Facility.
- (History: Ord. SWT-2900 §5, 2011; SWT-2669 §1, 2008)

16.210.090 Construction Inspections.

- A. Inspections: Regular inspections of the Stormwater management system construction shall be the responsibility of the project designer or other owner's representative who has been approved by the Director and inspection results forwarded to the City. For certain types and locations of Stormwater Treatment Facilities, the Director may at his discretion require additional or parallel inspections by City staff. A final inspection by the City is required before the release of any performance sureties can occur.
- B. Post Construction Certification: Prior to refunding of performance securities, the project designer, or other party approved by the Director, must certify that the Stormwater Treatment Facility is fully functional and has been installed in accordance with the approved plans. For Developments not requiring a performance surety, the certification shall be made prior to issuance of a Final Certificate of Occupancy or Certificate of Compliance.

(History: Ord. SWT-2900 §6, 2011; SWT-2669 §1, 2008)

16.210.100 Maintenance and Repair of Facilities.

- A. Required Maintenance Agreement: Prior to issuance of any permit that includes construction of a Stormwater Treatment Facility, the applicant or owner of the site shall provide a Maintenance Agreement for approval by the Director. At a minimum, the Maintenance Agreement shall:
 - 1. Identify the responsible party for maintaining all Stormwater Treatment Facilities.
 - 2. Include an attachment showing the locations and dimensions of all Stormwater Treatment Facilities.
 - 3. Provide access for the responsible party to maintain all Stormwater Treatment Facilities, as well as right of access to the City as provided in other sections of this Chapter.
 - 4. Establish minimum frequency and levels of maintenance to be done.
 - 5. Identify and itemize anticipated annual maintenance expenditures, periodic major maintenance items, facility replacement costs, and expected facility lifetime, so that the responsible party may better plan for future maintenance costs.
 - 6. Establish the frequency of inspections to meet or exceed the requirements of this Chapter.
 - 7. Identify resources available to provide maintenance.
 - 8. Identify prohibited practices and homes or business association enforcement process for restoration.
 - 9. Identify the City's rights in the event that the responsible party fails or is unable to perform any of the obligations of the Maintenance Agreement.

10. Clarify how modifications or additions can be made to the Maintenance Agreement.
 11. Be filed as a covenant to the recorded deeds of all lots to enforce the imposition of any special tax assessment that may be necessary to maintain Stormwater Treatment Facilities if the responsible party fails or is unable to perform any of the obligations in the Maintenance Agreement.
- B. Formation of Homes or Business Association: The owner or Developer shall form a homes or business association prior to the sale of any lots, and the homes or business association covenants shall include, or reference, the provisions of the approved Maintenance Agreement. The homes association or business association covenants shall include provisions collecting maintenance costs for Stormwater Treatment Facilities.
- C. Notice on Plat or Title: The final plat and homes or business association deed restrictions shall contain language approved by the Director to provide notice of facility presence and maintenance obligations. Said deed restriction shall be recorded with the Johnson County Records and Tax Administration concurrent or prior to recording of the final plat or approval of final plans. The notice shall run with the land and failure to provide this notice to any purchaser prior to transferring any interest in the property shall be in violation of this Chapter. The notice shall be in a form approved by the Director and substantially as set forth below:
- "Notice: This site includes Stormwater Treatment Facilities, as defined and regulated in the Overland Park Municipal Code. Restrictions on the use or alteration of the said Facilities may apply. This property is also subject to the obligations and requirements of the Stormwater Treatment Facility Maintenance Agreement approved by the City."
- When the proposal involves a final plat, this notice shall appear on the face of the plat, as recorded. When the proposals do not involve a final plat, the notice shall be in the form of a notice of presence recorded with the Johnson County Records and Tax Administration, and the notice shall include the legal description of the property, the current owner, the application date and other reference to the project, and the notarized signature of the property owner or owners.
- D. Maintenance Inspections and Certifications by Property Owner: The property owners of all Stormwater Treatment Facilities, except for distributed Facilities serving individual residential lots, must submit a maintenance certification report to the City, at the minimum of one (1) year following initial certification, and subsequently every two (2) years thereafter, or as required by the Director. The maintenance certification report shall be completed and sealed by a registered professional engineer in the State of Kansas, unless the Director approves other qualified professionals to perform these duties. Such maintenance certification report shall document each item including, but not limited to, the need for removal of silt, litter and other debris, grass cutting, removal of undesirable vegetation, and replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner, as determined by the Director, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper

functioning of the Stormwater Treatment Facility.

- E. **City Inspection of Stormwater Treatment Facilities:** The City may establish an inspection program, including but not limited to: routine inspections, random inspections, inspections based upon complaints or other notice of possible violations, inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or Pollutants, inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or Pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES Stormwater permit, and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records, sampling discharges, surface water, groundwater, and material or water in drainage control facilities, and evaluating the condition of drainage control facilities and other Stormwater treatment practices.
- F. **Right of Entry for Inspection:** When any Stormwater Treatment Facility is installed on private property, or when any new connection is made between private property and a public storm sewer system, the property owner shall grant to the City in a manner and form acceptable to the Director, the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this Ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this Ordinance.
- G. **Records of Installation and Maintenance Activities:** Parties responsible for the operation and maintenance of a Stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least five (5) years. These records shall be made available to the Director during inspection of the Facility and at other reasonable times upon request.
- H. **Failure to Maintain Practices:** If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the Director, after reasonable notice, may correct a violation of the Standards or maintenance needs by performing all necessary work to place the Facility in proper working condition. In the event that the Stormwater management Facility becomes a danger to public safety or public health, the Director shall notify the party responsible for maintenance of the Stormwater management Facility in writing. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the Facility in an approved manner. In the event of an emergency, when the Director determines that the Facility poses an immediate danger to life or property, no notification period shall be required prior to beginning mitigation work. After proper notice, the Director will enforce the maintenance provisions of this Chapter with any or all of the following enforcement measures:

1. Notice of Violation: The Director is authorized to serve a Notice of Violation or order on any person or entity responsible for maintaining the Facility. Such Notice shall order abatement of the violation by the responsible person or entity.
2. Lien on Property: The Director may assess the owner(s) of the Facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the county.

(History: Ord. SWT-2900 §7, 2011; SWT-2807 §4, 2009; SWT-2669 §1, 2008)

16.210.110 Enforcement and Penalties.

- A. Violations: Any person or entity violating any provision of this Chapter is guilty of a public offense and shall be subject to penalties as provided in the Overland Park Municipal Code Section 1.12.010. The Director shall be permitted to cite the owner, or any/all persons identified on the permit as being legally responsible to the City for any violations of this Chapter pertaining to that permit.
- B. Restoration of Lands: Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Director may take necessary corrective action, of which the cost to the City shall become a lien upon the property until paid.

(History: Ord. SWT-2669 §1, 2008)

16.210.120 Miscellaneous.

- A. Compatibility with Other Permit and Ordinance Requirements: This Ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this Ordinance should be considered minimum requirements, and where any provision of this Ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.
- B. Severability: If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Ordinance.
- C. Authority: The Director shall be responsible for the administration and enforcement of this Ordinance. The Director shall have the authority to adopt regulations, policies and procedures as necessary for the enforcement of this Ordinance.

(History: Ord. SWT-2669 §1, 2008)

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