

CHAPTER V. BUILDING AND CONSTRUCTION

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ARTICLE 1. ADMINISTRATION

- 5-101 **SEVERABILITY.**
If any section, clause, sentence, or phrase of this article is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this article. (Ord. 8583)
- 5-102 **SCOPE.**
The provisions of this Article shall apply to Articles 2 through 9 of this Chapter, and amendments thereto, and Articles 11 through 14 of this Chapter, and amendments thereto, and Article 17 of this Chapter and amendments thereto.
- 5-103 **APPENDICES.**
Provisions in the appendices of any code or law adopted by reference shall not apply unless they are specifically adopted.
- 5-104 **CODE REFERENCES.**
All references to any code adopted by reference in this Chapter shall be read to refer to the specific version of the code adopted by the City of Lawrence, and the amendments, changes or additions made by the City of Lawrence.
- 5-105 **INTENT.**
The purpose of this Article is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

- 5-106 **REFERENCED CODES.**
 The other codes listed in Sections 5-107 through 5-115 and referenced elsewhere in this Chapter shall be considered part of the requirements of this Article to the prescribed extent of each such reference.
- 5-107 **COMMERCIAL AND MULTI-FAMILY STRUCTURES.**
 The provisions of the *International Building Code*, as adopted by the City at Article 2 of this Chapter, as amended, shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures. (Ord. 9167)
- Exception:** The foregoing shall not apply to any building or structure regulated by the *International Residential Code*, as adopted by the City at Article 3 of this Chapter, as amended.
- 5-108 **RESIDENTIAL ONE AND TWO FAMILY DWELLINGS.**
 The provisions of the *International Residential Code*, as adopted by the City at Article 3 of this Chapter, as amended, shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures. (Ord. 9167)
- 5-109 **ELECTRICAL.**
 The provisions of the National Electrical Code, as adopted by the City at Article 4 of this Chapter, as amended, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto (Ord. 8583, Ord. 9167)
- Exception:** The foregoing shall not apply to any building or structure regulated by the *International Residential Code*, as adopted by the City at Article 3 of this Chapter, as amended.
- 5-110 **GAS.**
 The provisions of the International Fuel Gas Code as adopted by the City at Article 7 of this Chapter, as amended, shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this Article. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories. (Ord. 8583, Ord. 9167)
- Exception:** The foregoing shall not apply to any building or structure regulated by the *International Residential Code*, as adopted by the City at Article 3 of this Chapter, as amended.
- 5-111 **MECHANICAL.**
 The provisions of the International Mechanical Code, as adopted by the City at Article 6 of this Chapter, as amended shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems. (Ord. 8583, Ord. 9167)
- Exception:** The foregoing shall not apply to any building or structure regulated by the *International Residential Code*, as adopted by the City at Article 3 of this Chapter, as amended.

- 5-112 **PLUMBING.**
The provisions of the International Plumbing Code, as adopted by the City at Article 5 of this Chapter, as amended, shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. (Ord. 8583, Ord. 9167)
- Exception:** The foregoing shall not apply to any building or structure regulated by the *International Residential Code*, as adopted by the City at Article 3 of this Chapter, as amended.
- 5-113 **PROPERTY MAINTENANCE.**
The provisions of the International Property Maintenance Code, as adopted by the City at Chapter IX, Article 6 of the City Code, as amended, shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures. (Ord. 9167)
- 5-114 **FIRE PREVENTION.**
The provisions of the International Fire Code, as adopted by the City at Chapter VIII, Article 2 of the City Code, as amended, 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 construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation. (Ord. 9167)
- Exception:** The foregoing shall not apply to any building or structure regulated by the *International Residential Code*, as adopted by the City at Article 3 of this Chapter, as amended.
- 5-115 **ENERGY.**
The provisions of the International Energy Conservation Code, as adopted by the City at Chapter 8 of this Article, as amended, shall apply to all matters governing the design and construction of buildings for energy efficiency. (Ord. 8583, Ord. 9167)
- Exception:** The foregoing shall not apply to any building or structure regulated by the *International Residential Code*, as adopted by the City at Article 3 of this Chapter, as amended.
- 5-116 **GENERAL.**
Where, in any specific case, different sections of this Article specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- 5-117 **OTHER LAWS.**
The provisions of this Article shall not be deemed to nullify any provisions of local, state or federal law.
- 5-118 **APPLICATION OF REFERENCES.**
References to chapter or section numbers within referenced codes or standards, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this Article.

- 5-119 **REFERENCED CODES AND STANDARDS.**
 The codes and standards referenced in this Article shall be considered part of the requirements of this Article to the prescribed extent of each such reference. Where differences occur between provisions of this Article and referenced codes and standards, the provisions of this Article shall apply.
- 5-120 **EXISTING STRUCTURES.**
 The legal occupancy of any structure existing on the date of adoption of this Article shall be permitted to continue without change, except as is specifically covered in this Article, the *International Property Maintenance Code* as adopted by the City at Chapter IX, Article 6 of the City Code as amended, or the *International Fire Code* as adopted by the City at Chapter VIII, Article 2 of the City Code, as amended, or as is otherwise lawfully deemed necessary by the Building Official for the general safety and welfare of the occupants and the public. (Ord. 9167)
- 5-121 **BUILDING OFFICIAL.**
 The official in charge of the Building Safety Division of the Department of Planning and Development Services, his or her designee, or any person performing the duties of that position, shall, for the purposes of this Article, be the Building Official. (Ord. 9167)
- 5-122 **APPOINTMENT.**
 The building official shall be appointed by the chief appointing authority of the jurisdiction.
- 5-123 **CHIEF APPOINTING AUTHORITY.**
 The chief appointing authority of the City of Lawrence shall be the City Manager or his or her designee.
- 5-124 **DEPUTIES.**
 In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the Building Official. For the maintenance of existing properties, see the International Property Maintenance Code.
- 5-125 **GENERAL, ENFORCEMENT.**
 The building official is hereby authorized and directed to enforce the provisions of this Article. The building official shall have the authority to render interpretations of this Article and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Article. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Article.
- 5-126 **APPLICATION AND PERMITS.**
 The Building Department of Building Safety shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this Article.
- 5-127 **PRELIMINARY MEETING.**
 When requested by the permit applicant or the Building Official, the Building Official shall meet with the permit applicant prior to the application for a construction permit to discuss plans for the proposed work or change of occupancy in order to establish the specific applicability of the provisions of this Article. (Ord. 9167)

Exception: The foregoing does not apply to repairs and Level 1 alterations, as defined in the *International Existing Building Code*, as adopted by the City at Article 9 of this Chapter, as amended.

5-128

BUILDING EVALUATION.

The Building Official is authorized to require an existing building to be investigated and evaluated by a registered design professional based on circumstances agreed upon at the preliminary meeting. The design professional shall notify the Building Official of any potential nonconformance with the *International Existing Building Code, as adopted by the City Article 9 of this Chapter, as amended.* (Ord. 8583, Ord. 9167)

5-129

NOTICE AND ORDERS.

The building official shall issue all necessary notices or orders to ensure compliance with this Article.

5-130

INSPECTION.

The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

5-131

IDENTIFICATION.

The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this Article.

5-132

RIGHT OF ENTRY.

Where it is necessary to make an inspection to enforce the provisions of this Article, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this Article which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this Article, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

5-133

DEPARTMENT RECORDS.

The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

5-134

LIABILITY.

The building official, member of the board of appeals or employee charged with the enforcement of this Article, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this Article or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Article shall be defended by legal representative of the jurisdiction

until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this Article.

- 5-135 **APPROVED MATERIALS AND EQUIPMENT.**
Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.
- 5-136 **USED MATERIALS AND EQUIPMENT.**
The use of used materials which meet the requirements of this Article for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.
- 5-137 **MODIFICATIONS.**
Wherever there are practical difficulties involved in carrying out the provisions of this Article, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this Article impractical and the modification is in compliance with the intent and purpose of this Article and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Building Safety Division of the Department of Planning and Development Services.
- 5-138 **ALTERNATE MATERIALS, DESIGN AND METHOD OF CONSTRUCTION AND EQUIPMENT.**
The provisions of this Article are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this Article, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Article, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Article in quality, strength, effectiveness, fire resistance, durability and safety.
- 5-139 **RESEARCH REPORTS.**
Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this Article, shall consist of valid research reports from approved sources.
- 5-140 **TEST.**
Whenever there is insufficient evidence of compliance with the provisions of this Article, or evidence that a material or method does not conform to the requirements of this Article, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this Article or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.
- 5-141 **PERMITS 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 or plumbing

system, the installation of which is regulated by this Article, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. In addition to the requirements of this section, moved structures shall comply with Chapter XVI, Article 7, of the code of the City of Lawrence. The required procedure for demolishing structures is contained in Chapter V, Article 12, of the code of the City of Lawrence.

5-142

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 therefore to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.

5-143

ANNUAL PERMIT RECORD.

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.

5-144

WORK EXEMPT FROM PERMIT.

Exemptions from permit requirements of this Article shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Article or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following: (Ord. 8583)

(A) **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 (18.58 m²).
- (2) Fences not over 6 feet (1829 mm) high.
- (3) Oil derricks.
- (4) Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
- (5) Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
- (6) Decks, Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
- (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 that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
- (10) Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

- (11) Swings and other playground equipment accessory to detached one- and two-family dwellings.
 - (12) Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.
 - (13) Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
- (B) **Electrical:**
- (1) Repairs and maintenance: Minor repair work, including the replacement of lamps, ballasts, or luminaires, or the connection of approved portable electrical equipment to approved permanently installed receptacles.
 - (2) Radio and television transmitting stations: The provisions of this Article 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.
 - (3) Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.
 - (4) Listed cord-and-plug connected temporary decorative lighting.
 - (5) Reinstallation of attachment plug receptacles but not the outlets therefor.
 - (6) Replacement of branch circuit overcurrent devices of the required capacity in the same location.
 - (7) Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
- (C) **Gas:**
- (1) Portable heating appliance.
 - (1) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- (D) **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 Article.
 - (5) Replacement of any part that does not alter its approval or make it unsafe.
 - (6) Portable evaporative cooler.

- (7) Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
- (8) A part or assembly shall include compressor units and evaporator coils (Ord. 7733) for refrigeration equipment.
- (9) Mechanical service work.
- (E) **Plumbing:**
 - (1) The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace 20 feet or more with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this Article. (Ord. 8583)
 - (2) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

5-145

EMERGENCY REPAIRS.

Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

5-146

REPAIRS.

Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

5-147

PUBLIC SERVICE AGENCIES.

A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

5-148

APPLICATION FOR PERMIT.

To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Building Safety Division of the Department of Planning and Development Services for that purpose. Such application shall:

- (A) Identify and describe the work to be covered by the permit for which application is made.
- (B) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
- (C) Indicate the use and occupancy for which the proposed work is intended.

- (D) Be accompanied by construction documents and other information as required in Section 5-156.
- (E) State the valuation of the proposed work.
- (F) Be signed by the applicant, or the applicant's authorized agent.
- (G) Give such other data and information as required by the building official.

5-149

ACTION ON AN APPLICATION.

The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of this Article and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable.

5-150

TIME LIMITATION OF APPLICATION.

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

5-151

VALIDITY OF PERMIT.

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 Article or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this Article or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this Article or of any other ordinances of this jurisdiction.

5-152

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 180 days after the time the work is commenced. 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. In addition to the requirements of this section, moved structures shall comply with Chapter XVI, Article 7, of the code of the City of Lawrence. The required procedure for demolishing structures is contained in Chapter V, Article 11, of the Code of the City of Lawrence.

5-153

SUSPENSION OR REVOCATION.

The building official is authorized to suspend or revoke a permit issued under the provisions of this Article wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this Article.

5-154

PLACEMENT OF PERMIT.

The building permit or copy shall be kept on the site of the work until the completion of the project.

5-155

HISTORIC PROPERTY.

Whenever a building permit is required by this Article for work to be performed on a site, structure or object which is defined by the City Code of Lawrence as:

- (A) A landmark or within the area of an Historic District, or their environs: or,
- (B) A nominated landmark,

A copy of the application filed by the applicant shall be forwarded to the Historic Resources Commission and no building permit may be issued on such application until the applicant has obtained a Certificate of Appropriateness or Certificate of Economic Hardship for such work.

5-156

SUBMITTAL DOCUMENTS.

Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional 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.

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 Article.

5-157

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 Article and relevant laws, ordinances, rules and regulations, as determined by the building official.

5-158

FIRE PROTECTION SYSTEM SHOP DRAWINGS.

Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this Article 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 International Building Code Chapter 9, as adopted by the City at Chapter V, Article 2 of the City Code, as amended. (Ord. 9167)

5-159

MEANS OF EGRESS.

The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this Article. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

5-160

EXTERIOR WALL ENVELOPE.

Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this Article. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide

supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

5-161

SITE PLAN.

- (A) The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

- (B) For any proposed new residential building, building addition, or accessory structure (not otherwise exempt from building permit requirements pursuant to Section 5-144 of this Article), located on a lot zoned RS3 or RS5, that is also classified as "Zone X, Protected by Levee" on the Official Zoning District Map of the City of Lawrence, Kansas, a storm water lot grading and drainage plan shall be submitted together with the building permit application for review and approval by the City of Lawrence Storm Water Engineer. At minimum, the lot grading and drainage plan shall include the following: (Ord. 9252)
 - (i) The location and width of any public or private easements on the subject lot, and on abutting lots, that have been dedicated for the purpose of conveying storm water drainage.
 - (ii) Directional arrows showing the proposed flow of storm water internally on the lot and from the lot to the public storm water collection system.
 - (iii) The location of any proposed ditches or open swales on the lot. The minimum slope for grassed or rocked ditches or open swales shall be 1.00%. For lesser slopes, paved swales or underground pipe with inlets may be required.
 - (iv) Additional information as may be required by the City of Lawrence Storm Water Engineer. Such information may include but not be limited to site plan items, such as surveyed spot elevations, drainage swale details, downspout and/or sump pump discharge locations, and the like.

5-162

EXAMINATION OF DOCUMENTS.

The building official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this Article and other pertinent laws or ordinances.

5-163

APPROVAL OF CONSTRUCTION DOCUMENTS.

When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

5-164

PREVIOUS APPROVALS.

This Article shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this Article and has not been abandoned.

5-165

PHASED APPROVAL.

The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this Article. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

5-166

DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE.

When it is required that documents be prepared by a registered design professional, the Building Official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The Building Official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

Where structural observation is required by Section 1709 of the International Building Code, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur (see also duties specified in Section 1704 of the International Building Code). (Ord. 9167)

5-167

DEFERRED SUBMITTALS.

For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.

Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the building official.

5-168

AMENDED CONSTRUCTION DOCUMENTS.

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

- 5-169 **RETENTION OF CONSTRUCTION DOCUMENTS.**
 One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.
- 5-170 **GENERAL, TEMPORARY STRUCTURES AND USES.**
 The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.
- 5-171 **CONFORMANCE, TEMPORARY STRUCTURES AND USES.**
 Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this Article as necessary to ensure public health, safety and general welfare.
- 5-172 **TEMPORARY POWER.**
 The Building Official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in Chapter V, Article 4, *International Electrical Code*, as adopted by the City, and amendments thereto. (Ord. 9167)
- 5-173 **TERMINATION OF APPROVAL.**
 The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.
- 5-174 **PERMIT FEES.**
- (A) Definitions.**
- (1) **Applicant.** For the purposes of this section, an applicant is any person, company, or other entity, that makes application to the City of Lawrence, Kansas, for a building permit for any building activity within the City of Lawrence, Kansas.
- (2) **Building activity.** For the purposes of this section, building activity shall be defined as: (1) all new construction, rehabilitation or renovation of existing structures that requires the issuance of a building permit pursuant to City Code, and (2) installation or exchange of all or any part of new or existing mechanical, electrical, or plumbing systems that requires the issuance of a building permit pursuant to City Code.
- (3) **Building permit fee.** A building permit fee is a fee charged by the City of Lawrence, Kansas, and assessed, pursuant to the City Code, to any applicant for any building activity within the City of Lawrence, Kansas. For the purpose of this section, a sign permit is not a building permit.
- (4) **City.** As used in this section, the term City shall refer to the City of Lawrence, Kansas.
- (B) Procedure.**
- (1) **Year End Report.** Commencing on or before March 1, 2007, and annually thereafter, the Department of Planning and Development Services, or its successor, shall prepare a Year End Report setting forth the building permit fee revenue and expenditures reasonably related to the regulation of building activity within the City

for the previous calendar year. The Year End Report shall be made available to the public on or before that same date at the office of the Department of Planning and Development Services, or its successor.

- (2) **Expenses Reasonably Related to the Regulation of Building Activity.** In determining whether a cost or expense is reasonably related to the regulation of building activity, the Development Services Division, or its successor, shall be guided by the definitions in this section and by the Policy Statement adopted by the Governing Body of the City of Lawrence, Kansas, concurrent with the passage of Ordinance 8008, as both Ordinance 8008 and the Policy Statement may be amended from time to time.
- (3) **Annual Building Permit Fee Revenue Excess or Shortfall.** The Year End Report shall include a calculation of the total amount by which building permit fee revenue exceeds the total expenditures reasonably related to the regulation of building activity within the City for the previous calendar year, or the total amount by which building permit fee revenue is exceeded by the total expenditures reasonably related to the regulation of building activity within the City for the previous calendar year, as the case may be.
- (4) **Cumulative Past Overage.** For purposes of this section, the Cumulative Past Overage amount shall be the cumulative total of the Building Permit Fee Revenue Excess or Shortfall for the previous calendar year (as reflected in the Year-End Report for that calendar year) and the Building Permit Fee Revenue Excess or Shortfall from all previously prepared Year End Reports, except that the Cumulative Past Overage amount can never be less than zero. For purposes of the Year End Report for the year 2006, any Excess or Shortfall from previous years shall not be considered, and the Cumulative Past Overage for 2006 shall be equal to the Building Permit Fee Revenue Excess or Shortfall for the year 2006. Each successive Year End Report shall include a calculation of the Cumulative Past Overage amount.
- (5) **Budget.** Commencing July 1, 2007, and annually thereafter on or before that date, the Department of Planning and Development Services, or its successor, through the City Manager, shall prepare and submit to the Governing Body a Recommended Budget, anticipating the revenue and costs of the regulation of building activity for the succeeding calendar year. The Recommended Budget shall be made available to the public on or before that same date at the office of the Department of Planning and Development Services, or its successor. By September 1, 2007, and annually thereafter on or before that date, the City shall adopt a Budget that sets out, among other things, the anticipated costs for regulating building activities during the ensuing calendar year.
- (6) **Schedule of Fees.** Commencing on or before July 1, 2007, and annually thereafter on or before that date, the Department of Planning and Development Services, or its successor, shall, based upon the Year End Report and Recommended Budget, prepare and submit to the Governing Body, through the City Manager, an ordinance with the Recommended Schedule of Fees for regulating building activity for the succeeding calendar year, subject to the 95% limitation set forth in Section II of Ordinance 8008. The Recommended Schedule of Fees shall be made available to the public on or before that same date at the office of the Development Services Division, or its successor. In preparing the Recommended Schedule of Fees, the Development Services Division, or its successor, shall not attempt to recoup the past Building Permit Revenue Shortfalls, if any. The schedule of fees passed by ordinance shall replace the fee schedule in Section [5-803.2](#).

- (7) **Overage Adjustment.** In the event that the Year End Report for a given year shows that the Cumulative Past Overage amount (if any) is greater than twenty percent (20%) of the cost of regulating building activity for that year, then the Department of Planning and Development Services shall, in setting its Recommended Schedule of Fees, reduce building permit fees for the calendar year following the issuance of the Report to such a level that the projected Cumulative Past Overage amount calculated through that year will equal zero.
- (8) **Building Permit Fees.** The ultimate decision regarding building permit fees is and shall be that of the governing body, upon advice from City Staff. However, such advice and ultimate decision shall recognize the need to set such fees that will adequately cover the costs of the services to be performed and provided by the City in regulating building activity.
- (9) **Effective Date.** Pursuant to Ordinance 8008, commencing on the 1st day of January, 2009, it shall be the policy of the City of Lawrence, Kansas, that all building permit fees assessed by it shall be based upon the actual costs anticipated by it for the regulation of building activities within the City of Lawrence, Kansas.

5-175

PAYMENT OF FEES.

A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

5-176

SCHEDULE OF PERMIT FEES.

On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. (Ord. 8583, Ord. 8916, Ord. 9167, Ord. 9271)

Permit Fee Schedule:

TOTAL VALUATION	FEE
\$1 to \$500	\$23.50
\$501 to \$2,000	\$23.50 for the first \$500 plus \$3.05 for each additional \$100 or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$69.25 for the first \$2,000 plus \$14.00 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$391.25 for the first \$25,000 plus \$10.10 for each additional \$1,000 or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$643.75 for the first \$50,000 plus \$7.00 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000 or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000 or fraction thereof, to and including \$1,000,000
\$1,000,001 to \$5,000,000	\$5608.75 for the first \$1,000,000 plus \$3.15 for each additional \$1,000 or fraction thereof, to and including \$5,000,000

\$5,000,001 to \$15,000,000	\$17,980.92 for the first \$5,000,000 plus \$1.54 for each additional \$1,000 or fraction thereof, to and including \$15,000,000
\$15,000,001 and above	\$33,562.30 for the first \$15,000,000 plus \$1.02 for each additional \$1,000 or fraction thereof

Other Inspections and Fees:

Plan review fees for commercial and multi-family structures	20% of the Permit Fee ¹
Inspections outside of normal business hours (minimum charge - two hours)	\$47.00 per hour ^{**2}
Re-inspection fees when assessed by the building official under the provisions of Section 108.8	\$47.00 per hour ^{**2}
Inspections for which no fee is specifically indicated (minimum charge - one-half hour)	\$47.00 per hour ^{**2}
Additional plan review required by changes, additions, or revisions to approved plans (minimum charge - one-half hour)	\$47.00 per hour ^{**2}
Permits for Residential Furnaces and Air Conditioners	\$65.00 ^{**3}
Permits for Solar, Thermal, and Photovoltaic Systems (requiring no structural change to the building)	\$65.00 ^{**3}
Demolition Permits	\$100.00

¹ Plan review fees are in addition to permit fees established by the building permit fee schedule.

^{**2} Or the total hourly cost to the jurisdiction, whichever is greater. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

^{**3} Per piece of equipment.

5-177

BUILDING PERMIT VALUATIONS.

The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official. The determination of value or valuation under any of the provisions of this Article shall be made by the Building Official after review of the most current building valuation data supplied in the current printing of the Building Safety Journal. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

5-178

WORK COMMENCING BEFORE PERMIT ISSUANCE.

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees. This additional fee shall be \$500 or an amount equal to the base permit fee for the project, whichever is lower.

5-179

RELATED FEES.

The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

- 5-180 **REFUNDS.**
The building official is authorized to establish a refund policy.
- 5-181 **RECORD OF FEES.**
The Building Official shall keep or cause to be kept an accurate account of fees collected and received under the provisions of this Section and record the name of the person on whose account the same was paid, the date and the amount thereof together with the location of the proposed construction or installation to which the fees relate. He/she shall deposit the amount of the fees collected with the Department of Finance.
- 5-182 **GENERAL, INSPECTIONS.**
Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Article or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this Article or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.
- 5-183 **PRELIMINARY INSPECTION.**
Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.
- 5-184 **REQUIRED INSPECTIONS.**
The building official, upon notification, shall make the inspections set forth in Sections 5-185 through 5-195
- 5-185 **FOOTING AND FOUNDATION INSPECTION.**
Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.
- 5-186 **CONCRETE SLAB AND UNDER-FLOOR INSPECTION.**
Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.
- 5-187 **PLUMBING, MECHANICAL, GAS AND ELECTRICAL SYSTEMS INSPECTION.**
Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.
- Exception:** Back-filling of ground-source heat pump loop systems tested in accordance with Section M2105 of the International Residential Code, as adopted by the City at Article 3 of this Chapter, as amended, prior to inspection shall be permitted
- 5-188 **FRAME INSPECTION.**
Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and

the rough electrical, plumbing, heating wires, pipes and ducts are approved.

- 5-189 **FIRE AND SMOKE-RESISTANT PENETRATIONS.**
Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved. (Ord. 8583)
- 5-190 **LATH AND GYPSUM BOARD INSPECTION.**
Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.
- Exception 1:** Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.
- Exception 2:** Lath and gypsum board installed in structures constructed under the International Residential Code as adopted by the City at Article 3 of this Chapter, as amended.
- 5-191 **FIRE-RESISTANT PENETRATIONS.**
Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.
- 5-192 **LOWEST FLOOR ELEVATION.**
In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the building official. In addition to the requirements of this section, Construction in floodplains shall be pursuant to Chapter XX, Article 12 of the City Code of Lawrence.
- 5-193 **ENERGY EFFICIENCY INSPECTIONS.**
Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation R and U values, fenestration U value, duct system R value, and HVAC and water-heating equipment efficiency.
- 5-194 **OTHER INSPECTIONS.**
In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this Article and other laws that are enforced by the Building Safety Division of the Department of Planning and Development Services.
- 5-195 **SPECIAL INSPECTIONS.**
For special inspections, see International Building Code Section 1704, as adopted by the City at Article of 2 of this Chapter, as amended.
- 5-196 **FINAL INSPECTION.**
The final inspection shall be made after all work required by the building permit is completed.
- 5-197 **INSPECTION AGENCIES.**
The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.
- 5-198 **INSPECTION REQUESTS.**
It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this Article.

5-199

APPROVAL REQUIRED.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this Article. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

5-1.200

USE AND OCCUPANCY.

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Article or of other ordinances of the jurisdiction.

5-1.200.1

USE AND OCCUPANCIES OF BUILDINGS OR STRUCTURES WITH NONFLAMMABLE MEDICAL GAS SYSTEMS, INHALATION ANESTHETIC SYSTEMS AND VACUUM PIPING SYSTEMS.

Certificates of occupancy shall not be issued for occupancies with nonflammable medical gas systems, inhalation anesthetic systems or vacuum piping systems regulated by National Fire Protection Association Standard on Gas and Vacuum Systems (hereinafter NFPA 99C), incorporated by reference by the International Plumbing Code, as adopted by the City at Article 5 of this Chapter, as amended, and amendments thereto, until all verification and testing records required by NFPA 99C have been provided to the building official. Further, the responsible facility authority shall provide a statement in writing to the building official that he or she has reviewed all inspection and testing records required by NFPA 99C and that all inspection and testing have been successfully completed as required by NFPA 99C. (Ord. 8405, Ord. 9167)

5-1.201

ALTERED AREA USE AND OCCUPANCY CLASSIFICATION CHANGE.

No altered area of a building and no relocated building shall be used or occupied, and no change in the existing occupancy classification of a building or portion thereof shall be made until the code official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this Article or of other ordinances of the jurisdiction.

5-1.202

CERTIFICATE ISSUED.

After the Building Official inspects the building or structure and finds no violations of the provisions of this Article or other laws that are enforced by the Building Safety Division of the Department of Planning and Development Services, the Building Official shall issue a certificate of occupancy that contains the following:

- (A) The building permit number.
- (B) The address of the structure.
- (C) The name and address of the owner.
- (D) A description of that portion of the structure for which the certificate is issued.
- (E) A statement that the described portion of the structure has been inspected for compliance with the requirements of this Article for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
- (F) The name of the Building Official.

- (G) The edition of the code under which the permit was issued.
- (H) The use and occupancy, in accordance with the provisions of Chapter 3 of the *International Building Code*, as adopted by the City at Article 2 of this Chapter, as amended.
- (I) The type of construction as defined in Chapter 6 of the *International Building Code*, as adopted by the City at Article 2 of this Chapter, as amended.
- (J) The design occupant load.
- (K) If an automatic sprinkler system is provided, whether the sprinkler system is required.
- (L) Any special stipulations and conditions of the building permit

5-1.203

TEMPORARY OCCUPANCY.

The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

5-1.204

REVOCACTION.

The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this Article wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Article.

5-1.205

CONNECTION OF SERVICE UTILITIES.

No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this Article for which a permit is required, until released by the building official.

5-1.206

TEMPORARY CONNECTION.

The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

5-1.207

AUTHORITY TO DISCONNECT SERVICE UTILITIES.

The Governing Body finds that the occupancy or habitation in a structure not in compliance with the provisions of Chapter V or Chapter XX of the Code of the City of Lawrence, Kansas, and amendments thereto, constitutes a hazard to the public health, safety and welfare, and that the provision of City water, sanitary sewer and/or sanitation services is reasonably related to the ability to inhabit or occupy such a structure. After lawful notice to the customer and the property owner concerning the proposed disconnection, the Planning and Development Services Director, or his or her designee, shall have the authority to order the disconnection of City water, sanitary sewer and/or sanitation services serving structures not in compliance with the provisions of Chapter V or Chapter XX of the Code of the City of Lawrence, Kansas, and amendments thereto. The disconnection of City services pursuant to this Section shall only be ordered if the Planning and Development Services Director, or his or her designee, makes specific findings concerning the structure that the disconnection of City water, sanitary sewer and/or sanitation services is necessary to deter the occupancy or habitation in a structure in which the public health, safety or welfare is harmed or endangered by continued occupancy or habitation.

5-1.208

UTILITY TRANSFERS WITH A BUILDING PERMIT.

The City Utility Billing Division shall not approve or allow the transfer of City water, sanitary sewer, and/or sanitation service for properties or structures for which a building permit has been issued and has (1) not been issued a certificate of occupancy; (2) not completed a final inspection; or (3) not been otherwise discontinued pursuant to provisions of the International Residential Code, unless pursuant to the provisions of this Section. For properties or structures with a current building permit, the transfer of City water, sanitary sewer, and/or sanitation service to another customer shall be approved by the Codes Enforcement Division upon a finding that the structure or property complies with the provisions of Chapter V of the Code of the City of Lawrence, Kansas, and amendments thereto, including provisions regarding final inspection for the property or structures.

5-1.209

NOTICE OF APPEAL.

A person shall have the right to appeal a decision of the Building Official to the board of appeals having jurisdiction over the appeal, as set forth in this Article. Notice of Appeal shall be based on a claim that the true intent of this Article or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this Article do not fully apply, or an equally good or better form of construction is proposed. The Notice of Appeal shall contain the following:

- (A) A brief statement setting forth the legal interest of each of the appellants in the building and or involved in the notice and order.
- (B) A brief statement, in ordinary and concise language of that specific order or action protested, together with any material facts claimed to support the contentions of the appellants. Only those matters or issues specifically listed by the appellant shall be considered in the hearing of the appeal.
- (C) A brief statement, in ordinary and concise language, of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified, or otherwise set aside.
- (D) The signatures of all parties named as appellants and their official mailing addresses.

5-1.210

ADMINISTRATION.

Any Notice of Appeal shall be filed with the Building Safety Division of the Department of Planning and Development Services within 21 days after the notice and order was served. Notice shall at once be forwarded to the appropriate board for action. It shall be the responsibility of the applicant to notify other interested parties they would like present at the meeting. Failure of any person to file an appeal as set out in this Article shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or to any portion thereof. (Ord. 9167)

5-1.211

TEST AND EVIDENCE.

The appellant shall cause to be made, at his or her own expense, any tests, research or evidence required by the board having jurisdiction to substantiate his claims.

5-1.212

CHAIRMAN.

Each board shall elect or re-elect a Chairman and a Vice Chairman from the membership with the election to occur annually. The Chairman or Vice chairman shall preside at each meeting.

5-1.213

DISQUALIFICATION OF MEMBER.

A member shall not hear an appeal in which that member has a personal, professional or financial interest.

- 5-1.214 **SECRETARY.**
The Building Official shall be an ex-officio member and shall act as Secretary to each board.
- 5-1.215 **NOTICE OF MEETING.**
A board shall meet upon notice from its chairman, within ten days of the filing of an appeal, or at stated periodic meetings.
- 5-1.216 **OPEN HEARING.**
All hearings before a board created by this Article shall be open to the public. The appellant, the appellant's representative, the Building Official and any person whose interests are affected by the appeal shall be given an opportunity to be heard. (Ord. 9167)
- 5-1.217 **PROCEDURE.**
Each board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.
- 5-1.218 **POSTPONED HEARING.**
When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.
- 5-1.219 **BOARD DECISION.**
A copy of the decision of a board and the reasons therefore shall be delivered to the appellant personally or sent by certified mail, postage prepaid, return receipt requested. Failure of any person to file an appeal as set out above shall constitute a waiver of the right to an administrative hearing and adjudication of the notice and order or to any portion thereof. Any decision of a board may be appealed to the City Commission. The appellant must file a written appeal to the City Commission, with the City Clerk, within ten (10) days of the board's decision. The code official shall take immediate action in accordance with the decision of the board.
- 5-1.220 **RESOLUTION.**
Certified copies of a board's decision shall be furnished to the appellant and to the code official. Each board may recommend to the City Commission such new legislation as is consistent with the intent of this article.
- 5-1.221 **COURT REVIEW.**
Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.
- 5-1.222 **BOARD OF APPEALS GENERAL.**
Members of each board of appeals shall be appointed by the mayor with the approval of the City Commission. Each board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings and the reasons therefore in writing to the appellant with a duplicate copy to the code official. Each Board of appeals may provide technical expertise and guidance as a code committee recommending to the City Commission any changes necessary for the adoption of technical codes and ordinances.
- 5-1.223 **LIMITATION OF AUTHORITY.**
No board of appeals shall have authority relative to interpretation of the administration of this Article nor shall such board be empowered to waive requirements of this Article.

5-1.224

RULES, MEETING AND RECORDS.

Each board may adopt rules to govern its proceedings in accordance with the provisions of this Article.

- (A) Meetings of a board shall be held at the call of the chairperson of the board and at such other times as the board may determine.
- (B) The board shall keep minutes of its proceedings, showing the vote of each member upon every question and/or if absent or failing to vote, indicate such facts.
- (C) The board shall keep records of hearings, examinations and other action. Such minutes and such records shall be public record.
- (D) Each appellant decision of a board shall be by majority vote of the members of the board present and voting.
- (E) The decision on the use of alternate materials and types of construction shall be by majority vote and if not permitted by any code referenced in Section **5-106** of this chapter shall become effective only when authorized by an amendment to the Code.
- (F) After receiving the written appeal, the board having jurisdiction shall set a date, time, and place for the hearing of the appeal. Such date shall not be more than ten (10) days from the date the appeal was filed with the administrative authority.
- (G) After hearing the evidence, a board shall reach a decision on the appeal within five (5) days.

5-1.225

BUILDING CODE BOARD OF APPEALS.

In order to hear and decide appeals of orders decisions or determinations made by the building official relative building construction not related to plumbing, electrical or mechanical systems, there shall be and is hereby created a Building Code Board of Appeals.

5-1.226

LIMITATION OF AUTHORITY.

If it appears that the provisions of this Chapter do not definitively cover a method of construction, construction material, or other subject regulated by the *International Building Code*, as adopted by the City at Article 2 of this Chapter, as amended, the *International Residential Code*, as adopted by the City at Article 3 of this Chapter, as amended, the *International Property Maintenance Code*, as adopted by the City at Chapter IX, Article 6 of the City Code, as amended, or the Residential Rental Property Code, as adopted by the City at in Chapter VI, Article 13 of the City Code, as amended, the Building Code Board of Appeals may interpret the provisions of those adopted Codes in a manner consistent with the intent of the Codes and to prevent manifest injustice. (Ord. 9167)

5-1.227

MEMBERS.

The Board shall consist of five (5) members who are qualified by experience and training to pass upon matters pertaining to construction. The members of the Board shall serve for three (3) years unless sooner removed for cause. Each member of the Board shall be either a licensed professional engineer or architect, or a contractor, or superintendent of building construction, shall have at least ten (10) years experience, for (5) five years of which he or she shall have been in responsible charge of work; and at no time shall there be more than two members of the Board selected from the same profession or business.

5-1.228

PLUMBING CODE BOARD OF APPEALS.

In order to hear and decide appeals of orders decisions or determinations made by the building official relative to plumbing work, the installation of plumbing systems and equipment, there shall be and is hereby created the Plumbing Code Board of Appeals.

5-1.229

MEMBERS.

The board of appeals shall consist of five members appointed by the chief appointing authority. The members of the Board shall serve for three (3) years unless sooner removed for cause. One (1) or more members' term(s) shall expire each year. The Plumbing Code Board of Appeals shall be under the department having jurisdiction provided by law and unless otherwise provided for shall consist of five (5) members: two (2) qualified plumbing contractors; two (2) qualified licensed plumbers; one (1) member from the local gas utility; or one member from the public at large.

5-1.230

MECHANICAL BOARD OF APPEALS.

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the work on Mechanical Systems there shall be and is hereby created a Mechanical Board of Appeals.

5-1.231

MEMBERSHIP OF BOARD.

The Mechanical Board of Appeals shall consist of five members who are qualified by experience and training to pass upon matters pertaining to mechanical design, construction and maintenance and the public health aspects of mechanical systems and Board members shall be either a City of Lawrence resident or a Douglas County resident who is an employee of, or owns, a business within the City of Lawrence. One member shall be neither employed in work regulated by the Mechanical Code as adopted and amended by the City, nor an employee of the City. Three (3) members of the Board shall constitute a quorum for the transaction of business. The members of the Board shall serve for three (3) years unless sooner removed for cause. One (1) or more members' term(s) shall expire each year. Each member is eligible to serve two (2) consecutive terms.

5-1.232

ELECTRICAL CODE BOARD OF APPEALS.

The Electrical Code Board of Appeals is established to function as an appeals board for those persons aggrieved by a decision concerning the National Electrical Code, as adopted by the City at Article 4 of this Chapter, as amended.

5-1.233

MEMBERS.

The members of the Electrical Board shall be two (2) currently licensed electrical contractors, two (2) currently licensed master journeyman or residential electricians, one (1) member of the Lawrence Fire Prevention Division, and two (2) members of the public that work or reside within the City of Lawrence and have an interest in serving. These two (2) members shall not be electrical contractors, master, journeyman or residential electricians. The members of the Board shall serve for three (3) years unless resigned or removed under guidelines and by-laws the Board may adopt. The initial appointment, however, shall be staggered so that no more than two (2) members' terms expire in the same year and the retiring members shall not be both contractors or both journey electricians. (Ord. 8622)

5-1.234

UNLAWFUL ACTS.

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this Article, or cause same to be done, in conflict with or in violation of any of the provisions of this Article. Furthermore it shall be unlawful to:

- (A) Knowingly or intentionally misrepresent a material fact made in connection with obtaining a building permit.
- (B) Fail to obtain a building permit or to obtain a required inspection of an ongoing project as required by this Article.

- (C) Fail to obtain a timely certificate of occupancy or required final inspection for a completed structure as required by this Article.
- (D) Fail to request inspection required by section this Article
- (E) To perform or cause to be performed any work in the City of Lawrence, which requires a permit without having first secured the appropriate permit from the City.
- (F) For a person or persons through negligence or indifference to knowingly create a hazard and/or allow a hazard to exist that results in property damage or personal injury.

5-1.235

NOTICE OF VIOLATION.

The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this Article, or in violation of a permit or certificate issued under the provisions of this Article. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

5-1.236

PROSECUTION OF VIOLATION.

If the notice of violation is not complied with promptly, the building official is authorized to 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 unlawful occupancy of the building or structure in violation of the provisions of this Article or of the order or direction made pursuant thereto.

5-1.237

AUTHORITY TO ISSUE NOTICE TO APPEAR.

Pursuant to the authority of Charter Ordinance No. 31, the inspector personnel of the Planning and Development Services Department are hereby authorized to issue Notice to Appear citations for alleged violations of the provisions of Chapters V, IX and XX of the Code of the City of Lawrence, Kansas, and amendments thereto.

5-1.238

VIOLATION PENALTIES.

Any person who violates a provision of this Article 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 Article, shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Article is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not less than \$100 and not more than \$500 or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

Any allegation of a Code violation shall be investigated by the Building Official, or his or her designee. Should a violation of the Code be found, and said violation is determined by the Building Official to threaten the health or safety of an individual, the violation shall be corrected within three (3) business days (exclusive of City holidays) of the date the responsible party is notified of the violation. In all other cases, Code violations shall be corrected within thirty (30) days of the date the responsible party is notified of the violation.

5-1.239

AUTHORITY, STOP WORK ORDER.

Whenever the building official finds any work regulated by this Article being performed in a manner either contrary to the provisions of this Article or dangerous or unsafe, the building official is authorized to issue a stop work order.

5-1.240

ISSUANCE.

The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. 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.

5-1.241 **UNLAWFUL CONTINUANCE.**

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

5-1.242 **CONDITIONS, UNSAFE STRUCTURES AND EQUIPMENT.**

Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

5-1.243 **RECORD.**

The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

5-1.244 **NOTICE.**

If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

5-1.245 **METHOD OF SERVICE.**

Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

5-1.246 **RESTORATION.**

The structure or equipment determined to be unsafe by the Building Official is permitted to be restored to a safe condition. To the extent that repairs, alterations, or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Section 5-146 and the *International Existing Building Code*, as adopted by the City at Article 9 of this Chapter, as amended. (Ord. 9167)

5-1.247 **IMMINENT DANGER.**

When, in the opinion of the Building Official or Code Official, there is imminent danger of failure or collapse of a building that endangers life, or when any building or part of a building has fallen and life is endangered by the occupation of the building, or when there is actual or potential danger to the building occupants or those in the proximity of any structure 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 or Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Building Official or Code 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 Code 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. (Ord. 9167)

5-1.248 **TEMPORARY SAFEGUARDS.**

Notwithstanding other provisions of this Article, whenever, in the opinion of the Building Official or Code Official, there is imminent danger due to an unsafe condition, the Building Official or Code Official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the Building Official or Code Official deems necessary to meet such emergency. (Ord. 9167)

5-1.249 **CLOSING STREETS.**

When necessary for public safety, the code official shall temporarily close structures and close or order the authority having jurisdiction to close sidewalks, streets, public ways, and places adjacent to unsafe structures, and prohibit the same from being utilized.

5-1.250 **EMERGENCY REPAIRS.**

For the purposes of this section, the Building Official or Code Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible. (Ord. 9167)

5-1.251 **COSTS OF EMERGENCY REPAIRS.**

Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

5-1.252 **HEARING.**

Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this Article.

5-1.253 **CONSTRUCTION SITE MAINTENANCE.**

(Ord. 9167)

(A) Unless otherwise approved by the Building Official, any person who owns, controls, or is in possession of a construction site or building under construction shall:

- (1) Provide a mobile or stationary receptacle at construction sites and buildings under construction, which shall be of sufficient size and dimensions to adequately contain all litter, garbage, debris and/or waste material as may be found at the construction site or building under construction.
- (2) Place all litter, garbage, debris and/or waste material within said receptacle or receptacle.
- (3) Place and maintain all construction materials within the confines of the lot lines of the construction site or building under construction.

(B) No person who owns, controls, or is in possession of a construction site or building under construction shall:

- (1) Leave or bury, or permit the leaving or burying of litter, garbage, debris, or waste material at any construction site or building under construction.
- (2) Allow windborne or other transfer of litter, garbage, debris or waste material from a construction site onto other neighboring or adjacent properties or areas.

ARTICLE 2. BUILDING CODE

5-201

BUILDING CODE INCORPORATED.

The International Building Code, 2015 Edition, published by the International Code Council, Inc., other than those portions hereinafter specifically deleted, modified, or amended, is hereby adopted as the City's Building Code and is incorporated herein by reference as if set forth in full. (Ord. 8583, Ord. 8793, Ord. 9168, Ord. 9238)

5-202

OFFICIAL COPY.

Not less than one (1) copy of the *2015 International Building Code* shall be marked or stamped "OFFICIAL COPY AS INCORPORATED BY ORDINANCE No. 9238," with all sections or portions deleted, modified, or amended clearly marked as such, and to which one (1) copy of this ordinance shall be affixed, shall be filed with the City Clerk, shall be open to inspection, and shall be available to the public during reasonable business hours. Additional official copies shall, at the cost of the City, be supplied to those officials and agencies charged with enforcement of the City's Building Code.

5-203

AMENDMENTS TO THE 2015 INTERNATIONAL BUILDING CODE.

The *2015 International Building Code* is amended as set forth in the succeeding sections of this Article. These amendments shall not serve to delete, modify, or amend any discretely numbered section or subsection of the *2015 International Building Code*, unless the section or subsection is specifically identified as being deleted, modified, or amended.

5-204

Section 308.4.2 of the 2015 International Building Code is hereby amended to read as follows:

308.4.2 Five or fewer persons receiving medical care. A facility with five or fewer persons receiving medical care shall be classified as Group R-3 or shall comply with the 2015 *International Residential Code*, as adopted by the City, provided an automatic sprinkler system is installed in accordance with Section 903.3.1.1 or 903.3.1.2 of the *2015 International Building Code*, as adopted by the City.

5-205

Sections 310.5 and 310.5.1 of the 2015 International Building Code are hereby amended to read as follows:

310.5 Residential Group R-3: Residential occupancies where the occupants are primarily permanent in nature, are not classified as Group R-1, R-2, R-4, or I, and meet or exceed the zoning occupancy limits, as defined in Section 20-601(d) of the Code of the City of Lawrence, Kansas, and amendments thereto, including:

- Buildings that do not contain more than two dwelling units
- Boarding houses (non-transient) with 5 to 16 or occupants
- Boarding houses (transient) with 5 to 10 occupants
- Care facilities that provide accommodations for five or fewer persons receiving care
- Congregate living facilities (non-transient) with 5 to 16 occupants
- Congregate living facilities (transient) with 5 to 10 occupants
- Lodging houses with five or fewer guest rooms

310.5.1 Care facilities within a dwelling. Care facilities for five or fewer persons receiving care that are within a single-family dwelling are permitted to comply with the *2015 International Residential Code*, as adopted by the City, provided an automatic sprinkler system is installed in accordance with Section 903.3.1.2 of the *2015 International Building Code*, as adopted by the City.

5-206 **Sections 423.3 and 423.4 of the 2015 International Building Code** are hereby deleted.

5-207 **Section [F] 903.2.7 of the 2015 International Building Code** is hereby amended to read as follows:

[F] 903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M fire area exceeds 12,000 square feet (1115 m²).
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).
4. A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 2,500 square feet (232 m²).

5-208 **Sections [F] 903.2.8, [F] 903.2.8.1, [F] 903.2.8.2, [F] 903.2.8.3, [F] 903.2.8.3.1, [F] 903.2.8.3.2, and [F] 903.2.8.4 of the 2015 International Building Code** are hereby amended to read as follows:

[F] 903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

Exception: An automatic sprinkler system is not required in Group R-3 occupancies that contain less than three dwelling units. However, an automatic sprinkler system shall be provided in all Group R-3 boarding houses, care facilities, congregate living facilities, and lodging houses, regardless of the number of dwelling units.

[F] 903.2.8.1 Group R-3. An automatic sprinkler system in accordance with Section 903.3.1.2 shall be permitted in Group R-3 occupancies.

[F] 903.2.8.2 Group R-4 Condition 1. An automatic sprinkler system in accordance with Section 903.3.1.2 shall be permitted in Group R-4 Condition 1 occupancies.

[F] 903.2.8.3 Group R-4 Condition 2. An automatic sprinkler system in accordance with Section 903.3.1.2 shall be permitted in Group R-4 Condition 2 occupancies. Attics shall be protected in accordance with Section 903.2.8.3.1 or 903.2.8.3.2.

[F] 903.2.8.3.1 Attics used for living purposes, storage or fuel-fired equipment. Attics used for living purposes, storage or fuel-fired equipment shall be protected throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.2.

[F] 903.2.8.3.2 Attics not used for living purposes, storage or fuel-fired equipment. Attics not used for living purposes, storage or fuel-fired equipment shall be protected in accordance with one of the following:

1. Attics protected through by a heat detector system arranged to activate the building fire alarm system in accordance with Section 907.2.10.
2. Attics constructed of noncombustible materials.
3. Attics constructed of fire-retardant-treated wood framing complying with

section 2303.2.

4. The automatic sprinkler system shall be extended to provide protection throughout the attic space.

[F] 903.2.8.4 Care facilities. An automatic sprinkler system installed in accordance with Section 903.3.1.2 of the *2015 International Building Code*, as adopted by the City, shall be permitted in care facilities with five or fewer individuals in a single-family dwelling.

5-209

Section [F] 903.3.1.3 of the *2015 International Building Code* is hereby amended to read as follows:

903.3.1.3 NFPA 13D sprinkler systems. Automatic sprinkler systems installed in one- and two-family dwellings and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D.

Table 1004.1.2, "Maximum Floor Area Allowances Per Occupant," of the 2015 International Building Code is hereby amended to read as follows:

**TABLE 1004.1.2
MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT**

FUNCTION OF SPACE	OCCUPANT LOAD FACTOR^a
Accessory storage areas, mechanical equipment room	300 gross
Agricultural building	300 gross
Aircraft hangars	500 gross
Airport Terminal Baggage claim Baggage handling Concourse Waiting areas	20 gross 300 gross 100 gross 15 gross
Assembly Gaming floors (keno, slots, etc.) Exhibit Gallery and Museum	11 gross 30 net
Assembly with fixed seats	See Section 1004.4
Assembly without fixed seats Concentrated (chairs only-not fixed) Standing space Unconcentrated (tables and chairs)	7 net 5 net 15 net
Bowling centers, allow 5 persons for each lane including 15 feet of runway, and for additional areas	7 net
Business areas	100 gross
Courtrooms—other than fixed seating areas	40 net
Day care	35 net
Dormitories Sleeping Dormitories	50 gross 25 gross
Educational Classroom area Shops and other vocational room areas	20 net 50 net
Exercise rooms	50 gross
Group H-5 Fabrication and manufacturing areas	200 gross
Industrial areas	100 gross
Institutional areas Inpatient treatment areas Outpatient areas Sleeping areas	240 gross 100 gross 120 gross
Kitchens, commercial	200 gross
Library Reading rooms Stack area	50 net 100 gross

Mall buildings—covered and open	See Section 402.8.2
Mercantile Storage, stock, shipping areas	300 gross
Parking garages	200 gross
Residential	200 gross
Skating rinks, swimming pools	
Rink and pool	50 gross
Decks	15 gross
Stages and platforms	15 net
Warehouses	500 gross

For SI: 1 square foot = 0.0929 m².

^a Floor area in square feet per occupant.

5-211

Section [P] 2902.2 of the 2015 International Building Code is hereby amended to read as follows:

[P] 2902.2 Separate facilities. Where plumbing fixtures are required, separate facilities shall be provided for each sex.

Exceptions:

1. Separate facilities shall not be required for dwelling units and sleeping units.
2. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of ~~45~~ 30 or fewer.
3. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 100 or less.

5-212

Section 3109.1 of the of the 2015 International Building Code is hereby amended to read as follows:

3109.1 General. Swimming Pools shall comply with Section 5-212 of this Article and other applicable sections of the Building Code.

5-213

The 2015 International Building Code is hereby amended by adding Sections 3109.2, 3109.3, 3109.4, and 3109.5, and subparts, which read as follows:

3109.2 Swimming pool; definition. A swimming pool is any structure, intended for swimming, recreational bathing, or washing, that contains water over 24 inches (610 mm) in depth. Swimming Pools include, but are not limited to in-ground, above-ground, and on-ground pools, hot tubs, spas, and fixed in-place wading pools.

3109.3 Public swimming pools. Public swimming pools shall be completely enclosed by a fence or screened enclosure not less than 6 feet (1290 mm) in height. Openings in the fence or screened enclosure shall not permit the passage of a 4-inch-diameter (102 mm) sphere. The fence or screened enclosure shall be equipped with self-closing and self-latching gates.

3109.4 Residential swimming pools. Residential swimming pools shall be completely enclosed by a barrier complying with Sections 3109.4.1 through 3109.4.3.

Exception: A swimming pool with a power safety cover or a spa with a safety cover

complying with ASTM F 1346 are exempt from the requirements of Section 3109.4.

3109.4.1 Barrier height and clearances. The top of the barrier shall be not less than 72 inches (1219 mm) above grade, measured on the side of the barrier that faces away from the swimming pool. The vertical clearance between grade and the bottom of the barrier shall be not greater than 2 inches (51 mm), measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier is authorized to be at ground level or mounted on top of the pool structure, and the vertical clearance between the top of the pool structure and the bottom of the barrier shall be not greater than 4 inches (102 mm).

3109.4.1.1 Openings in the barrier. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.

3109.4.1.2 Solid barrier surfaces. Solid barriers that do not have openings shall not contain indentations or protrusions, except for normal construction tolerances and tooled masonry joints.

3109.4.1.3 Closely spaced horizontal members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall be not greater than 1 3/4 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than 1 3/4 inches (44 mm) in width.

3109.4.1.4 Widely spaced horizontal members. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall be not greater than 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than 1 3/4 inches (44 mm) in width.

3109.4.1.5 Chain link dimensions. Mesh size for chain link fences shall be not greater than a 2 1/4-inch square (57 mm square) unless the fence is provided with slats fastened at the top or the bottom that reduce the openings to not more than 1 3/4 inches (44 mm).

3109.4.1.6 Diagonal members. Where the barrier is composed of diagonal members, the opening formed by the diagonal members shall be not greater than 1 3/4 inches (44 mm).

3109.4.1.7 Gates. Access doors or gates shall comply with the requirements of Sections 3109.4.1.1 through 3109.4.1.6 and shall be equipped to accommodate a locking device. Pedestrian access doors or gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Doors or gates, other than pedestrian access doors or gates, shall have a self-latching device. Release mechanisms shall be in accordance with Sections 1010.1.9 and 1109.13. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the door or gate, the release mechanism shall be located on the pool side of the door or gate 3 inches (76 mm) or more, below the top of the door or gate, and the door or gate and barrier shall be without openings greater than 1/2 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

3109.4.1.8 Dwelling wall as a barrier. Where a wall of a dwelling serves as part of the barrier, one of the following shall apply:

1. Doors with direct access to the pool through that wall shall be equipped with an alarm that produces an audible warning when the door or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. In dwellings not required to be Accessible units, Type A units or Type B units, the deactivation switch shall be located 54 inches (1372 mm) or more above the threshold of the door. In dwellings required to be Accessible units, Type A units or Type B units, the deactivation switch shall be located not higher than 54 inches (1372 mm) and not less than 48 inches (1219 mm) above the threshold of the door.
2. The pool shall be equipped with a power safety cover that complies with ASTM F 1346.
3. Other means of protection, such as self-closing doors with self-latching devices, which are approved, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by subsection 1 or 2 above.

3109.4.1.9 Pool structure as barrier. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then the ladder or steps either shall be capable of being secured, locked, or removed to prevent access, or the ladder or steps shall be surrounded by a barrier that meets the requirements of Sections 3109.4.1.1 through 3109.4.1.8. Where the ladder or steps are secured, locked, or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

3109.4.2 Indoor swimming pools. Walls surrounding indoor swimming pools shall not be required to comply with Section 3109.4.1.8.

3109.4.3 Prohibited locations. Barriers shall be located so as to prohibit permanent structures, equipment, or similar objects from being used to climb the barriers.

3109.5 Entrapment avoidance. Suction outlets shall be designed and installed in accordance with ANSI/APSP-7.

5-214

SEVERABILITY.

If any section, clause, sentence, or phrase of this article is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this article. (Ord. 8793, Ord. 9168)

ARTICLE 3. RESIDENTIAL CODE

5-301

RESIDENTIAL CODE ADOPTED AND INCORPORATED.

The *2015 International Residential Code*, published by the International Code Council, Inc., other than those portions hereinafter specifically deleted, modified, or amended, is hereby adopted as the City's Residential Code and is incorporated herein by reference as if set forth in full. (Ord. 8794, Ord. 9169, Ord. 9239)

5-302

OFFICIAL COPY.

Not less than one (1) copy of the *2015 International Residential Code* shall be marked or stamped "OFFICIAL COPY AS INCORPORATED BY ORDINANCE No. 9239," with all sections or portions deleted, modified, or amended clearly marked as such, and to which one (1) copy of this ordinance shall be affixed, shall be filed with the City Clerk, shall be open to inspection, and shall be available to the public during reasonable business hours. Additional official copies shall, at the cost of the City, be supplied to those officials and agencies

charged with enforcement of the City's Residential Code.

5-303 **AMENDMENTS TO THE 2015 INTERNATIONAL RESIDENTIAL CODE .**
 The *2015 International Residential Code* is amended as set forth in the succeeding sections of this Article. These amendments shall not serve to delete, modify, or amend any discretely numbered section or subsection of the *2015 Residential Code*, unless the section or subsection is specifically identified as being deleted, modified, or amended.

5-304 **APPENDICES.**
 Unless specifically adopted herein, all appendices to the *2015 International Residential Code* are hereby deleted.

- (a) Appendix E, "MANUFACTURED HOUSING USED AS DWELLINGS," to the *2015 International Residential Code*, is hereby specifically adopted.
- (b) Appendix F, "PASSIVE RADON GAS CONTROLS," to the *2015 International Residential Code*, is hereby specifically adopted.
- (c) Appendix J, "EXISTING BUILDINGS AND STRUCTURES," to the *2015 International Residential Code*, is hereby specifically adopted.
- (d) Appendix M, "Home DAY CARE - R-3 OCCUPANCY," to the *2015 International Residential Code*, is hereby specifically adopted.

5-305 **The 2015 International Residential Code** is hereby amended by deleting CHAPTER 1, "SCOPE AND ADMINISTRATION."

5-306 **Section R301.2 of the 2015 International Residential Code** is hereby amended to read as follows:

R301.2 Climatic and geographic design criteria. Buildings shall be constructed in accordance with the *2015 International Residential Code*, as adopted and modified by the provisions of this Article. Additional criteria are hereby established and are set forth in Table R301.2(1).

5-307 **Table R301.2(1), "Climatic and Geographic Design Criteria," of the 2015 International Residential Code** is hereby amended to read as follows:

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

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY ⁴	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ⁶	ICE BARRIER UNDERLAYMENT REQUIRED ⁷	FLOOD HAZARD ⁹	AIR FREEZING INDEX ⁸	MEAN ANNUAL TEMP ⁵
	Speed ²	Topographic effects ³	Special wind region ¹	Wind-borne debris zone ¹⁰		Weathering ¹	Frost line depth ³	Termite ²					
20 lbs	115	No	No	No	A	Severe	30"	Moderate to Heavy	4	No	COL Code Chapter 20 Article 12	778	56.0

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, "negligible," "moderate" or "severe" for concrete as determined from 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 to indicate the need for protection depending on

- whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
 - e. The outdoor design dry-bulb temperature shall be selected from the columns of 971/2-percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.
 - f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
 - g. 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 Flood Insurance Study and (c) the panel numbers and dates of the currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.
 - h. In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, 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."
 - i. 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 percent) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32 °F)."
 - j. 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 °F)."
 - k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
 - l. In accordance with Figure R301.2(4)A, where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any specific requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
 - m. In accordance with Section R301.2.1.2.1, the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

5-308 **The 2015 International Residential Code is hereby amended by adding Section R310.1.2, which reads as follows:**

R310.1.2 Existing dwelling units. Basements of existing dwelling units or basements of dwelling units that were under construction prior to the adoption date of the *2006 International Residential Code on January 1, 2008*, shall have at least one operable emergency escape and rescue opening in accordance with Section R310.1, when the finished area of the basement equals fifty percent or more of the total square footage of the basement area, or when sleeping room(s) are located in the basement.

5-309 **Section R313.2 of the 2015 International Residential Code is hereby amended to read as follows:**

R313.2 One- and two-family dwellings automatic fire systems. An automatic residential fire sprinkler system may be installed in one- and two-family dwellings.

5-310 **Section N1101.14 (R401.3) of the 2015 International Residential Code is hereby amended to read as follows:**

N1101.14 (R401.3) Certificate (Mandatory). A permanent certificate shall be completed by the builder or registered design professional and posted on the electrical panel. The certificate shall not cover or obstruct the visibility of the circuit directory label, service disconnect label or other required labels. The certificate shall list the predominant R-values of

insulation installed in or on ceiling/roof, walls, foundation (slab, basement wall, crawl space wall and/or floor) and ducts outside conditioned spaces; *U-factors* for fenestration and the solar heat gain coefficient (SHGC) of fenestration, and the results from any required duct system and building envelope air leakage testing done on the building. Where there is more than one value for each component, the certificate shall list the value covering the largest area. The certificate shall list the types and efficiencies of heating, cooling and service water heating equipment. Where a gas-fired unvented room heater, electric furnace, or baseboard electric heater is installed in the residence, the certificate shall list "gas-fired unvented room heater," "electric furnace," or "baseboard electric heater," as appropriate. An efficiency shall not be listed for gas-fired unvented room heaters, electric furnaces or electric baseboard heaters.

5-311

Table 1102.1.1 (R402.1.1), "Insulation and Fenestration Requirements by Component," of the 2015 International Residential Code is hereby amended to read as follows:

**TABLE N1102.1
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT**

CLIMATE ZONE	FENESTRATION U-FACTOR ^b	SKYLIGHT ^b U-FACTOR	GLAZED FENESTRATION SHGC	CEILING R-VALUE	WOOD FRAMED WALL	MASS WALL R-VALUES ⁱ	FLOOR R-VALUE	BASEMENT ^c WALL R-VALUE	SLAB ^d R-VALUE AND DEPTH ^{h,i}	CRAWL ^c SPACE WALL R-VALUE
1	NR	0.75	0.25	30	13	3/4	13	0	0	0
2	0.40	0.65	0.25	38	13	4/6	13	0	0	0
3	0.35	0.55	0.25	38	20 or 13+5 ^h	8/13	19	5/13 ⁱ	0	5/13
4 except Marine	0.35	0.55	0.40	49	19-or-13+2 ^h	8/13	19	10/13	10, 2 ft ^j	10/13
5 and Marine 4	0.32	0.55	NR	49	20 or 13+5 ^h	13/17	30 ^g	15/19	10, 2 ft ^j	15/19
6	0.32	0.55	NR	49	20+5 or 13+10 ^h	15/20	30 ^g	15/19	10, 4 ft	15/19
7 and 8	0.32	0.55	NR	38	20+5 or 13+10 ^h	19/21	38 ^g	15/19	10, 4 ft	15/19

For SI:1 foot = 304.8 mm.

- a. R-values are minimums. U-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed R-value of the insulation shall not be less than the R-value specified in the table.
- b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
Exception: Skylights may be excluded from glazed fenestration SHGC requirements in Climate Zones 1 through 3 where the SHGC for such skylights does not exceed 0.30.
- c. "15/19" means R-15 continuous insulation on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulation on the interior or exterior of the home. "10/13" means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.
- d. R-5 shall be added to the required slab edge R-values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less in Zones 1 through 3 for heated slabs.
- e. There are no SHGC requirements in the Marine Zone.
- f. Basement wall insulation is not required in warm-humid locations as defined by Figure N1101.10 and Table N1101.10.
- g. Or insulation sufficient to fill the framing cavity, R-19 minimum.
- h. The first value is cavity insulation, the second value is continuous insulation, so "13+5" means R-13 cavity insulation plus R-5 continuous insulation.
- i. The second R-value applies when more than half the insulation is on the interior of the mass wall.

- j. Slab edge insulation may be eliminated for slab on grade floors when heating systems efficiency rating is 90% or better.

5-312 **Section N1102.2.9 (R402.2.9) of the 2015 International Residential Code** is hereby amended to read as follows:

N1102.2.9 (R402.2.9) Basement walls. Walls associated with conditioned basements shall be insulated from the top of the basement wall down to 10 feet (3048 mm) 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 Section N1102.1.2 and N1102.2.8.

Exception: Basement walls that are otherwise exposed shall be insulated from the top of the basement wall down to 3 feet (914mm) below grade or the basement floor, whichever is less.

5-313 **Sections N1103.3.2 (R403.3.2), N1103.3.3 (R403.3.3), and N1103.3.5 (R403.3.5) of the 2015 International Residential Code** are hereby amended to read as follows:

N1103.3.2 (R403.3.2) Sealing (Mandatory). Ducts, air handlers, and filter boxes shall be sealed. Joints and seams shall comply with either the International Mechanical Code, as adopted by the City, or Section M1601.4.1 of this code, as adopted by the City, as applicable.

Exceptions:

1. Air-impermeable spray foam products shall be permitted to be applied without additional joint seals.
2. Continuously welded joints and seams and locking-type joints shall be permitted without additional joint seals.

N1103.3.3 (R403.3.3) Duct Testing (Mandatory). Ducts shall be pressure tested to determine air leakage by one of the following methods:

1. Rough-in test: Total leakage shall be measured with a pressure differential of 0.1 inch w.g. (25 Pa) across the system, including the manufacturer's air handler enclosure if installed at the time of the test. All registers shall be taped or otherwise sealed during the test.
2. Postconstruction test: Total leakage shall be measured with a pressure differential of 0.1 inch w.g. (25 Pa) across the entire system, including the manufacturer's air handler enclosure. Registers shall be taped or otherwise sealed during the test.

Exceptions: A duct air leakage test shall not be required where: ~~the ducts and air handlers are located entirely within the building thermal envelope.~~

1. The ducts and air handlers are located entirely within the building thermal envelope; or
2. A whole house air leakage test is performed.

5-314 **Section N1103.5.1.1 (R403.5.1.1) of the 2015 International Residential Code** is hereby amended to read as follows:

N1103.5.1.1 (R403.5.1.1) Circulation systems. Heated water circulation systems may be

provided with a circulation pump. The system return pipe shall be a dedicated return pipe or a cold water supply pipe. Controls for circulating hot water system pumps shall start the pump based on the identification of a demand for hot water within the occupancy. The controls shall automatically turn off the pump when the water in the circulation loop is at the desired temperature and when there is no demand for hot water.

5-315 **Section N1103.5.3 (R403.5.3) of the 2015 International Residential Code** is hereby amended to read as follows:

N1103.5.3 (R403.5.3) Hot water pipe insulation (Prescriptive). Insulation for hot water pipe with a minimum thermal resistance (R-value) of R-3 shall be applied to the following:

1. Piping located outside the conditioned space.
2. Piping from the water heater to a distribution manifold.
3. Piping located under a floor slab.
4. Buried in piping.
5. Supply and return piping in recirculation systems other than demand recirculation systems.

5-316 **Section N1106.4 (R406.4) of the 2015 International Residential Code** is hereby amended to read as follows:

N1106.4 (R406.4) ERI-based compliance. Compliance based on an ERI analysis requires that the rated design be shown to have an ERI less than or equal to the appropriate value listed in Table N1106.4 when compared to the ERI reference design.

**TABLE N1106.4 (R406.4)
MAXIMUM ENERGY RATING INDEX**

CLIMATE ZONE	ENERGY RATING INDEX
1	52
2	52
3	51
4	70
5	55
6	54
7	53
8	53

5-317 **Section M1307.3 of the 2015 International Residential Code** is hereby amended to read as follows:

M1307.3 Elevation of ignition source. Permanently fixed mechanical equipment and Appliances having an ignition source, including but not limited to motors, relays, or other electrical devices, shall be elevated such that bottom of the cabinet is not less than 14 inches above the floor for upflow furnaces and 18 inches above the floor for downflow furnaces in garages. For the purpose of this section, rooms or spaces that are not part of the living space of a dwelling unit and that communicate with a private garage through openings shall be considered to be part of the garage.

Exceptions:

1. Elevation of the ignition source is not required for appliances that are listed as flammable-vapor-ignition resistant.
2. Where the blower compartment is equipped with a gasketed door and locking fasteners, the furnace may be installed on the garage floor.

5-318

Section M1401.3 of the 2015 International Residential Code is hereby amended to read as follows:

M1401.3 Equipment and appliance sizing. Heating and cooling equipment and appliances shall be sized in accordance with ACCA Manual S or other approved sizing methodologies based on building loads calculated in accordance with ACCA Manual J or other approved heating and cooling calculation methodologies. Prior to permit issuance, those calculations shall be provided to the Building Safety Division of the Department of Planning and Development Services and shall include the following:

1. The capacity of each piece of heating and cooling equipment;
2. The calculation shall include, but is not limited to window efficiency and sizes, insulation R-values for floor, wall, and ceiling, orientation of the house, house color, and roof color; and
3. The calculations shall be submitted with every new one- and two-family dwelling or any addition that will change the heating and cooling load of such a dwelling.

Exception: Building additions less than 100 square feet in area.

5-319

Sections M1601.1, M1601.1, and M1601.1.2 of the 2015 International Residential Code are hereby amended to read as follows:

M1601.1 Duct design. Duct systems serving heating, cooling and ventilation equipment shall be installed in accordance with the provisions of this section and ACCA Manual D, the appliance manufacturer's installation instructions, or other approved methods. A drawing of each duct system, including the size and length of each duct trunk, branch, and CFM of each duct branch run, shall be on site prior to the rough-in mechanical inspection.

M1601.1.1 Above-ground duct systems. Above-ground duct systems shall conform to the following:

1. Equipment connected to duct systems shall be designed to limit discharge air temperature to not greater than 250°F (121 °C).
2. Factory-made ducts shall be listed and labeled in accordance with UL 181 and installed in accordance with the manufacturer's instructions.
3. Fibrous glass duct construction shall conform to the SMACNA Fibrous Glass Duct Construction Standards or NAIMA Fibrous Glass Duct Construction Standards.
4. Field-fabricated and shop-fabricated metal and flexible duct constructions shall conform to the SMACNA HVAC Duct Construction Standards—Metal and Flexible except as allowed by Table M1601.1.1. Galvanized steel shall conform to ASTM A 653.

5. The use of gypsum products to construct return air ducts or plenums is permitted, provided that the air temperature does not exceed 125°F (52°C) and exposed surfaces are not subject to condensation.
6. Duct systems shall be constructed of materials having a flame spread index of not greater than 200.
7. Stud wall cavities and the spaces between solid floor joists to be used as air plenums shall comply with the following conditions:
 - 7.1 These cavities or spaces shall not be used as a plenum for supply air.
 - 7.2 These cavities or spaces shall not be part of a required fire-resistance-rated assembly.
 - 7.3 Multiple floors shall not utilize the same stud wall cavity to convey air.
 - 7.4 Stud wall cavities and joist-space plenums shall be isolated from adjacent concealed spaces by tight-fitting fireblocking in accordance with Section R602.8.
 - 7.5 Stud wall cavities in the outside walls of building envelope assemblies shall not be utilized as air plenums.

**TABLE M1601.1.1
DUCT CONSTRUCTION MINIMUM SHEET METAL THICKNESS
FOR SINGLE DWELLING UNITS^a**

ROUND DUCT DIAMETER (inches)	STATIC PRESSURE			
	½ inch water gage		1 inch water gage	
	Thickness(inches)		Thickness(inches)	
	Galvanized	Aluminum	Galvanized	Aluminum
≤12	0.013	0.018	0.013	0.018
12 to 14	0.013	0.018	0.016	0.023
15 to 17	0.016	0.023	0.019	0.027
18	0.016	0.023	0.024	0.034
19 to 20	0.019	0.027	0.024	0.034

RECTANGULAR DUCT DIMENSION (inches)	STATIC PRESSURE			
	½ inch water gage		1 inch water gage	
	Thickness(inches)		Thickness(inches)	
	Galvanized	Aluminum	Galvanized	Aluminum
≤8	0.013	0.018	0.013	0.018
9 to 10	0.013	0.018	0.016	0.023
11 to 12	0.016	0.023	0.019	0.027
13 to 16	0.019	0.027	0.019	0.027
17 to 18	0.019	0.027	0.024	0.034
19 to 20	0.024	0.034	0.024	0.034

For SI: 1 inch = 25.4 mm, 1 inch water gage = 249 Pa.

- a. Ductwork that exceeds 20 inches by dimension or exceeds a pressure of 1 inch water gage (250 Pa) shall be constructed in accordance with SMACNA HVAC Duct Construction Standards Metal and Flexible.

M1601.1.2 Underground duct systems. Underground duct systems shall be constructed of approved concrete, clay, metal or plastic. The maximum duct temperature for plastic ducts shall not be greater than 150°F (66°C). Metal ducts shall be completely encased in concrete not less than 2 inches (51 mm) thick. Nonmetallic ducts shall be installed in accordance with the manufacturer's instructions. Plastic pipe and fitting materials shall conform to cell classification 12454-B of ASTM D 1248 or ASTM D 1784 and external loading properties of

ASTM D 2412. Ducts shall slope to an accessible point for drainage. Where encased in concrete, ducts shall be sealed and secured prior to any concrete being poured. Metallic ducts having an approved protective coating and nonmetallic ducts shall be installed in accordance with the manufacturer's instructions.

5-320

The 2015 International Residential Code is hereby amended by adding Section M1603.1, which reads as follows:

1603.1 Flexible Air Connectors. Flexible air connectors, both metallic and nonmetallic, shall be tested in accordance with UL 181. Such connectors shall be listed and labeled as Class 0 or Class 1 flexible air connectors and shall be installed in accordance with International Mechanical Code Section 304.1.

1603.1.1 Connector length. Flexible air connectors shall be limited in length to 14 feet (4267 mm).

1603.1.2 Connector penetration limitations. Flexible air connectors shall not pass through any wall, floor or ceiling.

1603.1.3 Air temperature. The design temperature of air to be conveyed in flexible air ducts and flexible air connectors shall be less than 250 °F (121 °C).

1603.1.4 Flexible air duct and air connector clearance. Flexible air ducts and air connectors shall be installed with a minimum clearance to an appliance as specified in the appliance manufacturer's installation instructions.

1603.1.5 Location. Flexible air connectors may only be used for environmental exhaust when located within conditioned space.

5-321

Section G2406.2 (303.3) of the 2015 International Residential Code is hereby amended to read as follows:

G2406.2 (303.3) Prohibited locations. Appliances shall not be located in sleeping rooms, bathrooms, toilet rooms, hot tub rooms, storage closets, or surgical rooms, or in a space that opens only into such rooms or spaces, except where the installation complies with one of the following:

1. The appliance is a direct-vent appliance installed in accordance with the conditions of the listing and the manufacturer's instructions.
2. Vented room heaters, wall furnaces, vented decorative appliances, vented gas fireplaces, vented gas fireplace heaters and decorative appliances for installation in vented solid fuel-burning fireplaces are installed in rooms that meet the required volume criteria of Section G2407.5.
3. A single wall-mounted unvented room heater is installed in a bathroom and such unvented room heater is equipped as specified in Section 621.6, and has an input rating not greater than 6,000 Btu/h (1.76 kW), and a carbon monoxide detector, meeting the requirements of Section R315, is installed in the same room as the appliance. The bathroom shall meet the required volume criteria of Section 304.5.
4. A single wall-mounted unvented room heater is installed in a bedroom and such unvented room heater is equipped as specified in Section 621.6, has an input rating not greater than 10,000 Btu/h (2.93 kW), and a carbon

monoxide detector, meeting the requirements of Section R315, is installed in the same room as the appliance. The bedroom shall meet the required volume criteria of Section 304.5.

5. The appliance is installed in a room or space that opens only into a bedroom or bathroom, and such room or space is used for no other purpose and is provided with a solid weather-stripped door equipped with an approved self-closing device. All combustion air shall be taken directly from the outdoors in accordance with Section G2407.6.

5-322 **Section G2417.4.1 (406.4.1) of the 2015 International Residential Code** is hereby amended to read as follows:

G2417.4.1 Test pressure. The test pressure to be used shall be not less than 1 ½ times the proposed maximum working pressure, but not less than 10 psig (69 kPa gauge), irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

5-323 **The 2015 International Residential Code is hereby amended by adding Section P2713.4**, which reads as follows:

P2713.4 Prohibition. In no case shall bathtubs be installed head-to- head.

5-324 **Section P3005.4.2 of the 2015 International Residential Code** is hereby amended to read as follows:

P3005.4.2 Building drain and sewer size and slope. Pipe sizes and slope shall be determined from Table P3005.4.2 on the basis of drainage load in fixture units (d.f.u.) computed from Table P3004.1; however, no building sewer shall be less than four (4) inches in diameter.

5-325 **The 2015 International Residential Code is hereby amended by adding Section P3113.5**, which reads as follows:

P3113.5 Aggregate size of vents. The drainage piping of each building and each connection to a public sewer or a private sewage disposal system shall be vented by means of one or more vent pipes, the aggregate cross-sectional area of which shall not be less than that of the largest required building sewer, as determined from Table 710.1(1) of the *2015 International Plumbing Code*. Vent pipes from fixtures located upstream from pumps, ejectors, backwater valves, or other devices that in any way obstruct the free flow of air and other gases between the building sewer and the outside atmosphere shall not be used for meeting the cross-sectional area venting requirements of this section.

Exception: When connected to a common building sewer, the drainage piping of two (2) or more buildings, located on the same lot and under one (1) ownership, may be vented by means of piping sized in accordance with Table 710.1(1) of the *2015 International Plumbing Code*, provided the aggregate cross-sectional area of all vents is not less than that of the largest required common building sewer.

5-326 **Sections P3114.2, P3114.3, and P3114.8 of the 2015 International Residential Code** are hereby amended to read as follows:

P3114.2 Installation. The valves shall only be installed with prior approval from the Building Safety Division of the Department of Planning and Development Services, in accordance with

the requirements of this section, and in accordance with the manufacturer's installation instructions. Air admittance valves shall be installed after the DWV testing required by Section P2503.5.1 or P2503.5.2 has been performed.

P3114.3 Where permitted. The valves shall only be permitted in the alterations of existing buildings with prior approval from the Building Safety Division of the Department of Planning and Development Services. Individual vents, branch vents, circuit vents and stack vents shall be permitted to terminate with a connection to an air admittance valve. Individual and branch type air admittance valves shall vent only fixtures that are on the same floor level and connect to a horizontal branch drain.

P3114.8 Prohibited installations. Air admittance valves without an engineered design shall not be used to vent sumps or tanks of any type, and shall not be installed in new construction.

Exception: Island fixtures in new construction may be vented by air admittance valves that comply with Section P3114.

5-327 **Section P3201.2 of the 2015 International Residential Code** is hereby amended to read as follows:

P3201.2 Trap seals and trap seal protection. Each fixture trap shall have a liquid seal of not less than 2 inches (51 mm) and not more than 4 inches (102 mm).

5-328 **The 2015 International Residential Code is hereby amended by deleting sections P3201.2.1, P3201.2.1.1, P3201.2.1.2, P3201.2.1.3, and P3201.2.1.4.**

5-329 **Section E3604.5.1 of the 2015 International Residential Code** is hereby amended to read as follows:

E3604.5.1 Strength. Where a mast is used for support of service-drop conductors, it shall be a galvanized rigid conduit with a minimum trade size diameter of two inches. The service mast shall be of adequate strength or shall be supported by braces or guys to safely withstand the strain imposed by the service-drop or overhead service conductors. Hubs intended for use with a conduit that serves as a service mast shall be identified for use with service-entrance equipment.

5-330 **Section E3605.2 of the 2015 International Residential Code** is hereby amended to read as follows:

E3605.1 Insulation of service-entrance conductors. Service-entrance conductors entering or on the exterior of buildings or other structures shall be insulated in accordance with Section E3406.5. Service-entrance conductors shall not exceed six feet in length from the point of entrance of a building. [230.41 Exception].

Exceptions:

1. A copper grounded conductor shall not be required to be insulated where it is:
 - 1.1 In a raceway or part of a service cable assembly,
 - 1.2 Directly buried in soil of suitable condition, or
 - 1.2 Part of a cable assembly listed for direct burial without regard to soil conditions.

2. An aluminum or copper-clad aluminum grounded conductor shall not be required to be insulated where part of a cable or where identified for direct burial or utilization in underground raceways. [230.41 Exception].

5-331 **Section E3611.2 of the 2015 International Residential Code** is hereby amended to read as follows:

E3611.2 Accessibility. All mechanical elements used to terminate a grounding electrode conductor or bonding jumper to the grounding electrodes that are not buried or concrete encased shall be accessible. The location of the grounding electrode conductor connection to the grounding electrode(s) shall be permanently stated on a plaque or directory on the service disconnecting means. [250.68(A) and 250.68(A) Exception].

5-332 **The 2015 International Residential Code is hereby amended by adding Section E3703.7**, which reads as follows:

E3703.3 Sump Pumps. Sump pumps shall be served by an individual branch circuit. The circuit and its single receptacle outlet shall be in addition to any other outlets required by E3901.

5-333 **Table E3801.4, "Allowable Applications for Wiring Methods, of the 2015 International Residential Code** is hereby amended to read as follows:

TABLE E3801.4 (Chapter 3 and 300.2)
ALLOWABLE APPLICATIONS FOR WIRING METHODS^{a, b, c, d, e, f, g, h, i, j, k}

ALLOWABLE APPLICATIONS (applications allowed where marked with an "A")	AC	EM T	EN T	FM C	IM C RM	LFC A	MC	NM	SR	SE	UF	USE
Services	—	A ^h	A	A ⁱ	A	A ⁱ	A	—	—	A [—]	—	—
Feeders	A	A	A	A	A	A	A	A	—	A ^b	A	A ^b
Branch circuits	A	A	A	A	A	A	A	A	A	A ^c	A	—
Inside a building	A	A	A	A	A	A	A	A	A	A	A	—
Wet locations exposed to sunlight	—	A	A ^h	A ^d	A	A	A	—	—	A	A ^e	A ^e
Damp locations	—	A	A	A ^d	A	A	A	—	—	A	A	A
Embedded in non-cinder concrete in dry Location	—	A	A	—	A	—	—	—	—	—	—	—
In non-cinder concrete in contact with grade	—	A	A	—	A	—	—	—	—	—	—	—
Embedded in plaster not exposed to Dampness	A	A	A	A	A	A	A	—	—	A	A	A
Embedded in masonry	—	A	A	—	A ^f	A	A	—	—	—	—	—
In masonry voids and cell exposed to dampness or below grade line	—	A ^f	A	A ^d	A ^f	A	A	—	—	A	A	—
Fished in masonry voids	A	—	—	—	—	—	—	—	—	—	—	—
In masonry voids and cells not exposed to	A	A	A	A	A	A	A	A	A	A	A	A
Run exposed	A	A	A	A	A	A	A	A	A	A	A	A
Run exposed and subject to physical damage	—	—	—	—	A ^g	—	—	—	—	—	—	—
For direct burial	—	A ^f	—	—	A ^f	A	A	—	—	—	—	A

For SI: 1 foot = 304.8 mm.

- a. Liquid-tight flexible nonmetallic conduit without integral reinforcement within the conduit wall shall not

- exceed 6 feet in length.
- b. Type USE cable shall not be used inside buildings.
- c. The grounded conductor shall be insulated except where used to supply other buildings on the same premises.
- d. Conductors shall be a type approved for wet locations and the installation shall prevent water from entering other raceways.
- e. Shall be listed as "Sunlight Resistant."
- f. Metal raceways shall be protected from corrosion and approved for the application. Aluminum RMC requires approved supplementary corrosion protection.
- g. RNC shall be Schedule 80.
- h. Shall be listed as "Sunlight Resistant" where exposed to the direct rays of the sun.
- i. Conduit shall not exceed 6 feet in length.
- j. Liquid-tight flexible nonmetallic conduit is permitted to be encased in concrete where listed for direct burial and only straight connectors listed for use with LFNC are used.
- k. In wet locations under any of the following conditions:
 - (i) The metallic covering is impervious to moisture.
 - (ii) A lead sheath or moisture-impervious jacket is provided under the metal covering.
 - (iii) The insulated conductors under the metallic covering are listed for use in wet locations and a corrosion-resistant jacket is provided over the metallic sheath.

5-334 **Section E3901.4.4 of the 2015 International Residential Code** is hereby amended to read as follows:

E3901.4.4 Separate spaces. Countertop spaces separated by range tops, refrigerators, or sinks shall be considered as separate countertop spaces in applying the requirements of Sections E3901.4.1, E3901.4.2 and E3901.4.3. Where a range, counter-mounted cooking unit, or sink is installed in an island or peninsular countertop and the range, counter-mounted cooking unit, or sink has divided the countertop space into two separate countertop spaces as defined in Section E3901.4.4. Each separate countertop space shall comply with the applicable requirements of this section. [210.52(C)(4)]

5-335 **Section E3901.9 of the 2015 International Residential Code** is hereby amended to read as follows:

E3901.9 Basements, garages and accessory buildings. At least one receptacle outlet, in addition to any provided for specific equipment, shall be installed in each basement and in each attached garage, and in each detached garage or accessory building that is provided with electrical power. Where a portion of the basement is finished into one or more habitable room(s), each separate unfinished portion shall have a receptacle outlet installed in accordance with this section. Not less than one receptacle outlet shall be installed for each motor vehicle space. [210.52(G)(1), (2), and (3)]

5-336 **The 2015 International Residential Code is hereby amended by adding Section E3901.9.1**, which reads as follows:

E3901.9.1 Garage Door Opener Receptacle Outlets. A single receptacle outlet shall be installed in the garage ceiling for each vehicle entry door. The single receptacle outlet shall be located near the center of the finished edges of the opening. The single receptacle outlet shall be located from the opening by the sum total of the height of the door plus a minimum of two feet.

5-337 **The 2015 International Residential Code is hereby amended by adding Section E3901.9.1**, which reads as follows:

E3902 General. Ground-fault circuit-interrupter protection for personnel shall be provided as required in Sections E3901.2 through E3902.13. Arc-fault circuit-Interrupter protection shall

be provided as required by Sections E3902.14 through E3902.16.

Exceptions:

- 1, A single receptacle outlet for refrigerators, freezers, garage door openers and sump pumps located within dedicated space for each appliance that, in normal use, are not easily moved from one place to another and that are cord-and-plug connected shall be permitted to be installed in accordance with E3909.
2. Arc-Fault Circuit-Interrupter protection shall be permitted to be omitted from 120 volt single station smoke detectors.

5-338 **Section E902.7 of the 2015 International Residential Code** is hereby amended to read as follows:

E3902.7 Sink receptacles. 125-volt, single-phase, 15- and 20-ampere receptacles that are located within 6 feet (1829 mm) of the outside edge of a sink shall have ground-fault circuit-interrupter protection for personnel. Receptacle outlets shall not be installed in a face-up position in the work surfaces or countertops. [210.8(A)(7)]

Exception: 125-volt, single-phase, 15- and 20-ampere single receptacles located within dedicated space serving washers, microwave ovens, ice makers, warming ovens, washers and garbage disposals.

5-339 **The 2015 International Residential Code is hereby amended by deleting section E3902.10.**

5-340 **Section E3902.16 of the 2015 International Residential Code** is hereby amended to read as follows:

E3902.16 Arc-fault circuit-interrupter protection. Branch circuits that supply 120-volt, single-phase, 15- and 20-ampere outlets installed in shall be protected by any of the following: [210.12(A)]

1. A listed combination-type arc-fault circuit interrupter, installed to provide protection of the entire branch circuit. [210.12(A)(1)]
2. A listed branch/feeder-type AFCI installed at the origin of the branch-circuit in combination with a listed outlet branch-circuit type arc-fault circuit interrupter installed at the first outlet box on the branch circuit. The first outlet box in the branch circuit shall be marked to indicate that it is the first outlet of the circuit. [210.12(A)(2)]
3. A listed supplemental arc protection circuit breaker installed at the origin of the branch circuit in combination with a listed outlet branch-circuit type arc-fault circuit interrupter installed at the first outlet box on the branch circuit where all of the following conditions are met:
 - 3.1 The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch-circuit arc-fault circuit interrupter.
 - 3.2 The maximum length of the branch-circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 50 feet (15.2 m) for 14 AWG conductors and 70 feet (21.3 m) for 12 AWG conductors.

- 3.3 The first outlet box on the branch circuit shall be marked to indicate that it is the first outlet on the circuit. [210.12(A)(3)]
- 4. A listed outlet branch-circuit type arc-fault circuit interrupter installed at the first outlet on the branch circuit in combination with a listed branch-circuit overcurrent protective device where all of the following conditions are met:
 - 4.1 The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch-circuit arc-fault circuit interrupter.
 - 4.2 The maximum length of the branch-circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 50 feet (15.2 m) for 14 AWG conductors and 70 feet (21.3 m) for 12 AWG conductors.
 - 4.3 The first outlet box on the branch circuit shall be marked to indicate that it is the first outlet on the circuit.
 - 4.4 The combination of the branch-circuit overcurrent device and outlet branch-circuit AFCI shall be identified as meeting the requirements for a system combination-type AFCI and shall be listed as such. [210.12(A)(4)]
- 5. Where metal outlet boxes and junction boxes and RMC, IMC, EMT, Type MC or steel-armored Type AC cables meeting the requirements of Section E3908.8, metal wireways or metal auxiliary gutters are installed for the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet, a listed outlet branch-circuit type AFCI installed at the first outlet shall be considered as providing protection for the remaining portion of the branch circuit. [210.12(A)(5)]
- 6. Where a listed metal or nonmetallic conduit or tubing or Type MC cable is encased in not less than 2 inches (50.8 mm) of concrete for the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet, a listed outlet branch-circuit type AFCI installed at the first outlet shall be considered as providing protection for the remaining portion of the branch circuit. [210.12(A)(6)]

5-341

The 2015 International Residential Code is hereby amended by adding Appendix V, SWIMMING POOLS, SPAS, AND HOT TUBS, which reads as follows:

**SECTION AV101
GENERAL**

AV101.1 General. The provisions of this appendix shall control the design and construction of swimming pools, spas, and hot tubs installed in or on the lot of a one- or two-family dwelling.

AV101.2 Pools in flood hazard areas. Pools that are located in flood hazard areas established by Table R301.2(1), including above-ground pools, on-ground pools, and in-ground pools that involve placement of fill, shall comply with Section AV101.2.1 or AV101.2.2.

Exception: Pools located in riverine flood hazard areas which are outside of designated floodways.

AV101.2.1 Pools located in designated floodways. Where pools are located in designated floodways, documentation shall be submitted to the building official that demonstrates that the construction of the pool will not increase the design flood elevation at any point within the

jurisdiction.

AV101.2.2 Pools located where floodways have not been designated. Where pools are located where design flood elevations are specified but floodways have not been designated, the applicant shall provide a floodway analysis that demonstrates that the proposed pool will not increase the design flood elevation more than 1 foot (305 mm) at any point within the jurisdiction.

SECTION AV102 DEFINITIONS

AV102.1 General. For the purposes of this Appendix, the following terms shall be defined as follows.

ABOVE-GROUND/ON-GROUND POOL. See “Swimming pool.”

BARRIER. A fence, wall, building wall, or combination thereof that completely surrounds the swimming pool and obstructs access to the swimming pool.

HOT TUB. See “Swimming pool.”

IN-GROUND POOL. See “Swimming pool.”

RESIDENTIAL. That which is situated on the premises of a detached one- or two-family dwelling, or a one-family townhouse not more than three stories in height.

SPA, NONPORTABLE. See “Swimming pool.”

SPA, PORTABLE. A nonpermanent structure intended for recreational bathing, in which all controls, water-heating, and water-circulating equipment are an integral part of the product.

SWIMMING POOL. Any structure intended for swimming or recreational bathing that contains water more than 24 inches (610 mm) deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs and spas.

SWIMMING POOL, INDOOR. A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.

SWIMMING POOL, OUTDOOR. Any swimming pool which is not an indoor pool.

SECTION AV103 SWIMMING POOLS

AV103.1 In-ground pools. In-ground pools shall be designed and constructed in compliance with ANSI/NSPI-5.

AV103.2 Above-ground and on-ground pools. Above-ground and on-ground pools shall be designed and constructed in compliance with ANSI/NSPI-4.

AV103.3 Pools in flood hazard areas. In flood hazard areas established by Table R301.2(1), pools in coastal high-hazard areas shall be designed and constructed in compliance with ASCE 24.

SECTION AV104 SPAS AND HOT TUBS

AV104.1 Permanently installed spas and hot tubs. Permanently installed spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-3.

AV104.2 Portable spas and hot tubs. Portable spas and hot tubs shall be designed and constructed in compliance with ANSI/NSPI-6.

SECTION AV105 BARRIER REQUIREMENTS

AV105.1 Application. The provisions of this Appendix shall control the design of barriers for residential swimming pools, spas, and hot tubs. These design controls are intended, for safety reasons, to restrict access to residential swimming pools, spas, and hot tubs.

AV105.2 Outdoor swimming pool. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa, shall be surrounded by a barrier which shall comply with the following:

1. The top of the barrier shall be at least 72 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).
2. Openings in the barrier shall not allow the passage of a 4-inch-diameter (102 mm) sphere.
3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions, except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1¾ inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1¾ inches (44 mm) in width.
5. Where the barrier is composed of horizontal and vertical members, and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1¾ inches (44 mm) in width.
6. Maximum mesh size for chain link fences shall be a 2¼-inch (57 mm) square, unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than 1¾ inches (44 mm).
7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1¾ inches (44 mm).

8. Access gates shall comply with the requirements of Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool, and shall be self-closing and have a self-latching device. Gates, other than pedestrian access gates, shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:
 - 8.1 The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate; and
 - 8.2 The gate and barrier shall have no opening larger than ½ inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.
9. Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:
 - 9.1 The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346;
 - 9.2 Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or
 - 9.3 Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable as long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described herein.
10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps:
 - 10.1 The ladder or steps shall be capable of being secured, locked or removed to prevent access; or
 - 10.2 The ladder or steps shall be surrounded by a barrier which meets the requirements of Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

AV105.3 Indoor swimming pool. Walls surrounding an indoor swimming pool shall comply with Item 9 of Section AG105.2.

AV105.4 Prohibited locations. Barriers shall be located to prohibit permanent structures, equipment or similar objects from being used to climb them.

AV105.5 Barrier exceptions. Spas or hot tubs with a safety cover which comply with ASTM F 1346 shall be exempt from the provisions of this appendix.

**SECTION AV106
ENTRAPMENT PROTECTION FOR SWIMMING
POOL AND SPA SUCTION OUTLETS**

AV106.1 General. Suction outlets shall be designed and installed in accordance with

ANSI/APSP-7.

**SECTION AV107
ABBREVIATIONS**

AV107.1 General.

ANSI—American National Standards Institute
11 West 42nd Street
New York, NY 10036

APSP—Association of Pool and Spa Professionals
NSPI—National Spa and Pool Institute
2111 Eisenhower Avenue
Alexandria, VA 22314

ASCE—American Society of Civil Engineers
1801 Alexander Bell Drive
Reston, VA 98411-0700

ASTM—ASTM International
100 Barr Harbor Drive
West Conshohocken, PA 19428

UL—Underwriters Laboratories, Inc.
333 Pfingsten Road
Northbrook, IL 60062-2096

**SECTION AV108
REFERENCED STANDARDS**

AV108.1 General.

ANSI/NSP

ANSI/NSPI-3—99 Standard for Permanently Installed Residential Spas AG104.1

ANSI/NSPI-4—99 Standard for Above-ground/On-ground Residential Swimming Pools
AG103.2

ANSI/NSPI-5—03 Standard for Residential In-ground Swimming Pools AG103.1

ANSI/NSPI-6—99 Standard for Residential Portable Spas AG104.2

ANSI/APSP

ANSI/APSP-7—06 Standard for Suction Entrapment Avoidance in Swimming Pools, Wading
Pools, Spas, Hot Tubs and Catch Basins AG106.1

ASCE

ASTM

ASTM F 1346—91 (2003) Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools Spas and Hot Tubs AG105.2, AG105.5

UL

UL 2017—2000 Standard for General-purpose Signaling Devices and Systems—with revisions through June 2004 AG105.2

5-342

SEVERABILITY.

If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance. (Ord. 9169)

ARTICLE 4. ELECTRICAL CODE

5-401

ELECTRICAL CODE ADOPTED AND INCORPORATED.

The NFPA 70, *National Electrical Code, 2014 Edition*, published by the National Fire Protection Association, other than those portions hereinafter specifically deleted, modified, or amended, is hereby adopted as the City's Electrical Code and is incorporated herein by reference as if set forth in full.

(Ord. 8795, Ord. 9170, Ord. 9240)

5-402

OFFICIAL COPY.

Not less than one (1) copy of the NFPA 70, *National Electrical Code, 2014 Edition*, shall be marked or stamped "OFFICIAL COPY AS INCORPORATED BY ORDINANCE No. 9240," with all sections or portions deleted, modified, or amended clearly marked as such, and to which one (1) copy of this ordinance shall be affixed, shall be filed with the City Clerk, shall be open to inspection, and shall be available to the public during reasonable business hours. Additional official copies shall, at the cost of the City, be supplied to those officials and agencies charged with enforcement of the City's Electrical Code.

5-403

AMENDMENTS TO THE NPFA 70, NATIONAL ELECTRICAL CODE, 2014 EDITION.

The NFPA 70, *National Electrical Code, 2014 Edition*, is amended as set forth in the succeeding sections of this Article. These amendments shall not serve to delete, modify, or amend any discretely numbered section or subsection of the NFPA 70, *National Electrical Code, 2014 Edition*, unless the section or subsection is specifically identified as being deleted, modified, or amended.

5-404

Section 90.2 of the NPFA 70, National Electrical Code, 2014 Edition, is hereby amended to read as follows:

90.2 Scope.

(A) Covered. This *Code* covers the installation of electrical conductors, equipment, and raceways; signaling and communications conductors, equipment, and raceways; and optical fiber cables and raceways for the following:

- (1) Public and private premises, including buildings, structures, mobile homes, recreational vehicles, and floating buildings.

- (2) Yards, lots, parking lots, carnivals, and industrial substations.
- (3) Installations of conductors and equipment that connect to the supply of electricity.
- (4) Installations used by the electric utility, such as office buildings, warehouses, garages, machine shops, and recreational buildings, that are not an integral part of a generating plant, substation, or control center.

(B) Not Covered. This *Code* does not cover the following:

- (1) Installations in ships, watercraft other than floating buildings, railway rolling stock, aircraft, or automotive vehicles other than mobile homes and recreational vehicles

Informational Note: Although the scope of this *Code* indicates that the *Code* does not cover installations in ships, portions of this *Code* are incorporated by reference into Title 46, *Code of Federal Regulations*, Parts 110–113.

- (2) Installations underground in mines and self-propelled mobile surface mining machinery and its attendant electrical trailing cable.
- (3) Installations of railways for generation, transformation, transmission, or distribution of power used exclusively for operation of rolling stock or installations used exclusively for signaling and communications purposes.
- (4) Installations of communications equipment under the exclusive control of communications utilities located outdoors or in building spaces used exclusively for such installations.
- (5) Installations under the exclusive control of an electric utility where such installations
 - a. Consist of service drops or service laterals, and associated metering, or
 - b. Are one property owned or leased by the electric utility for the purpose of communications, metering, generation, control, transformation, or transmission, or distribution of electrical energy, or
 - c. Are located in legally established easements or rights-of-way, or
 - d. Are located by other written agreements either designated by or recognized by public service commissions, utility commissions, or other regulatory agencies having jurisdiction for such installations. These written agreements shall be limited to installations for the purpose of communications, metering, generation, control, transformation, transmission, or distribution of electric energy.

Informational Note to (4) and (5): Examples of utilities may include those entities that are typically designated or recognized by governmental law or regulation by public service/utility commissions and that install, operate, and maintain electric supply (such as generation, transmission, or distribution systems) or communication data services). Utilities may be subject to compliance with codes and standards covering their regulated activities as adopted under governmental law or regulation. Additional information can be found through consultation with the appropriate governmental bodies, such as state regulatory commissions, the Federal Energy Regulatory Commission, and the Federal Communications Commission.

(C) Special Permission. The authority having jurisdiction for enforcing this *Code* may grant exception for the installation of conductors and equipment that are not under the exclusive control of the electric utilities and are used to connect the electric utility supply system to the service conductors of the premises served, provided such installations are outside a building or structure, or terminate inside at a readily accessible location nearest the point of entrance of the service conductors.

5-405

Section 210.8 of the NPFA 70, *National Electrical Code, 2014 Edition*, is hereby amended to read as follows:

210.8 Ground-Fault Circuit-Interrupter Protection for Personnel. Ground-fault circuit interrupter protection for personnel shall be provided as required in 210.8 (A) through (D). The ground-fault circuit-interrupter shall be installed in a readily accessible location.

Informational Note: See 215.9 for ground-fault circuit-interrupter protection for personnel on feeders.

(A) Dwelling Units. All 125-volt, single-phase, 15- and 20-ampere receptacles installed in the locations specified in (1) through (9) shall have ground-fault circuit-interrupter protection for personnel.

(1) Bathrooms.

(2) Garages, and also accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use.

Exception to (2): A single receptacle outlet for refrigerators, freezers, garage door openers, and sump pumps located within dedicated space for each appliance that, in normal use, are not easily moved from one place to another and that are cord-and-plug connected shall be permitted to be installed in accordance with 400.7(A)(6), (A)(7), or (A)(8).

(3) Outdoors.

Exception to (3): Receptacles that are not readily accessible and are supplied by a dedicated branch circuit for electric snow-melting or deicing equipment shall be permitted to be installed in accordance with 426.28.

(4) Crawl spaces – at or below grade level.

(5) Unfinished basements – for purposes of this section, unfinished basements are defined as portions or areas of the basement not intended as habitable rooms and limited to storage areas, work areas, and the like.

Exception No. 1 to (5): A single receptacle outlet for refrigerators, freezers, garage door openers, and sump pumps located within dedicated space for each appliance that, in normal use, are not easily moved from one place to another and that are cord-and-plug connected shall be permitted to be installed in accordance with 400.7(A)(6), (A)(7), or (A)(8).

Exception No. 2 to (5): A receptacle supplying only a permanently installed fire alarm or burglar alarm system shall not be required to have ground-fault circuit-interrupter protection.

Informational Note: See 760.41(B) and 760.121(B) for power supply requirements for fire alarm systems.

Receptacles installed under the exception to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52 (G).

- (6) Kitchens – where the receptacles are installed to serve the countertop surfaces.
- (7) Sinks and washing machines – where receptacles are installed within 1.8 m (6 ft) of the outside edge of the sink and washing machines.

Exception to (7): A single receptacle outlet for appliances located within dedicated space for each appliance that, in normal use, are not easily moved from one place to another and that are cord-and-plug connected shall be permitted to be installed in accordance with 400.7(A)(6), (A)(7), or (A)(8), including microwaves, ovens, ice makers, warming ovens, dryers, washing machines, and garbage disposals.

- (8) Boathouses.
- (9) Bathtubs or shower stalls - where receptacles are installed within 1.8 m (6 ft.) of the outside edge of the bathtub or shower stall.

(B) Other Than Dwelling Units. All 125-volt, single-phase, 15- and 20-ampere receptacles installed in the locations specified in 210(B)(1) through (8) shall have ground-fault circuit-interrupter protection for personnel:

- (1) Bathrooms
- (2) Kitchens
- (3) Rooftops
- (4) Outdoors

Exception No. 1 to (3): Receptacles on rooftops shall not be required to be readily accessible other than from the rooftop.

Exception No. 2 to (3) and (4): Receptacles that are not readily accessible and are supplied by a branch circuit dedicated to electric snow-melting, deicing, or pipeline and vessel heating equipment shall be permitted to be installed in accordance with 426.28 or 427.22 as applicable.

Exception No. 3 to (4): In industrial establishments only, where the conditions of maintenance and supervision ensure that only qualified personnel are involved, an assured equipment grounding conductor program as specified in 590.6(B)(2) shall be permitted for only those receptacle outlets used to supply equipment that would create a greater hazard if power is interrupted or having a design that is not compatible with GFCI protection.

- (5) Sinks — where receptacles are installed within 1.8 m (6 ft) of the outside edge of the sink

Exception No 1 to (5): In industrial laboratories, receptacles used to supply equipment where removal of power would introduce a greater hazard shall be permitted to be installed without GFCI protection.

Exception No 2 to (5): For receptacles located in patient bed locations of general care or critical care areas of health care facilities other than those covered under 210.8 (B)(1), GFCI protection shall not be required.

- (6) Indoor wet locations
- (7) Locker rooms with associated showering facilities.
- (8) Garages, service bays, and similar areas other than vehicle exhibition halls and showrooms.

(C) Boat Hoists. GFCI protection shall be provided for outlets not exceeding 240 volts that supply boat hoists installed in dwelling unit locations.

5-406

Section 210.12 of the NFPA 70, National Electrical Code, 2014 Edition, is hereby amended to read as follows:

210.12 Arc-Fault Circuit-Interrupter Protection. Arc-fault circuit-interrupter protection shall be provided as required in 201.12(A), (B), and (C). The arc-fault circuit interrupter shall be installed in a readily accessible location.

(A) Bedrooms of Dwelling Units. All 120-volt, single phase, 15- and 20-ampere branch circuits supplying outlets or devices installed in dwelling unit shall be protected by any of the means described in 210.12(A)(1) through (6):

- (1) A listed combination-type arc-fault circuit interrupter installed to provide protection of the entire branch circuit
- (2) A listed branch/feeder type AFCI installed at the origin of the branch-circuit in combination with a listed outlet branch-circuit type arc-fault circuit interrupter installed at the first outlet box on the branch circuit. The first outlet box in the branch circuit shall be marked to indicate that it is the first outlet of the circuit.
- (3) A listed supplemental arc protection circuit breaker installed at the origin of the branch circuit in combination with a listed outlet branch-circuit type arc-fault circuit interrupter installed at the first outlet box on the branch circuit where all of the following conditions are met:
 - a. The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch-circuit arc-fault circuit interrupter.
 - b. The maximum length of the branch-circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 15.2 m (50ft.) for a 14 AWG conductor or 21.3 m (70ft.) for a 12 AWG conductor.
 - c. The first outlet box in the branch circuit shall be marked to indicate that it is the first outlet of the circuit.
- (4) A listed outlet branch-circuit type arc-fault interrupter installed at the first outlet on the branch circuit in combination with a listed branch-circuit overcurrent protective device where all of the following conditions are met:
 - a. The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch-circuit arc-fault circuit interrupter.

- b. The maximum length of the branch-circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 15.2 m (50 ft.) for a 14 AWG conductor or 21.3 m (70 ft.) for a 12 AWG conductor.
 - c. The first outlet box in the branch circuit shall be marked to indicate that it is the first outlet of the circuit.
 - d. The combination of the branch-circuit overcurrent device and the outlet branch-circuit AFCI shall be identified as meeting the requirements for a system combination-type AFCI and shall be listed as such.
- (5) If RMC, IMC, EMT, Type MC, or steel armored Type AC cables meeting the requirements of 250.118, metal wireways, metal auxiliary gutters, and metal outlet and junction boxes are installed for the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet, it shall be permitted to install a listed branch-circuit type AFCI at the first outlet to provide protection for the remaining portion of the branch circuit.
- (6) Where a listed metal or nonmetallic conduit or tubing or Type MC cable is encased in not less than 50 mm (2 in.) of concrete for the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet, it shall be permitted to install an outlet branch circuit type AFCI at the first outlet to provide protection for the remaining portion of the branch circuit.

Exception No. 1: Where an individual branch circuit to a fire alarm system installed in accordance with 760.41(B) or 760.121(B) is installed in RMC, IMC, EMT, or steel-sheathed cable, Type AC or Type MC, meeting the requirements of 250.118, with metal outlet and junction boxes, AFCI protection shall be permitted to be omitted.

Exception No. 2: AFCI protection shall be permitted to be omitted from 120-volt single-station smoke detectors.

Informational Note No. 1: For information on combination-type and branch/feeder-type arc-fault circuit interrupters, see U.L. 1699-2011, *Standard for Arc-Fault Circuit Interrupters*. For information on outlet branch-circuit type arc-fault circuit interrupters, see U.L. Subject 1699A, *Outline of Investigation for Outlet Branch Circuit Arc-Fault Circuit-Interrupters*. For information on system combination AFCIs, see UL Subject 1699C, *Outlet of Investigation for System Combination Arc-Fault Circuit Interrupters*.

Informational Note No. 2: See 29.6.3(5) of the NFPA 72-2013, *National Fire Alarm and Signaling Code*, for information related to secondary power-supply requirements for smoke alarms installed in dwelling units.

Informational Note N. 3: See 760.41(B) and 760.121 (B) for power-supply requirements for fire alarm systems.

(B) Branch Circuit Extensions or Modifications - Dwelling Units. In any of the areas specified in 210.12(A), where branch-circuit wiring is modified, replaced, or extended, the branch circuit shall be protected by one of the following:

- (1) A listed combination-type AFCI located at the origin of the branch circuit
- (2) A listed outlet branch circuit type AFCI located at the first receptacle outlet of the existing branch circuit.

Exception: AFCI protection shall not be required where the extension of the existing conductors is not more than 1.8 m 96 ft.) and does not include any additional outlets or devices.

(C) Dormitory Units. All 12-volt, single-phase, 15- and 20-ampere branch circuits supplying outlets installed in dormitory unit bedrooms, living rooms, hallways, closets, and similar rooms shall be protected by a listed arc-fault circuit interrupter meeting the requirements of 210.12(A)(1) through (6) as appropriate.

5-407

Section 210.23 of the NPFA 70, National Electrical Code, 2014 Edition, is hereby amended to read as follows:

210.23 Permissible Loads, Multiple-Outlet Branch Circuits. In no case shall the load exceed the branch-circuit ampere rating. A branch circuit supplying two or more outlets or receptacles shall supply on the loads specified according to its size as specified in 210.23(A) through (D) and as summarized in 210.24 and Table 210.24.

(A) 15- and 20-Ampere Branch Circuits. A 15- or 20-ampere branch circuit shall be permitted to supply lighting units or other utilization equipment, or a combination of both, and shall comply with 210.23(A)(1), (A)(2), and (A)(3).

Exception: The small appliance branch circuits, laundry branch circuits, and bathroom branch circuits required in a dwelling unit(s) by 210.11(C)(1), (C)(2), and (C)(3) shall supply only the receptacle outlets specified in that section.

- (1) Cord-and-Plug-Connected Equipment Not Fastened in Place.** The rating of any one cord-and-plug-connected utilization equipment not fastened in place shall not exceed 80 percent of the branch-circuit ampere rating.
- (2) Utilization Equipment Fastened in Place.** The total rating of utilization equipment fastened in place, other than luminaries, shall not exceed 50 percent of the branch-circuit ampere rating where lighting units, cord-and-plug-connected utilization equipment not fastened in place, or both, are also supplied.
- (3) Sump pumps.** Sump pumps shall be served by an individual branch circuit. The circuit and its single receptacle outlet shall be in addition to any outlets required by 210.52.

(B) 30-Ampere Branch Circuits. A 30-ampere branch circuit shall be permitted to supply fixed lighting units with heavy-duty lampholders in other than a dwelling unit(s) or utilization equipment in any occupancy. A rating of any one cord-and-plug-connected utilization equipment shall not exceed 80 percent of the branch-circuit ampere rating.

(C) 40- and 50-Ampere Branch Circuits. A 40- or 50-ampere branch circuit shall be permitted to supply cooking appliances that are fastened in place in any occupancy. In other than dwelling units, such circuits shall be permitted to supply fixed lighting units with heavy-duty lampholders infrared heating units, or other utilization equipment.

(D) Branch Circuits Larger Than 50 Amperes. Branch circuits larger than 50 amperes shall supply only nonlighting outlet loads.

5-408

Section 210.52 of the NPFA 70, National Electrical Code, 2014 Edition, is hereby

amended to read as follows:

210.52 Dwelling Unit Receptacle Outlets. This section provides requirements for 125-volt, 15- and 20-ampere receptacle outlets. The receptacles required by this section shall be in addition to any receptacle that is:

- (1) Part of a luminaire or appliance, or
- (2) Controlled by a wall switch in accordance with 210.70(A) (1), Exception No. 1, or
- (3) Located within cabinets or cupboards, or
- (4) Located more than 1.7 m (5 1/2 ft) above the floor

Permanently installed electric baseboard heaters equipped with factory-installed receptacle outlets or outlets provided as a separate assembly by the manufacturer shall be permitted as the required outlet or outlets for the wall space utilized by such permanently installed heaters. Such receptacle outlets shall not be connected to the heater circuits.

Informational Note: Listed baseboard heaters include instructions that may not permit their installation below receptacle outlets.

(A) General Provisions. In every kitchen, family room, dining room, living room, parlor, library, den, sunroom, bedroom, recreation room, or similar room or area of dwelling units, receptacle outlets shall be installed in accordance with the general provisions specified in 210.52 (A)(1) through (A)(4).

- (1) **Spacing.** Receptacles shall be installed so that no point measured horizontally along the floor line in any wall space is more than 1.8 m (6 ft) from a receptacle outlet.
 - (2) **Wall Space.** As used in this section, a wall space shall include the following:
 - (1) Any space 600 mm (2 ft) or more in width (including space measured around corners) and unbroken along the floor line by doorways, fireplaces, and similar openings.
 - (2) The space occupied by fixed panels in exterior walls, excluding sliding panels.
 - (3) The space afforded by fixed room dividers such as freestanding bar-type counters or railings.
 - (3) **Floor Receptacles.** Receptacle outlets in or on floors shall not be counted as part of the required number of receptacle outlets unless located within 450 mm (18 in.) of the wall.
 - (4) **Countertop Receptacles.** Receptacles installed for countertop surfaces as specified in 210.52(C) shall not be considered as the receptacles required by 210.52 (A).
- (B) Small Appliances.**

- (1) **Receptacle Outlets Served.** In the kitchen, pantry, breakfast room, dining room, or similar area of a dwelling unit, the two or more 20-ampere small-appliance branch circuits required by 210.11(C)(1) shall serve all wall and floor receptacle outlets covered by 210.52(A), all countertop outlets covered by 210.52(C), and receptacle outlets for refrigeration equipment.

Exception No. 1: In addition to the required receptacles specified by 210.52, switched receptacles supplied from a general-purpose branch circuit as defined in 210.70(A)(1), Exception No. 1, shall be permitted.

Exception No. 2: The receptacle outlet for refrigeration equipment shall be permitted to be supplied from an individual branch circuit rated 15 amperes or greater.

- (2) **No Other Outlets.** The two or more small-appliance branch circuits specified in 210.52(B)(1) shall have no other outlets.

Exception No. 1: A receptacle installed solely for the electrical supply to and support of an electric clock in any of the rooms specified in 210.52(B)(1).

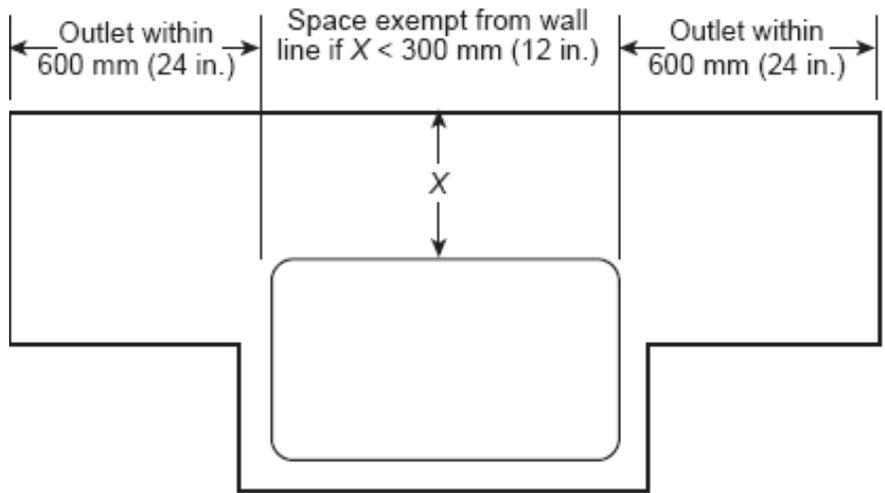
Exception No. 2: Receptacles installed to provide power for supplemental equipment and lighting on gas-fired ranges, ovens, or counter-mounted cooking units.

- (3) **Kitchen Receptacle Requirements.** Receptacles installed in a kitchen to serve countertop surfaces shall be supplied by not fewer than two small-appliance branch circuits, either or both of which shall also be permitted to supply receptacle outlets in the same kitchen and in other rooms specified in 210.52(B)(1). Additional small-appliance branch circuits shall be permitted to supply receptacle outlets in the kitchen and other rooms specified in 210.52(B)(1). No small-appliance branch circuit shall serve more than one kitchen.

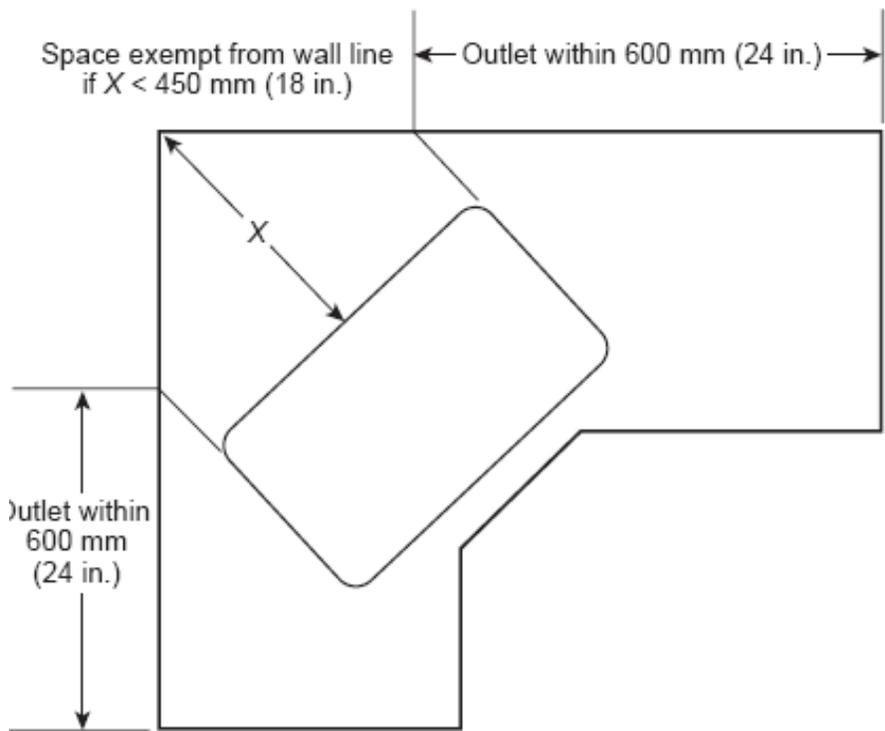
- (C) **Countertops.** In kitchens, pantries, breakfast rooms, dining rooms, and similar areas of dwelling units, receptacle outlets for countertop spaces shall be installed in accordance with 210.52(C)(1) through (C)(5).

- (1) **Wall Countertop Spaces.** A receptacle outlet shall be installed at each wall countertop space that is 300 mm (12 in.) or wider. Receptacle outlets shall be installed so that no point along the wall line is more than 600 mm (24 in.) measured horizontally from a receptacle outlet in that space.

Exception: Receptacle outlets shall not be required on a wall directly behind a range, counter-mounted cooking unit, or sink in the installation described in Figure 210.52(C)(1).



Range, counter-mounted cooking unit extending from face of counter



Range, counter-mounted cooking unit mounted in corner

Figure 210.52(C)(1) Determination of Area Behind a Range, or Counter-Mounted Cooking Unit or Sink.

- (2) **Island Countertop Spaces.** At least one receptacle shall be installed at each island countertop space with a long dimension of 600 mm (24 in.) or greater and a short dimension of 300 mm (12 in.) or greater.
- (3) **Peninsular Countertop Spaces.** At least one receptacle outlet shall be installed at each peninsular countertop space with a long dimension of 600 mm (24 in.) or greater and a short dimension of 300 mm (12 in.) or greater. A peninsular countertop is measured from the connecting edge.
- (4) **Separate Spaces.** Countertop spaces separated by rangetops, refrigerators, or sinks shall be considered as separate countertop spaces in applying the requirements of 210.52(C)(1). If a range, counter-mounted cooking unit, or sink is installed in an island or peninsular countertop, then it is considered to divide the countertop space into two separate countertop spaces. Each separate countertop space shall comply with the applicable requirements in 210.52 (C).
- (5) **Receptacle Outlet Location.** Receptacle outlets shall be located on or above, but not more than 500 mm (20 in.) above, the countertop. Receptacle outlet assemblies listed for the application shall be permitted to be installed in countertops. Receptacle outlets rendered not readily accessible by appliances fastened in place, appliance garages, sinks, or rangetops as covered in 210.52(C)(1), Exception, or appliances occupying dedicated space shall not be considered as these required outlets.

Exception to (5): To comply with the conditions specified in (1) or (2), receptacle outlets shall be permitted to be mounted not more than 300 mm (12 in.) below the countertop. Receptacles mounted below a countertop in accordance with this exception shall not be located where the countertop extends more than 150 mm (6 in.) beyond its support base.

(1) *Construction for the physically impaired.*

(2) *On island and peninsular countertops where the countertop is flat across its entire surface (no backsplashes, dividers, etc.) and there are no means to mount a receptacle within 500 mm (20 in.) above the countertop, such as an overhead cabinet.*

(D) Bathrooms. In dwelling units, at least one receptacle outlet shall be installed in bathrooms within 900 mm (3 ft.) of the outside edge of each basin. The receptacle outlet shall be located on a wall or partition that is adjacent to the basin or basin countertop, located on the countertop, or installed on the side or face of the basin cabinet. In no case shall the receptacle be located more than 300 mm (12 in.) below the top of the basin. Receptacle outlet assemblies listed for the application shall be permitted to be installed in the countertop.

(E) Outdoor Outlets. Outdoor receptacle outlets shall be installed in accordance with (E)(1) through (E)(3).

Informational Note: See 210.8(A)(3).

(1) **One-Family and Two-Family Dwellings.** For a one-family dwelling and each unit of

a two-family dwelling that is at grade level, at least one receptacle outlet readily accessible from grade and not more than 2.0 m (6 1/2 ft) above grade shall be installed at the front and back of the dwelling.

- (2) **Multifamily Dwellings.** For each dwelling unit of a multifamily dwelling where the dwelling unit is located at grade level and provided with individual exterior entrance/egress, at least one receptacle outlet readily accessible from grade and not more than 2.0 m (6 1/2 ft) above grade level shall be installed.
- (3) **Balconies, Decks, and Porches.** Balconies, decks, and porches that are attached to the dwelling unit and are accessible from inside the dwelling unit shall have at least one receptacle outlet accessible from the balcony, deck, or porch. The receptacle outlet shall not be located more than 2.0 m (6 1/2 ft) above the balcony, deck, or porch walking surface.

(F) Laundry Areas. In dwelling units, at least one receptacle outlet shall be installed in areas designated for the installation of laundry equipment.

Exception No. 1: A receptacle for laundry equipment shall not be required in a dwelling unit of a multifamily building where laundry facilities are provided on the premises for use by all building occupants.

Exception No. 2: A receptacle for laundry equipment shall not be required in other than one-family dwellings where laundry facilities are not to be installed or permitted.

(G) Basements, Garages, and Accessory Buildings. For a one-family dwelling, at least one receptacle outlet shall be installed in the areas specified in 210.52(G(1) through (3). These receptacles shall be in addition to receptacles required for specific equipment.

- (1) **Garages.** In each attached garage and each detached garage with electric power. The branch circuit supplying the receptacle(s) shall not supply outlets outside of the garage. At least one receptacle outlet shall be installed for each car space.
 - a. **Garage Door Opener Receptacle Outlets.** A single receptacle outlet shall be installed in the garage ceiling for each vehicle entry door. The single receptacle outlet shall be located near the center of the finished edges of the opening. The single receptacle outlet shall be located from the opening by the sum total of the height of the door plus a minimum of two feet.
- (2) **Accessory Buildings.** In each accessory building with electric power
- (3) **Basements.** In each separate unfinished portion of a basement.

(H) Hallways. In dwelling units, hallways of 3.0 m (10 ft) or more in length shall have at least one receptacle outlet. As used in this subsection, the hallway length shall be considered the length along the centerline of the hallway without passing through a doorway.

(I) Foyers. Foyers that are not part of a hallway in accordance with 210.52(H) and that have an area that is greater than 5.6 m² (60 ft²) shall have a receptacle(s) located in each wall space 900 mm (3 ft) or more in width. Doorways, door-side windows that extend to the floor, and similar openings shall not be considered wall space.

5-409

Section 210.62 of the NFPA 70, National Electrical Code, 2014 Edition, is hereby amended to read as follows:

210.62 Show Windows. At least one 125-volt, single-phase 15- or 20-ampere receptacle outlet shall be installed within 450 mm (18 in.) of the top of a show window for each 3.7 linear m (12 linear ft) or major fraction thereof of show window area measured horizontally at its maximum width. For the purposes of this section, in buildings with a non-residential occupancy, each exterior window shall be considered a show window unless expressly exempted by the enforcing authority.

5-410 **Section 220.12 of the NPFA 70, National Electrical Code, 2014 Edition,** is hereby amended to read as follows:

220.12 Lighting Load for Specified Occupancies. A unit load of not less than that specified in Table 220.12 for occupancies specified therein shall constitute the minimum lighting load. The floor area for each floor shall be calculated from the outside dimensions of the building, dwelling unit, or other are involved. For dwelling units, the calculated floor area shall not include open porches, garages, or unused or unfinished spaces not adaptable for future use.

Informational Note: The unit values herein are based on minimum load conditions and 100 percent power factor and may not provide sufficient capacity for the installation contemplated.

5-411 **Section 225.17 of the NPFA 70, National Electrical Code, 2014 Edition,** is hereby amended to read as follows:

225.17 Masts as Supports. Only feeder or branch-circuit conductors specified within this section shall be permitted to be attached to the feeder and/or branch-circuit mast. Masts used for the support of final spans of feeders or branch circuits shall be installed in accordance with 225.17(A) and (B).

(A) Strength. The mast shall be of adequate strength or be supported by braces or guys to withstand safely the strain imposed by the overhead feeder or branch-circuit conductors. Hubs intended for use with a conduit that serves as a mast for support of feeder or branch-circuit conductors shall be identified for use with a mast.

(B) Attachment. Feeder and/or branch-circuit conductors shall not be attached to a mast between a weatherhead or the end of the conduit and a coupling where the coupling is located above the last point of securement to the building or other structure or is located above the building or other structure.

(C) Additional Requirements. Where a mast is used for the support of final spans of feeders or branch circuits, it shall be a galvanized rigid conduit with a minimum trade size diameter of two inches (2 in.). Where the mast projects above the roof surface in excess of three feet (3 ft.), the mast shall be supported by braces or guys to withstand safely the strain imposed by the drop. Where raceway-type masts are used, all raceway fittings shall be identified for use with the masts. Only the feeder or branch-circuit conductors specified within this section shall be permitted to be attached to the feeder and/or branch-circuit mast.

5-412 **Section 230.28 of the NPFA 70, National Electrical Code, 2014 Edition,** is hereby amended to read as follows:

NPFA 70, National Electrical Code, 2014 Edition, is hereby amended to read as follows:

230.28 Service Masts as Supports. Where a service mast is used for the support of service-drop conductors, it shall be a galvanized rigid conduit with a minimum trade size

diameter of two inches (2 in.). Where the service mast projects above the roof surface in excess of three feet (3 ft.), the mast shall be supported by braces or guys to withstand safely the strain imposed by the service-drop. Where raceway-type service masts are used, all raceway fittings shall be identified for use with the service masts. Only power service-drop conductors shall be permitted to be attached to a service mast.

5-413

Section 230.43 of the NPFA 70, National Electrical Code, 2014 Edition, is hereby amended to read as follows:

230.43 Wiring Methods for 1000 Volts, Nominal or Less. Service-entrance conductors shall be installed in accordance with the applicable requirements of this *Code* covering the type of wiring method used and shall be limited to the following methods:

- (1) Open wiring on insulators.
- (2) Type IGS cable.
- (3) Rigid metal conduit (RMC).
- (4) Intermediate metal conduit (IMC).
- (5) Electrical metallic tubing (EMT).
- (6) Electrical nonmetallic tubing (ENT).
- (7) Wireways.
- (8) Busways.
- (9) Auxiliary gutters.
- (10) Rigid polyvinyl chloride conduit (PVC).
- (11) Cablebus.
- (12) Type MC cable.
- (13) Mineral-insulated, metal-sheathed cable, Type MI.
- (14) Flexible metal conduit (FMC) not over 1.8 m (6 ft) long or liquidtight flexible metal conduit (LFMC) not over 1.8 m (6 ft) long between a raceway, or between a raceway and service equipment, with a supply-side bonding jumper routed with the flexible metal conduit (FMC) or the liquidtight flexible metal conduit (LFMC) according to the provisions of 250.102(A), (B), (C), and (E).
- (15) Liquidtight flexible nonmetallic conduit (LFNC).
- (16) High Density polyethylene conduit (HDPE).
- (17) Nonmetallic underground conduit with conductors (NUCC).
- (18) Reinforced thermosetting resin conduit (RTRC).

5-414

Section 230.70 of the NPFA 70, National Electrical Code, 2014 Edition, is hereby

amended to read as follows:

230.70 General. Means shall be provided to disconnect all conductors in a building or other structure from the service-entrance conductors.

(A) Location. The service disconnecting means shall be installed in accordance with 230.70(A)(1), (A)(2), and (A)(3).

(1) **Readily Accessible Location.** The service disconnecting means shall be installed at a readily accessible location either outside of a building or structure or inside nearest the point of entrance of the service conductors. Service entrance conductors shall not exceed six feet (6 ft.) in length from the point of entrance to the building or structure.

(2) **Bathrooms.** Service disconnecting means shall not be installed in bathrooms.

(3) **Remote Control.** Where a remote control device(s) is used to actuate the service disconnecting means, the service disconnecting means shall be located in accordance with 230.70(A)(1).

(B) Marking. Each service disconnect shall be permanently marked to identify it as a service disconnect.

(C) Suitable for Use. Each service disconnecting means shall be suitable for the prevailing conditions. Service equipment installed in hazardous (classified) locations shall comply with the requirements of Articles 500 through 517.

5-415

Section 230.72 of the NFPA 70, National Electrical Code, 2014 Edition, is hereby amended to read as follows:

230.72 Grouping of Disconnects.

(A) General. The two to six disconnects as permitted in 230.71 shall be grouped. Each disconnect shall be marked to indicate the load to be served.

(1) Meters and disconnects shall be marked and installed by numerical or alphabetical order, top to bottom or left to right, unless exempted by the enforcing authority.

(2) Meter enclosures and service equipment shall be permanently marked with phenolic labels, engraved plaques, or other approved means.

Exception: One of the two to six service disconnecting mean permitted in 230.71, where used only for a water pump also intended to provide fire protection, shall be permitted to be located remote from the other disconnecting means. If remotely installed in accordance with this exception, a plaque shall be posted at the location of the remaining grouped disconnects denoting its location.

(B) Additional Service Disconnecting Means. The one or more additional service disconnecting means for fire pumps, emergency systems, legally required standby, or optional standby services permitted by 230.2 shall be installed remote from the one to six service disconnecting means for normal service to minimize the possibility of simultaneous interruption of supply.

(C) Access to Occupants. In a multiple-occupancy building, each occupant shall have access to the occupant's service disconnecting means.

Exception: In a multiple-occupancy building where electric service and electrical maintenance are provided by the building management and where these are under continuous building management supervision, the service disconnecting means supplying more than one occupancy shall be permitted to be accessible to authorized management personnel only.

5-416

Section 250.68 of the NFPA 70, National Electrical Code, 2014 Edition, is hereby amended to read as follows:

250.68 Grounding Electrode Conductors and Bonding Jumper Connection to Grounding Electrodes. The connection of a grounding electrode conductor at the service, at each building or structure where supplied by a feeder(s) or branch circuit(s), or at a separately derived system and associated bonding jumper(s) shall be made as specified 250.68(A) through (C).

(A) Accessibility. All mechanical elements used to terminate a grounding electrode conductor or bonding jumper to a grounding electrode shall be accessible. The location of the grounding electrode conductor connection to the grounding electrode(s) shall be permanently stated on a plaque or directory on the service disconnecting means.

Exception No. 1: An encased or buried connection to a concrete-encased, driven, or buried grounding electrode shall not be required to be accessible.

Exception No. 2: Exothermic or irreversible compression connections used at terminations, together with the mechanical means used to attach such terminations to fireproofed structural metal whether or not the mechanical means is reversible, shall not be required to be accessible.

(B) Effective Grounding Path. The connection of a grounding electrode conductor or bonding jumper to a grounding electrode shall be made in a manner that will ensure a permanent and effective grounding-path. Where necessary to ensure the grounding path for a metal piping system used as a grounding electrode, bonding shall be provided around insulated joints and around any equipment likely to be disconnected for repairs or replacement. Bonding jumpers shall be of sufficient length to permit removal of such equipment while retaining the integrity of the grounding path.

(C) Grounding Electrode Connections. Grounding electrode conductors and bonding jumpers shall be permitted to be connected to the following locations and used to extend the connection to an electrode(s):

(1) Interior metal water piping located not more than 1.52 m (5 ft.) from the point of entrance to the building shall be permitted to be used as a conductor to interconnect electrodes that are part of the grounding electrode system.

Exception: In industrial, commercial, and institutional buildings or structures, if conditions of maintenance and supervision ensure that only qualified persons service the installation, interior metal water piping located more than 1.52 m (5 ft.) from the point of entrance to the building shall be permitted as a bonding conductor to interconnect electrodes that are part of the grounding electrode system, or as a grounding electrode conductor, if the entire length, other than short sections passing perpendicularly through walls, floors, and ceilings, of the interior metal water pipe that is being used for the conductor is exposed.

- (2) The metal structural frame of a building shall be permitted to be used as a conductor to interconnect electrodes that are part of the grounding electrode system, or as a grounding electrode conductor.
- (3) A concrete-encased electrode of either the conductor type, reinforcing rod or bar installed in accordance with 250.52(A)(3) extended from its location within the concrete to an accessible location above the concrete shall be permitted.

5-417

Section 334.12 of the NPFA 70, National Electrical Code, 2014 Edition, is hereby amended to read as follows:

334.12 Uses Not Permitted.

(A) Types NM, NMC, and NMS. Types NM, NMC, and NMS cables shall not be used as follows:

- (1) In any occupancy other than Group R.
- (2) Exposed in dropped or suspended ceilings in other than one and two-family and multifamily dwellings.
- (3) As service-entrance cable.
- (4) In commercial garages having hazardous (classified) locations as defined in 511.3.
- (5) In theaters and similar locations, except where permitted in 518.4(B).
- (6) In motion picture studios.
- (7) In storage battery rooms.
- (8) In hoistways or on elevators or escalators.
- (9) Embedded in poured cement, concrete or aggregate.
- (10) In hazardous (classified) locations, except where specifically permitted by other articles in this Code
- (11) In any dwelling or structure exceeding three (3) stories.

Informational Note No. 1: The intent of this subsection is not to restrict the use of nonmetallic-sheathed cable in garages or carports directly associated with an apartment.

Informational Note No. 2: The intent of this subsection is not to restrict the use of nonmetallic-sheathed cable in residential garages, carports, or other occupancies directly associated with one- and two-family dwellings.

(B) Types NM and NMS. Types NM and NMS cables shall not be used under the following conditions or in the following locations:

- (1) Where exposed to corrosive fumes or vapors.

- (2) Where embedded in masonry, concrete, adobe, fill, or plaster.
- (3) In a shallow chase in masonry, concrete, adobe and covered with plaster, adobe, or similar finish.
- (4) In wet or damp locations.

5-418 **Section 334.40 of the NPFA 70, National Electrical Code, 2014 Edition,** is hereby amended to read as follows:

334.40 Boxes and Fittings.

(A) Boxes of Insulating Material. Nonmetallic outlet boxes shall be permitted as provided by 314.3.

(B) Devices of Insulating Materials. Self-contained switches, self-contained receptacles, and nonmetallic sheathed cable interconnector devices shall not be permitted.

5-419 **Section 362.10 of the NPFA 70, National Electrical Code, 2014 Edition,** is hereby amended to read as follows:

362.10 Uses Permitted. For the purpose of this article, the first floor of a building shall be that floor that has 50 percent or more of the exterior wall surface area level with or above finished grade. One additional level that is the first level and not designed for human habitation and used only for vehicle parking, storage, or similar use shall be permitted. The use of ENT and fittings shall be permitted in the following:

- (1) In any building not exceeding three floors above grade as follows:
 - a. For exposed work, where not prohibited by 362.12.
 - b. Concealed within walls, floors, and ceilings.
- (2) In any building exceeding three floors above grade, ENT shall be concealed within walls, floors, and ceilings where the walls, floors, and ceilings provide a thermal barrier of material that has at least a 15-minute finish rating as identified in listings of fire-rated assemblies. The 15-minute-finish-rated thermal barrier shall be permitted to be used for combustible or noncombustible walls, floors, and ceilings.

Exception to (2): Where a fire sprinkler system(s) is installed in accordance with NFPA 13-2013, Standard for the Installation of Sprinkler Systems, on all floors, ENT shall be permitted to be used within walls, floors, and ceilings, exposed or concealed, in buildings exceeding three floors above grade.

Informational Note: A finish rating is established for assemblies containing combustible (wood) supports. The finish rating is defined as the time at which the wood stud or wood joist reaches an average temperature rise of 121 °C (250 °F) or an individual temperature of 163 °C (325 °F) as measured on the plane of the wood nearest the fire. A finish rating is not intended to represent a rating for a membrane ceiling.

- (3) In locations subject to severe corrosive influences as covered in 300.6 and where subject to chemicals for which the materials are specifically approved.
- (4) In concealed, dry, and damp locations not prohibited by 362.12.

- (5) Encased in poured concrete, or embedded in a concrete slab on grade where ENT is placed on sand or approved screenings, provided fittings identified for this purpose are used for connections.
- (6) For wet locations indoors as permitted in this section or in a concrete slab on or below grade, with fittings listed for the purpose.
- (7) Metric designator 16 through 27 (trade size ½ through 1) as listed manufactured prewired assembly.

Informational Note: Extreme cold may cause some types of nonmetallic conduits to become brittle and therefore more susceptible to damage from physical contact.

- (8) Conductors or cables rated at a temperature higher than the listed Temperature rating of ENT shall be permitted to be installed in ENT, if The conductors or cables are not operated at a temperature higher Than the listed temperature rating of the ENT.

5-420

Section 701.12 of the NPFA 70, National Electrical Code, 2014 Edition, is hereby amended to read as follows:

701.12 General Requirements Current supply shall be such that, in the event of failure of the normal supply to, or within, the building or group of buildings concerned, legally required standby power will be available within the time required for the application but not to exceed 60 seconds. The supply system for legally required standby purposes, in addition to the normal services to the building, shall be permitted to comprise one or more of the types of systems described in 701.12(A) through (F), Unit equipment in accordance with 701.12 (G) shall satisfy the applicable requirements of this article.

In selecting a legally required standby source of power, consideration shall be given to the type of service to be rendered, whether of short-time duration or long duration. Consideration shall be given to the location or design, or both, of all equipment to minimize the hazards that might cause complete failure due to floods, fires, icing, and vandalism.

Informational Note: For further information, see ANSI/IEEE 493-2007, *Recommended Practice for the Design of Reliable Industrial and Commercial Power Systems*.

(A) Storage Battery. A storage battery shall be of suitable rating and capacity to supply and maintain at not less than 87 ½ percent of system voltage the total load of the circuits supplying legally required standby power for a period of at least 1 ½ hours. Batteries, whether of the acid or alkali type, shall be designed and constructed to meet the service requirements of emergency service and shall be compatible with the charger for that particular installation. For a sealed battery, the container shall not be required to be transparent. However, for the lead acid battery that requires water additions, transparent or translucent containers shall be furnished. Automotive-type batteries shall not be used. An automatic battery charging means shall be provided.

(B) Generator Set.

(1) Prime Mover-Driven. For a generator set driven by a prime mover acceptable to the authority having jurisdiction and sized in accordance with 701.6, means shall be provided for automatically starting the prime mover upon failure of the normal service and for automatic transfer and operation of all required electrical circuits. A time-

delay feature permitting a 15-minute setting shall be provided to avoid transfer in case of short-time re-establishment of the normal source.

(2) **Internal Combustion Engines as Prime Mover.** Where internal combustion engines are used as the prime mover, an on-site fuel supply shall be provided with an on-premise fuel supply sufficient for not less than 2 hours' full-demand operation of the system. Where power is needed for the operation of the fuel transfer pumps to deliver fuel to a generator set day tank, the pumps shall be connected to the legally required standby power system.

(3) **Dual Supplies.** Prime movers shall not be solely dependent on a public utility gas system for their fuel supply or municipal water supply for their cooling systems. Means shall be provided for automatically transferring one fuel supply to another where dual fuel supplies are used.

Exception: Where acceptable to the authority having jurisdiction, the use of other than on-site fuels shall be permitted where there is a low probability of a simultaneous failure of both the off-site fuel delivery system and power from the outside electrical utility company.

(4) **Battery Power.** Where a storage battery is used for control or signal power or as the means of starting the prime mover, it shall be suitable for the purpose and shall be equipped with an automatic charging means independent of the generator set.

(5) **Outdoor Generator Sets.** Where an outdoor housed generator set is equipped with a readily accessible disconnecting means in accordance with 445.18, and the disconnecting means is located within sight of the building or structure supplied, an additional disconnecting means shall not be required where ungrounded conductors serve or pass through the building or structure.

(C) **Uninterruptible Power Supplies.** Uninterruptible power supplied used to provide power for legally required standby systems shall comply with the applicable provisions of 701.11(A) and (B).

(D) **Separate Service.** Where approved, a separate service shall be permitted as a legally required source of standby power. This service shall be in accordance with the applicable provisions of Article 230, with separate service drop or lateral or a separate set of overhead or underground service conductors sufficiently remote electrically and physically from any other service to minimize the possibility of simultaneous interruption of supply from an occurrence in another service.

(E) **Fuel Cell System.** Fuel cell systems used as a source of power for legally required standby systems shall be of suitable rating and capacity to supply and maintain the total load for not less than 2 hours of full-demand operation. Installation of a fuel cell system shall meet the requirements of Parts II through VIII of Article 692. Where a single fuel cell system serves as the normal supply for the building a group of buildings concerned, it shall not serve as the sole source of power for the legally required standby system.

(F) **Unit Equipment.** Individual unit equipment for legally required standby illumination shall consist of the following:

- (1) A rechargeable battery.
- (2) A battery charging means.
- (3) Provisions for one or more lamps mounted on the equipment and shall be permitted

to have terminals for remote lamps.

- (4) A relaying device arranged to energize the lamps automatically upon failure of the supply to the unit equipment.

The batteries shall be of suitable rating and capacity to supply and maintain at not less than 87 ½ percent of the nominal battery voltage for the total lamp load associated with the unit for a period of at least 1 ½ hours, or the unit equipment shall supply and maintain not less than 600 percent of the initial legally required standby illumination for a period of at least 1 ½ hours. Storage batteries, whether of the acid or alkali type, shall be designed and constructed to meet the requirements of emergency service.

Unit equipment shall be permanently fixed in place (i.e., not portable) and shall have all wiring to each unit installed in accordance with the requirements of any of the wiring methods in Chapter 3. Flexible cord-and-plug connection shall be permitted, provided that the cord does not exceed 900 mm (3 ft) in length. The branch circuit feeding the unit equipment shall be the same branch circuit as that serving the normal lighting in the area and connected ahead of any local switches. Legally required standby luminaires (illumination fixtures) that obtain power from a unit equipment and are not part of the unit equipment shall be wired to the unit equipment by one of the wiring methods of Chapter 3.

Exception: In a separate and uninterrupted area supplied by a minimum of three normal lighting circuits, a separate branch circuit for unit equipment shall be permitted if it originates from the same panelboard as that of the normal lighting circuits and is provided with a lock-on feature.

5-421

DEFINITIONS.

- (a) **Basement.** For the purposes of this Article, "Basement" shall mean any story that is not a story above grade plane.
- (b) **Story.** For the purposes of this Article, "Story" shall mean that portion of building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

5-422

STANDARD INSTALLATION, ELECTRICAL EQUIPMENT.

Except as otherwise provided in this Article, all installations of electrical wiring and equipment shall be in conformity with the provisions of this Article, with the statutes of the State of Kansas, with any other rules and regulations promulgated by bodies having authority, and with electrical standards for safety to persons or property. Where no specific standards are prescribed by this Article, the statutes of the State of Kansas, or by any other rules and regulations promulgated by bodies having authority, conformity with the regulations set forth in the NFPA 70, *National Electrical Code, 2014 Edition*, as approved by the American Safety Code and by the American National Standards Institute, as well as other provisions of other safety codes approved by the American National Standards Institute, shall be *prima facie* evidence of conformity with the approved standards for safety to persons and property.

5-423

LIABILITY. This Article shall not be construed to reduce the liability of any person owning, operating, or controlling any building, structure, or system thereof for any damages to persons or property caused by defects in anything covered by the NFPA 70, *National Electrical Code, 2014 Edition*; nor shall the City, its agent, or its enforcing authority be held to assume any such liability by reason of any inspections performed or for any permits or certificates issued under the auspices of this Article.

5-424

SEVERABILITY.

If any section, clause, sentence or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of the remaining parts of the ordinance. (Ord. 8795, Ord. 9170)

ARTICLE 5. PLUMBING CODE

- 5-501 **PLUMBING CODE ADOPTED AND INCORPORATED.**
The *2015 International Plumbing Code*, published by the International Code Council, Inc., other than those portions hereinafter specifically deleted, modified, or amended, is hereby adopted as the City's Plumbing Code and is incorporated herein by reference as if set forth in full. (Ord. 8585, Ord. 8796, Ord. 9171, Ord. 9241)
- 5-502 **OFFICIAL COPY.**
Not less than one (1) copy of the *2015 International Plumbing Code* shall be marked or stamped "OFFICIAL COPY AS INCORPORATED BY ORDINANCE No. 9241," with all sections or portions deleted, modified, or amended clearly marked as such, and to which one (1) copy of this ordinance shall be affixed, shall be filed with the City Clerk, shall be open to inspection, and shall be available to the public during reasonable business hours. Additional official copies shall, at the cost of the City, be supplied to those officials and agencies charged with enforcement of the City's Plumbing Code.
- 5-503 **AMENDMENTS TO THE 2015 INTERNATIONAL PLUMBING CODE.**
The *2015 International Plumbing Code* is amended as set forth in the succeeding sections of this Article. These amendments shall not serve to delete, modify, or amend any discretely numbered section or subsection of the *2015 International Plumbing Code*, unless the section or subsection is specifically identified as being deleted, modified, or amended.
- 5-504 **The 2015 International Plumbing Code** is hereby amended by deleting CHAPTER 1, "SCOPE AND ADMINISTRATION."
- 5-505 **The 2015 International Plumbing Code is hereby amended by adding Section 407.5,** which reads as follows:

407.5 Prohibition. In no case shall bathtubs be installed head-to-head.
- 5-506 **Section 410.2 of the 2015 International Plumbing Code** is hereby amended to read as follows:

410.2 Small occupancies. Drinking fountains shall not be required for an occupant load of 30 or fewer.
- 5-507 **Section 710.1 of the 2015 International Plumbing Code** is hereby amended to read as follows:

710.1 Maximum fixture unit load. The maximum number of drainage fixture units connected to a given size of building sewer, building drain or horizontal branch of the building drain shall be determined using Table 710.1(1); however no building sewer shall be less than four (4) inches in diameter. The maximum number of drainage fixture units connected to a given size of horizontal branch or vertical soil or waste stack shall be determined using Table 710.1(2).
- 5-508 **The 2015 International Plumbing Code is hereby amended by adding Section 906.6,** which reads as follows:

906.6 Aggregate size of vents. The drainage piping of each building and each connection to a public sewer or a private sewage disposal system shall be vented by means of one or more vent pipes, the aggregate cross-sectional area of which shall not be less than that of the largest required building sewer, as determined from Table 710.1(1). Vent pipes from fixtures

located upstream from pumps, ejectors, backwater valves, or other devices that in any way obstruct the free flow of air and other gases between the building sewer and the outside atmosphere shall not be used for meeting the cross-sectional area venting requirements of this section.

Exception: When connected to a common building sewer, the drainage piping of two (2) or more buildings, located on the same lot and under one (1) ownership, may be vented by means of piping sized in accordance with Table 710.1(1), provided the aggregate cross-sectional area of all vents is not less than that of the largest required common building sewer.

5-509

Sections 918.2, 918.3, and 918.8 of the 2015 International Plumbing Code are hereby amended to read as follows:

918.2 Installation. The valves shall only be installed with prior approval from the Building Safety Division of the Department of Planning and Development Services, in accordance with the requirements of this section, and in accordance with the manufacturer's installation instructions. Air admittance valves shall be installed after the DWV testing required by Section 312.2 or 312.3 has been performed.

918.3 Where permitted. The valves shall only be permitted in the alterations of existing buildings with prior approval from the Building Safety Division of the Department of Planning and Development Services. Individual, branch and circuit vents shall be permitted to terminate with a connection to an individual or branch-type air admittance valve in accordance with Section 918.3.1. Stack vents and vent stacks shall be permitted to terminate to stack-type air admittance valves in accordance with Section 918.3.1.

918.8 Prohibited installations. Air admittance valves shall not be installed in new construction and in non-neutralized special waste systems as described in Chapter 8 except where such valves are in compliance with ASSE 1049, are constructed of materials approved in accordance with Section 702.5 and are tested for chemical resistance in accordance with ASTM F 1412. Air admittance valves shall not be located in spaces utilized as supply or return air plenums. Air admittance valves without an engineered design shall not be utilized to vent sumps or tanks of any type.

Exception: Island fixtures in new construction may be vented by air admittance valves that comply with section 918.

5-510

SEVERABILITY.

If any section, clause, sentence, or phrase of this article is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this article. (Ord. 8585, Ord. 8796, Ord. 9171)

ARTICLE 6. MECHANICAL CODE

5-601

MECHANICAL CODE ADOPTED AND INCORPORATED.

The *2015 International Mechanical Code*, published by the International Code Council, Inc., other than those portions hereinafter specifically deleted, modified, or amended, is hereby adopted as the City's Mechanical Code and is incorporated herein by reference as if set forth in full. (Ord. 8586, Ord. 8797, Ord. 9172, Ord. 9242)

5-602

OFFICIAL COPY.

Not less than one (1) copy of the *2015 International Mechanical Code* shall be marked or stamped "OFFICIAL COPY AS INCORPORATED BY ORDINANCE No. 9242," with all sections or portions deleted, modified, or amended clearly marked as such, and to which one (1) copy of this ordinance shall be affixed, shall be filed with the City Clerk, shall be open to inspection, and shall be available to the public during reasonable business hours. Additional official copies shall, at the cost of the City, be supplied to those officials and agencies charged with enforcement of the City's Mechanical Code.

5-603

AMENDMENTS TO THE 2015 INTERNATIONAL MECHANICAL CODE.

The *2015 International Mechanical Code* is amended as set forth in the succeeding sections of this Article. These amendments shall not serve to delete, modify, or amend any discretely numbered section or subsection of the *2015 International Mechanical Code*, unless the section or subsection is specifically identified as being deleted, modified, or amended.

5-604

The 2015 International Mechanical Code is hereby amended by deleting CHAPTER 1, "SCOPE AND ADMINISTRATION."

5-605

Section 303.3 of the 2015 International Mechanical Code is hereby amended to read as follows:

303.3 Prohibited locations. Fuel-fired appliances shall not be located in, or obtain combustion air from, any of the following rooms or spaces:

1. Sleeping rooms.
2. Bathrooms.
3. Toilet rooms.
4. Storage closets.
5. Surgical rooms.
6. Hot tub rooms or saunas.

Exceptions: This section shall not apply to the following appliances:

1. Direct-vent appliances that obtain all combustion air directly from the outdoors.
2. Solid fuel-fired appliances, provided that the room is not a confined space and the building is not of unusually tight construction.
3. Appliances installed in a dedicated enclosure in which all combustion air is taken directly from the outdoors, in accordance with Chapter 7. Access to such enclosure shall be through a solid door, weather-stripped in accordance with the exterior door air leakage requirements of the 2015 International Energy Conservation Code and equipped with an approved self-closing device.

5-606

Sections 307.2.2 and 307.4 of the 2015 International Mechanical Code are hereby amended to read as follows:

307.2.2 Drain pipe materials and sizes. Components of the condensate disposal system shall be cast iron, galvanized steel, copper, cross-linked polyethylene, polybutylene,

polyethylene, ABS, CPVC or PVC pipe or tubing. All components shall be selected for the pressure and temperature rating of the installation. Joints and connections shall be made in accordance with the applicable provisions of Chapter 7 of the *2015 International Plumbing Code* relative to the material type. Condensate waste and drain line size shall be not less than 3/4-inch (19 mm) internal diameter and shall not decrease in size from the drain pan connection to the place of condensate disposal. Where the drain pipes from more than one unit are manifolded together for condensate drainage, the above drains must comply with all of the following:

1. The pipe or tubing shall be sized in accordance with Table 307.2.2;
2. A maximum of three (3) units may be connected together, unless a minimum 1½ inch common drain is used; and
3. The common drain must be provided with a cleanout for servicing.

5-607 **307.2.4 Traps.** Condensate drains shall be trapped as recommended by the equipment or appliance manufacturer.

5-608 **Table 307.2.2, "Condensate Drain Sizing," of the 2015 International Mechanical Code** is hereby amended to read as follows:

**TABLE 307.2.2
CONDENSATE DRAIN SIZING**

EQUIPMENT CAPACITY	MINIMUM CONDENSATE PIPE DIAMETER
Up to 5 tons of refrigeration	3/4 inch
Up to 7 ½ tons of refrigeration	1 inch
Up to 50 tons of refrigeration	1 ½ inches
Up to 170 tons of refrigeration	2 inches
Up to 300 tons of refrigeration	3 inches

1 inch = 25.4 mm, 1 ton = 3.517 kW.

5-609 **The 2015 International Mechanical Code is hereby amended by adding Section 401.1.1,** which reads as follows:

401.1.1 Standards. The current ASHRAE 62 standard may be substituted for the ventilation requirements of Chapter 4 of the *2015 International Mechanical Code*.

5-610 **Section [BF] 601.2 of the 2015 International Mechanical Code** is hereby amended to read as follows:

[BF] 601.2 Air movement in egress elements. Corridors shall not serve as supply, return, exhaust, relief or ventilation air ducts.

Exceptions:

1. Use of a corridor as a source of makeup air for exhaust systems in rooms that open directly onto such corridors, including toilet rooms, bathrooms, dressing rooms, smoking lounges and janitor closets, shall be permitted, provided that each such corridor is directly supplied with outdoor air at a rate greater than the rate of makeup air taken from the corridor.
2. Where located within a dwelling unit, the use of corridors for conveying return air shall not be prohibited.

3. Incidental air movement from pressurized rooms within health care facilities, provided that the corridor is not the primary source of supply or return to the room.

5-611 **The 2015 International Mechanical Code is hereby amended by adding Section 603.5.2, which reads as follows:**

603.5.2 Prohibition. Rigid fibrous glass duct is prohibited.

Exception: In R occupancies, rigid fibrous glass duct is permitted, provided the duct is readily accessible for repair or cleaning.

5-612 **Section 603.6.1.1 of the 2015 International Mechanical Code is hereby amended to read as follows:**

603.6.1.1 Duct length. Flexible air ducts shall be limited in length to 8 feet.

Exception: In R occupancies, flexible air ducts shall be limited in length to a maximum of 15 feet.

5-613 **Section 603.6.2 of the 2015 International Mechanical Code is hereby amended to read as follows:**

Section 603.6.2 Flexible air connectors. Flexible air connectors, both metallic and nonmetallic, shall be tested in accordance with UL 181. Such connectors shall be listed and labeled as Class 0 or Class 1 flexible air connectors and shall be installed in accordance with Section 304.1. Flexible air connectors may only be installed in Group R occupancies and only for environmental exhaust when located within the building thermal envelope.

5-614 **Section 603.8 of the 2015 International Mechanical Code is hereby amended to read as follows:**

603.8 Underground ducts. Ducts shall be approved for underground installation. Metallic underground ducts shall be completely encased in a minimum of 2 inches (51 mm) of concrete.

5-615 **Section 607.4 of the 2015 International Mechanical Code is hereby amended to read as follows:**

607.4 Access and identification. Fire and smoke dampers shall be provided with an approved means of access. To permit inspection and maintenance of the damper and its operating parts, there shall be a minimum of 144 square inches access; when the duct is less than 12" wide, for access, the duct shall be equipped with a removable section of duct. Ceiling access must have a minimum 18"x18" access opening, with unobstructed access to the duct. The access shall not affect the integrity of fire-resistance-rated assemblies. The access openings shall not reduce the fire-resistance rating of the assembly. Access points shall be permanently identified on the exterior by a label having letters not less than 0.5 inch (12.7 mm) in height reading: FIRE/SMOKE DAMPER, SMOKE DAMPER or FIRE DAMPER. Access doors in ducts shall be tight fitting and suitable for the required duct construction.

5-616 **The 2015 International Mechanical Code is hereby amended by adding Section 1004.6.1, which reads as follows:**

1004.6.1 Emergency Shutoff. Any Boiler, whether for building heat or domestic hot water, having 200,000 Btu input and above, shall have an emergency shutoff located outside the

boiler room. The switch must be labeled with a red tag and white letters that clearly read "EMERGENCY BOILER SHUTOFF".

Exception: When approved by the State Boiler Inspector, the switch may be located inside the boiler room.

5-620

SEVERABILITY.

If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance. (Ord. 8586, Ord. 8797, Ord. 9172)

ARTICLE 7. FUEL GAS CODE

5-701

FUEL GAS CODE ADOPTED AND INCORPORATED.

The *2015 International Fuel Gas Code*, published by the International Code Council, Inc., other than those portions hereinafter specifically deleted, modified, or amended, is hereby adopted as the City's Fuel Gas Code and is incorporated herein by reference as if set forth in full. (Ord. 8583, Ord. 8798, Ord. 9173, Ord. 9243)

5-702

OFFICIAL COPY.

Not less than one (1) copy of the *2015 International Fuel Gas Code* shall be marked or stamped "OFFICIAL COPY AS INCORPORATED BY ORDINANCE No. 9243," with all sections or portions deleted, modified, or amended clearly marked as such, and to which one (1) copy of this ordinance shall be affixed, shall be filed with the City Clerk, shall be open to inspection, and shall be available to the public during reasonable business hours. Additional official copies shall, at the cost of the City, be supplied to those officials and agencies charged with enforcement of the City's Fuel Gas Code.

5-703

AMENDMENTS TO THE 2015 INTERNATIONAL FUEL GAS CODE.

The *2015 International Fuel Gas Code* is amended as set forth in the succeeding sections of this Article. These amendments shall not serve to delete, modify, or amend any discretely numbered section or subsection of the *2015 International Fuel Gas Code*, unless the section or subsection is specifically identified as being deleted, modified, or amended.

5-704

The 2015 International Fuel Gas Code is hereby amended by deleting CHAPTER 1, "SCOPE AND ADMINISTRATION."

5-705

Section 303.3 of the 2015 International Fuel Gas Code is hereby amended to read as follows:

303.3 Prohibited locations. Appliances shall not be located in sleeping rooms, bathrooms, toilet rooms, hot tub rooms, storage closets or surgical rooms, or in a space that opens only into such rooms or spaces, except where the installation complies with one of the following:

1. The appliance is a direct-vent appliance installed in accordance with the conditions of the listing and the manufacturer's instructions.
2. Vented room heaters, wall furnaces, vented decorative appliances, vented gas fireplaces, vented gas fireplace heaters and decorative appliances for installation in vented solid fuel-burning fireplaces are installed in rooms that meet the required volume criteria of Section 304.5.
3. A single wall-mounted unvented room heater is installed in a bathroom and such unvented room heater is equipped as specified in Section 621.6, has

an input rating not greater than 6,000 Btu/h (1.76 kW), and a carbon monoxide detector, meeting the requirements of Section R315 of the *2015 International Residential Code*, is installed in the same room as the appliance. The bathroom shall meet the required volume criteria of Section 304.5.

4. A single wall-mounted unvented room heater is installed in a bedroom and such unvented room heater is equipped as specified in Section 621.6, has an input rating not greater than 10,000 Btu/h (2.93 kW), and a carbon monoxide detector, meeting the requirements of Section R315 of the *2015 International Residential Code*, is installed in the same room as the appliance. The bedroom shall meet the required volume criteria of Section 304.5.
5. The appliance is installed in a room or space that opens only into a bedroom or bathroom, and such room or space is used for no other purpose and is provided with a solid weather-stripped door equipped with an approved self-closing device. All combustion air shall be taken directly from the outdoors in accordance with Section 304.6.

5-706

Sections 406.4.1 of the *2015 International Fuel Gas Code* is hereby amended to read as follows:

406.4.1 Test pressure. The test pressure to be used shall be not less than 1 ½ times the proposed maximum working pressure, but not less than 10 psig (69 kPa gauge), irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

5-707

SEVERABILITY.

If any section, clause, sentence, or phrase of this article is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this article. (Ord. 8583, Ord. 8798, Ord. 9173)

ARTICLE 8. ENERGY CONSERVATION CODE

5-801 **ENERGY CONSERVATION CODE ADOPTED AND INCORPORATED.**
 The *2015 International Energy Conservation Code*, published by the International Code Council, Inc., other than those portions hereinafter specifically deleted, modified, or amended, is hereby adopted as the City's Energy Code and is incorporated herein by reference as if set forth in full. (Ord. 8583, Ord. 8799, Ord. 9174, Ord. 9244)

5-802 **OFFICIAL COPY.**
 Not less than one (1) copy of the *2015 International Energy Conservation Code* shall be marked or stamped "OFFICIAL COPY AS INCORPORATED BY ORDINANCE No. 9244," with all sections or portions deleted, modified, or amended clearly marked as such, and to which one (1) copy of this ordinance shall be affixed, shall be filed with the City Clerk, shall be open to inspection, and shall be available to the public during reasonable business hours. Additional official copies shall, at the cost of the City, be supplied to those officials and agencies charged with enforcement of the City's Energy Conservation Code.

5-803 **AMENDMENTS TO THE 2015 INTERNATIONAL ENERGY CONSERVATION CODE.**
 The *2015 International Energy Conservation Code* is amended as set forth in the succeeding sections of this Article. These amendments shall not serve to delete, modify, or amend any discretely numbered section or subsection of the *2015 International Energy Conservation Code*, unless the section or subsection is specifically identified as being deleted, modified, or amended.

5-804 **The 2015 International Energy Conservation Code** is hereby amended by deleting CHAPTER 1, "SCOPE AND ADMINISTRATION."

5-805 **Section R401.3 of the 2015 International Energy Conservation Code** is hereby amended to read as follows:

R401.3 Certificate (Mandatory). A permanent certificate shall be completed by the builder or registered design professional and posted on the electrical panel. The certificate shall not cover or obstruct the visibility of the circuit directory label, service disconnect label or other required labels. The certificate shall list the predominant R-values of insulation installed in or on ceiling/roof, walls, foundation (slab, basement wall, crawlspace wall and floor) and ducts outside conditioned spaces; U-factors for fenestration and the solar heat gain coefficient (SHGC) of fenestration, and the results from any required duct system and building envelope air leakage testing done on the building. Where there is more than one value for each component, the certificate shall list the value covering the largest area. The certificate shall list the types and efficiencies of heating, cooling and service water heating equipment. Where a gas-fired unvented room heater, electric furnace or baseboard electric heater is installed in the residence, the certificate shall list "gas-fired unvented room heater," "electric furnace" or "baseboard electric heater," as appropriate. An efficiency shall not be listed for gas-fired unvented room heaters, electric furnaces or electric baseboard heaters.

5-806 **Table R402.1.1 of the 2015 International Energy Conservation Code** is hereby amended to read as follows:

CLIMATE ZONE	FENESTRATION U-FACTOR ^b	SKYLIGHT ^b U-FACTOR	GLAZED FENESTRATION SHGC ^{b,e}	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE ⁱ	FLOOR R-VALUE	BASEMENT ^c WALL R-VALUE	SLAB ^d R-VALUE & DEPTH	CRAW SPACE ^c WALL R-VALUE
1	NR	0.75	0.25	30	13	3/4	13	0	0	0
2	0.40	0.65	0.25	38	13	4/6	13	0	0	0
3	0.35	0.55	0.25	38	20 or 13 + 5 ^h	8/13	19	5/13 ^l	0	5/13
4 except	0.35	0.55	0.40	49	19 or	8/13	19	10/13	10.	10/13

Marine					13+2 ^h				2 ft	
5 and Marine 4	0.32	0.55	NR	49	20 or 13 + 5 ^h	13/17	30 ^g	15/19	10, 2 ft	15/19
6	0.32	0.55	NR	49	20+5 or 13+10 ^h	15/20	30 ^g	15/19	10, 4 ft	15/19
7 and 8	0.32	0.55	NR	49	20+5 or 13+10 ^h	15/20	38 ^g	15/19	10, 4 ft	15/19

**TABLE R402.1.2
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT^a**

For SI:1 foot = 304.8 mm.

- a. R-values are minimums. U-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed R-value of the insulation shall not be less than the R-value specified in the table.
- b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
Exception: Skylights may be excluded from glazed fenestration SHGC requirements in Climate Zones 1 through 3 where the SHGC for such skylights does not exceed 0.30.
- c. "15/19" means R-15 continuous insulation on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. "15/19" shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulation on the interior or exterior of the home. "10/13" means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.
- d. R-5 shall be added to the required slab edge R-values for heated slabs. Insulation depth shall be the depth of the footing or 2 feet, whichever is less in Zones 1 through 3 for heated slabs.
- e. There are no SHGC requirements in the Marine Zone.
- f. Basement wall insulation is not required in warm-humid locations as defined by Figure N1101.10 and Table N1101.10.
- g. Or insulation sufficient to fill the framing cavity, R-19 minimum.
- h. The first value is cavity insulation, the second value is continuous insulation, so "13+5" means R-13 cavity insulation plus R-5 continuous insulation.
- i. The second R-value applies when more than half the insulation is on the interior of the mass wall.
- j. Slab edge insulation may be eliminated for slab on grade floors when heating systems efficient rating is 90% or better.

5-807 **Section R402.2.9 of the 2015 International Energy Conservation Code** is hereby amended to read as follows:

R402.2.9 Basement walls. Walls associated with conditioned basements shall be insulated from the top of the basement wall down to 10 feet (3048 mm) 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 Section R402.1.2 and R402.2.8.

Exception: Basement walls that are otherwise exposed shall be insulated from the top of the basement wall down to 3 feet (914mm) below grade or the basement floor, whichever is less.

5-808 **Sections R403.3.2, 403.3.3, and 403.3.5 of the 2015 International Energy Conservation Code** are hereby amended to read as follows:

R403.3.2 Sealing (Mandatory). Ducts, air handlers, and filter boxes shall be sealed. Joints and seams shall comply with either the *2015 International Mechanical Code*, as adopted by the City, or Section M1601.4.1 of the *2015 International Existing Building Code*, as adopted by the City, as applicable.

Exceptions:

1. Air-impermeable spray foam products shall be permitted to be applied without additional joint seals.
2. Continuously welded joints and seams, and locking-type joints, shall be permitted without additional joint seals.

R403.3.3 Duct Testing (Mandatory). Ducts shall be pressure tested to determine air leakage by one of the following methods:

1. Rough-in test: Total leakage shall be measured with a pressure differential of 0.1 inch w.g. (25 Pa) across the system, including the manufacturer's air handler enclosure if installed at the time of the test. All registers shall be taped or otherwise sealed during the test.
2. Postconstruction test: Total leakage shall be measured with a pressure differential of 0.1 inch w.g. (25 Pa) across the entire system, including the manufacturer's air handler enclosure. Registers shall be taped or otherwise sealed during the test.

Exceptions: A duct air leakage test shall not be required where:

1. The ducts and air handlers are located entirely within the building thermal envelope; or
2. A whole house air leakage test is performed.

5-809

R403.5.1.1 of the 2015 International Energy Conservation Code is hereby amended to read as follows:

R403.5.1.1 Circulation systems. Heated water circulation systems may be provided with a circulation pump. The system return pipe shall be a dedicated return pipe or a cold water supply pipe. Controls for circulating hot water system pumps shall start the pump based on the identification of a demand for hot water within the occupancy. The controls shall automatically turn off the pump when the water in the circulation loop is at the desired temperature and when there is no demand for hot water.

5-810

Section R403.5.3 of the 2015 International Energy Conservation Code is hereby amended to read as follows:

R403.5.3 Hot water pipe insulation (Prescriptive). Insulation for hot water pipe with a minimum thermal resistance (R-value) of R-3 shall be applied to the following:

1. Piping located outside the conditioned space.
2. Piping from the water heater to a distribution manifold.
3. Piping located under a floor slab.
4. Buried in piping.
5. Supply and return piping in recirculation systems other than demand recirculation systems.

5-811

Table R406.4 of the 2015 International Energy Conservation Code is hereby amended to read as follows:

**TABLE N1106.4 (R406.4)
MAXIMUM ENERGY RATING INDEX**

CLIMATE ZONE	ENERGY RATING INDEX
1	52
2	52
3	51
4	70
5	55
6	54
7	53
8	53

5-812

SEVERABILITY.

If any section, clause, sentence, or phrase of this article is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this article. (Ord. 8583, Ord. 8799, Ord. 9174)

ARTICLE 9. EXISTING BUILDING CODE

5-901

EXISTING BUILDING CODE ADOPTED AND INCORPORATED.

The *2015 International Existing Building Code*, published by the International Code Council, Inc., other than those portions hereinafter specifically deleted, modified, or amended, is hereby adopted as the City's Existing Building Code and is incorporated herein by reference as if set forth in full. (Ord. 8583, Ord. 8800, Ord. 9175, Ord. 9245)

5-902

OFFICIAL COPY.

Not less than one (1) copy of the *2015 International Existing Building Code* shall be marked or stamped "OFFICIAL COPY AS INCORPORATED BY ORDINANCE No. 9245," with all sections or portions deleted, modified, or amended clearly marked as such, and to which one (1) copy of this ordinance shall be affixed, shall be filed with the City Clerk, shall be open to inspection, and shall be available to the public during reasonable business hours. Additional official copies shall, at the cost of the City, be supplied to those officials and agencies charged with enforcement of the City's Existing Building Code.

5-903

AMENDMENTS TO THE 2015 INTERNATIONAL EXISTING BUILDING CODE.

The *2015 International Existing Building Code* is amended as set forth in the succeeding sections of this Article. These amendments shall not serve to delete, modify, or amend any discretely numbered section or subsection of the *2015 International Existing Building Code*, unless the section or subsection is specifically identified as being deleted, modified, or amended.

5-904

CHAPTER 1, "SCOPE AND ADMINISTRATION," of the 2015 Existing Building Code is hereby deleted.

5-905

Section 810.1 of the 2015 International Existing Building Code is hereby amended to read as follows:

810.1 Minimum fixtures. Where the occupant load of the story is increased by more than 20 percent, plumbing fixtures for the story shall be provided in quantities specified in the *2015 International Plumbing Code* based on the increased occupant load.

Exception: The foregoing section shall not apply to occupancies with an existing restroom containing at least one water closet and one lavatory, except that it shall apply to: (1) food handling establishments; and (2) occupancies exceeding 2,000 square feet in area.

5-906 **Section 1010.1 of the 2015 International Existing Building Code** is hereby amended to read as follows:

1010.1 Increased demand. Where the occupancy of an existing building or part of an existing building is changed such that the new occupancy is subject to increased or different plumbing fixture requirements or to increased water supply requirements in accordance with the *2015 International Plumbing Code*, the new occupancy shall comply with the intent of the respective *2015 International Plumbing Code* provisions.

Exception: The foregoing section shall not apply to occupancies with an existing restroom containing at least one water closet and one lavatory, except that it shall apply to: (1) food handling establishments; and (2) occupancies exceeding 2,000 square feet in area.

5-907 **SEVERABILITY.**
If any section, clause, sentence, or phrase of this article is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this article. (Ord. 8583, Ord. 8800, Ord. 9175)

ARTICLE 10. Reserved.

ARTICLE 11. DANGEROUS STRUCTURES

5-1101 **DESIGNATION OF ENFORCING OFFICER.**
The Building Safety Manager, is hereby designated as the primary enforcing officer for the purpose of administering K.S.A. 12-1750 through K.S.A. 12-1756, inclusive, and amendments thereto. As such enforcing officer, he or she is further directed to consult with the Chief of the Fire Department and the Health Officer of the City, and file all reports of the officers in his or her office prior to removal of any structure located within the City. If a structure is damaged by the means of fire or explosion the Fire Chief or his or her designee shall also be an enforcing officer for the purpose of ordering any action pursuant to K.S.A. 12-1756.

5-1102 **SEVERABILITY.**
If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

ARTICLE 12. DEMOLITION OF STRUCTURES

5-1201 **DEMOLITION PERMIT.**

It shall be unlawful for any person, firm or corporation to demolish any building or structure regulated by the International Building Code, Chapter V, Article 2, or the International Residential Code, Chapter V, Article 3 of this Code, without first obtaining a separate demolition permit for each building or structure from the Building Official.

5-1202 **APPLICATION FOR DEMOLITION PERMIT.**

To obtain a demolition permit an applicant shall submit an application in writing to the Building Official on a form furnished for that purpose by the Building Official. Such application shall be signed by the record owner(s) and any contract purchaser(s), and shall provide the following information:

- (A) The name, address and telephone number of the current record owner(s) and any contract purchaser(s) of the building or structure;
- (B) The street address of the building or structure;
- (C) The legal description of the lot or parcel on which the building or structure is located;
- (D) The name, address and telephone number of the demolition contractor, if it is someone other than the owner;
- (E) The name, address and telephone number of the person, firm, or corporation responsible for the building, if it is someone other than the owner; and,
- (F) If the building or structure contains friable asbestos containing material as defined in K.S.A. 65-5301 et seq., as amended, then a copy of the certificate issued by the Kansas Secretary of Health and Environment for such asbestos project shall be submitted with the application.

5-1203 **NOTICE REQUIREMENTS.**

- (A) **PUBLIC NOTICE.** Within five (5) business days after receipt of an application for a demolition permit, the Building Official shall cause a notice to be published once in the official City newspaper stating that an application for a demolition permit has been submitted. Such notice shall provide the following information:
 - (1) The name, address and telephone number of the current record owner(s) and any contract purchaser(s) of the building or structure;
 - (2) The street address of the building or structure;
 - (3) The legal description of the lot or parcel on which the building or structure is located;
 - (4) The name, address and telephone number of the demolition contractor, if it is someone other than the owner; and
 - (5) The name, address and telephone number of the person, firm, or corporation responsible for the building, if it is someone other than the owner. The Building Official shall also send copies of such notice to local media representatives;

however, such copies shall be considered a courtesy and not part of the required notice.

- (B) **NOTICE TO HISTORIC RESOURCES COMMISSION.** Within five (5) business days after receipt of an application for a demolition permit for any building or structure designated as a landmark or located within a Historic District, or the environs thereof, as defined by Chapter XXII, Code of the City of Lawrence, Kansas, the Building Official shall send a copy of the application to the Historic Resources Commission.

5-1204 **INSPECTION.**

Prior to issuance of a demolition permit the Building Official shall inspect the building or structure to determine if it contains a hazard to public health or safety. If at any time it is discovered that the building or structure contains friable asbestos containing material, then any demolition permit issued for such building or structure shall be immediately revoked by the Building Official, and no demolition permit shall be issued until the applicant has submitted to the Building Official a copy of the certificate issued by the Kansas Secretary of Health and Environment for such asbestos project.

5-1205 **DEMOLITION PERMIT FEE.**

There is hereby levied a permit fee in the amount of One Hundred dollars (\$100.00) for each demolition permit issued by the Building Official. (Ord. 9176)

5-1206 **DEMOLITION PERMIT ISSUANCE.**

- (A) The demolition permit shall not be issued until thirty (30) days after the submittal of the application for the permit. If, in the judgment of the Building Official, conditions exist that are imminently dangerous to human life or are detrimental to public health or welfare, a demolition permit may be issued immediately upon receipt of a sufficient application.
- (B) No demolition permit may be issued for the demolition of a building or structure which is:
- (1) A landmark or within the area of an Historic District, or their environs; or,
 - (2) A nominated landmark or a key contributing or contributing building or structure within a nominated Historic District, as defined in Chapter XXII, Code of the City of Lawrence, Kansas, unless the applicant shall have first obtained a Certificate of Appropriateness or Certificate of Economic Hardship for such demolition from the Historic Resources Commission.

5-1207 **DEMOLITION PERMIT EXPIRATION.**

- (A) A demolition permit shall expire and become null and void if the demolition authorized by such permit is not completed within one hundred eighty (180) days from the date of such permit. Any permittee holding an unexpired permit may apply for an extension of the time within which the permittee may complete work under that permit when the permittee is unable to complete work within the time required by this Section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being completed. No permit shall be extended more than once.
- (B) **Suspension of Revocation.** The Building Official may, in writing, suspend or revoke a demolition permit whenever the permit is issued in error.

5-1208

DEMOLITION WORK STANDARDS.

It shall be the responsibility of the demolition contractor to meet the following standards:

- (A) Secure a demolition permit from the Building Official;
- (B) Disconnect all utilities, including but not limited to water, sewer, gas, electricity, cable television and telephone service, prior to commencing any demolition work;
- (C) Provide, erect and maintain any fences, barricades and warning signs as prescribed by the Building Official;
- (D) Conduct a final safety inspection immediately prior to commencement of the demolition to verify that no one is in the building or structure;
- (E) Notify the Building Official upon completion of all work;
- (F) Conduct such test, or cause such tests to be conducted, as are necessary to determine if the building or structure contains friable asbestos containing material; and,
- (G) Obtain a certificate from the Kansas Secretary of Health and Environment pursuant to K.S.A. 65-5301 et seq., as amended, if the building or structure contains friable asbestos containing material.

5-1209

VARIANCE.

The Governing Body may authorize in specific cases a variance from the specific terms of this Article which will not be contrary to public interest and where, owing to special conditions, a literal enforcement of the provisions of this Article would result in unnecessary hardship. An application for a variance shall be filed with the Building Official on a form furnished for that purpose by the Building Official.

5-1210

PENALTY.

Any person, firm, or corporation violating any of the provisions of this Article shall be subject to a fine not to exceed five hundred dollars (\$500), or to imprisonment not to exceed three (3) months, or both, in the discretion of the court. Each day that any violation continues shall constitute a separate offense.

5-1211

SUPPLEMENTAL TO BUILDING AND RESIDENTIAL CODES.

The provisions of this Article shall be supplemental to the International Building Code, Chapter V, Article 2, and the International Residential Code, Chapter V, Article 3, of this Code.

5-1212

SEVERABILITY.

If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

ARTICLE 13. ACCESSIBILITY STANDARDS FOR PUBLIC BUILDINGS

- 5-1301 **PLANNING AND DEVELOPMENT SERVICES DIRECTOR, ENFORCEMENT.**
Pursuant to K.S.A. 58-1304, and amendments thereto, the Planning and Development Services Director, or his or her designee, is designated as the City officer responsible for enforcing K.S.A. 58-1301 et seq., and amendments thereto, to the extent the state law applies to the City.
- 5-1302 **SEVERABILITY.**
If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

ARTICLE 14. SWIMMING POOLS AND NON-RESIDENTIAL SPAS

5-1401 **CONSTRUCTION PERMIT AND APPROVAL: HEALTH DEPARTMENT.**

Before work is commenced on the construction of a swimming pool or non-residential spa or on any alteration, addition, remodeling or other improvement to a swimming pool or non-residential spa, an application for a permit to construct and the plans and specifications and pertinent explanatory data shall be submitted to the Health Department for its approval, and no part of the work shall be commenced until the Health Department has granted such approval by a written permit to construct and has further evidenced its approval by a suitable endorsement upon such plans and specifications. No department of the City charged with the duty of issuing permits for building, plumbing or electrical work, for sewer connections or for other work in connection with the construction of a swimming pool or non-residential spa shall issue a permit for a swimming pool or non-residential spa until the plans and specifications therefore have been thus endorsed by the Health Department. The Health Department shall review such plans and specifications to determine whether they comply with the provisions of this Article and with reasonable standards of swimming pool or non-residential spa construction for the protection of the safety and health as prescribed in rules and regulations promulgated by the Health Department pursuant to this Article.

The application to the Health Department for a permit to construct a swimming pool or non-residential spa or to construct any alteration, additions, remodeling or other improvement to a swimming pool or non-residential spa shall be submitted in such forms and be supported with such information and data, as well as plans, specifications and pertinent explanatory data, as the Health Department may require pursuant to its rules and regulations promulgated hereunder.

5-1402 **RULES AND REGULATIONS.**

The Health Department shall have power to adopt rules and regulations not inconsistent with the terms of this Article for the purpose of carrying out and enforcing the objectives set out in the title hereof. A copy of such rules and regulations shall be approved by the Governing Body and filed and made available for public examination in the office of the City Clerk. Copies of such Article shall also be made available to all applicants under this Article. Failure or refusal to comply with any of the rules and regulations promulgated under this Section shall be deemed a violation of this Article. (Ord. 8222)

5-1403 **HEALTH DEPARTMENT TO MAKE INSPECTIONS.**

The Health Department, through its duly authorized agent, shall be authorized to make inspections of all swimming pools or non-residential spas at any and all reasonable times, both during and after construction, and shall notify the owner, operator or person in charge of length of time in which to meet the same.

5-1404 **PLANS SUBMITTED TO PLANNING AND DEVELOPMENT SERVICES DIRECTOR.**

After approval by the Health Department and their endorsement of the plans and specifications, said plans together with a plot plan showing the exact location of the pool or non-residential spa on the lot and a suitable screening or enclosure shall be submitted to the Planning and Development Services Director, or his or her designee for approval prior to the commencement of construction. Approval shall also include the issuance of permits for all plumbing and electrical work as well as the sewer connections for the pool or non-residential spa.

5-1405 **REQUIREMENTS.**

All swimming pools and non-residential spas shall be governed by the requirements of this article and the rules and regulations promulgated pursuant hereto

5-1406 **PENALTY.**

Any person violating any of the provisions of this Article or the rules and regulations promulgated hereunder shall be deemed guilty of a misdemeanor.

5-1407

SEVERABILITY.

If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

ARTICLE 15. CONTRACTOR LICENSING REGULATIONS

5-1501 **PURPOSE.**

The purpose of this Article is to ensure that all persons desiring to perform contracting work in this city be duly licensed to ensure capable and skilled craftsmanship utilized in construction projects, both public and private, through uniform compliance with the laws of this city, and protection of the public from unsafe construction practices. It is further the intent that owner-occupants of single-family residential structures be permitted, without first obtaining a contractor's license, to perform minor work on such homeowner's residences. It is not the intent of this Article to require any person, firm, corporation or other organization performing demolition services for a project or job but providing no other building, construction, alteration, remodeling or repair services on the project or job to obtain a contractor's license pursuant to this Article.

5-1502 **DEFINITIONS.**

Agent is an individual that has the authority to act on behalf of another.

Building Official is the officer or other authority designated by the City Manager charged with the administration and enforcement of this code, or the building official's duly authorized representative.

Building is any structure used or intended for supporting or sheltering any use or occupancy.

Contractor, within the meaning of this Article is any person, which also means and includes a firm, co-partnership, corporation, association, or other organization, or any combination thereof, who: (1) Undertakes, with or for another within the city, to build, construct, alter, remodel, repair, or demolish any building or structure, or any portion thereof, for which a permit from the city is required, and which work is to be done for a fixed sum price, fee percentage, or other compensation; (2) Builds, constructs, alters, or adds to another building or structure either upon his or her own or another's property; to include every 3) general contractor, building contractor, residential contractor, concrete contractor and framing contractor. Unless provided otherwise by this Article, only a contractor licensed under the provisions of this Article may obtain a building permit.

Contractor, Specialty is a contractor whose operations as such are the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts.

Contractor Licensing Board (CLB) is a board, established pursuant to Chapter V, Article 16 of the Code of the City of Lawrence, Kansas, 2006 Edition, and amendments thereto the function of which is to hear all contested matters pertaining to the suspension, revocation, and reinstatement of licenses under this article.

Co-partner is a joint partner, as in a business enterprise; an associate.

Designated Representative is an individual that may obtain a license on behalf of a firm and will be the qualifying party of the firm if the individual meets the minimum requirements defined herein.

Experience is awarded to individuals that have worked within the specific license category for the requisite time period. Individuals must be experienced workers fully qualified and able to perform the trade without supervision. All experience claims must be verifiable by a qualified and responsible person, such as a contractor, a building official, an architect or an engineer.

Qualifying Party is the individual who meets the experience and examination requirements for a license. Every license must have a qualifying party.

Structure is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

5-1503 **LICENSE REQUIRED.**

No building permit shall be issued to any contractor who has not first obtained a license or who is delinquent in payment of his annual license fee, or whose license has been suspended or revoked by action of the Contractor Licensing Board. It is further unlawful for any person to enter into a contract with another so as to bring himself under the classification of a contractor as defined in this Article, or to perform any work as a contractor, or any work under a contract, without having first obtained a contractor's license. It is unlawful for any person issued a license as required by this Article to contract for any work other than specified by such license.

5-1504 **EXCLUSIONS.**

It is the intent of this Article that the contractor that obtains a building permit shall be responsible, within the scope of such permit, for the completion of the construction, alteration, repair, or demolition in accordance with all applicable building codes. However, the following persons are not "contractors" within the meaning of this Article

- (A) An employee or agent working for and under the supervision of a contractor licensed under this Article for the type of construction, alteration, repair or demolition being undertaken; and
- (B) A homeowner who personally occupies or will occupy and undertakes the construction, alteration, repair, or maintenance of such homeowner's single-family residence or an accessory structure thereto. Notwithstanding the foregoing, for purposes of this section, any homeowner who undertakes the construction of a new residence for such homeowner's personal occupancy more than two times in any five year period shall be deemed to be a "contractor" under this Article.

5-1505 **CONTRACTOR RESPONSIBLE FOR ALL WORK.**

Upon issuance of a building permit to a contractor, such contractor shall be responsible for all work undertaken pursuant to such building permit, including work done by the contractor's employees, agents, and subcontractors.

5-1506 **CONTRACTOR INSURANCE.**

Every contractor except a contractor who has an "inactive license" shall keep in force a policy of general liability insurance including completed operations coverage.

Class A, B, and C contractors. Every building contractor shall keep in force a policy of commercial general liability insurance including completed operations/products coverage. Such insurance policy shall be written with an insurance company licensed as an admitted insurance company in the State of Kansas. The contractor shall maintain general liability coverage in an amount not less than one million dollars (\$1,000,000) per occurrence single limit for bodily injury and property damage. At the time of licensing, the contractor shall provide the City of Lawrence, Kansas Planning and Development Services Department with an original certificate of insurance verifying the insurance coverage required under this section. The City of Lawrence, Kansas shall be added as a "Certificate Holder" to the insurance policy by the insurance company issuing the certificate of insurance, requiring the insurance company to notify the City of Lawrence, Kansas Planning and Development Services Department in writing of any change in coverage or cancellation of such policy at least ten (10) days prior to such changes. In addition, every contractor shall procure and maintain workers' compensation insurance, as required by law.

Class D and E contractors. Every contractor shall keep in force a policy of commercial general liability insurance including completed operations/products coverage. Such insurance policy shall be written with an insurance company licensed as an admitted insurance company in the State of Kansas. The contractor shall maintain general liability coverage in an amount not less than five hundred thousand dollars (\$500,000) per occurrence single limit for bodily injury and property damage. At the time of licensing, the contractor shall provide the City of Lawrence, Kansas Planning and Development Services Department with an original certificate of insurance verifying the insurance coverage required under this section. The City of Lawrence, Kansas shall be added as a "Certificate Holder" to the insurance policy by the insurance company issuing the certificate of insurance, requiring the insurance company to notify the City of Lawrence, Kansas Planning and Development Services Department in writing of any changes in coverage or canceling of such policy at least ten (10) days prior to such changes. In addition, every contractor shall procure and maintain workers' compensation insurance, as required by law. (Ord. 8557)

5-1507 **CONTRACTOR LICENSES AUTHORIZED.**

There shall be five (5) separate classes of licenses authorized for contractors as provided in this Article.

5-1508 **CLASS A, GENERAL CONTRACTOR.**

A Class A License shall entitle the holder thereof to construct, remodel, repair, demolish any structure and perform work described as Class D, Building Specialties. The annual Class A License fee shall be sixty-five dollars (\$65). A Class A License requires a minimum six (6) years of qualifying experience within the industry. (Ord. 8557)

5-1509 **CLASS B, BUILDING CONTRACTOR.**

A Class B License shall entitle the holder thereof to construct, remodel, repair, and demolish all structures not exceeding three stories in height and perform work described as Class D, Building Specialties. A Class B License shall also entitle the license holder to perform non-structural remodeling, tenant-finish, and repairs of all structures. The annual Class B License fee shall be sixty-five dollars (\$65). A Class B License requires a minimum four (4) years of qualifying experience within the industry. (Ord. 8557)

5-1510 **CLASS C, RESIDENTIAL CONTRACTOR.**

A Class C License shall entitle the holder thereof to construct, remodel, repair, and demolish single family or duplex residences, buildings accessory thereto and perform work described as Class D, Building Specialties. The annual Class C License fee shall be sixty-five dollars (\$65). A Class C License requires a minimum two (2) years of qualifying experience within the industry. (Ord. 8557)

5-1511 **CLASS D, BUILDING SPECIALTY CONTRACTOR. FRAMING AND CONCRETE.**

(Ord. 8557, Ord. 8921)

The annual Class D License fee shall be sixty-five dollars (\$65). A Class D License shall entitle the holder thereof to perform services as described below:

FRAMING CONTRACTOR. A Class D License shall entitle the holder thereof to perform such work for the framing of a structure or building, including bearing and non-bearing walls, and including any repair to any of the above. A Class D Framing License requires a minimum two (2) years of qualifying experience within the industry.

CONCRETE CONTRACTOR. A Class D License shall entitle the holder thereof to perform general concrete work to include the placing and erecting of steel or bars for the reinforcing of mass, pavement, flat and other concrete work. A Class D Concrete License requires a minimum two (2) years of qualifying experience within the industry.

5-1512 **CLASS E, TRADE SPECIALTY CONTRACTOR, MECHANICAL, PLUMBING, ELECTRICAL.**

(Ord. 8557)

The annual Class E License fee shall be sixty-five dollars (\$65). A Class A-D License shall not entitle the license holder to perform HVAC services, plumbing services, electrical services, or fireplace contracting services.

MECHANICAL CONTRACTOR. A Class E Mechanical Contractor shall be a certified master mechanic or have as his or her employee a licensed master mechanic on a full-time employment basis. A Class E Mechanical Contractor License shall entitle the holder thereof to perform HVAC services such as the installation or servicing of mechanical systems. A Class E Mechanical license requires four (4) years of field experience within the mechanical trade or two (2) years as a certified journeyman within the mechanical trade.

PLUMBING CONTRACTOR. A Class E Plumbing Contractor shall be a certified master plumber or have as his or her employee a licensed master plumber on a full-time employment basis. A Class E Plumbing Contractor License shall entitle the holder thereof to perform services such as the installation and servicing of plumbing systems. A Class E Plumbing license requires four (4) years of field experience within the plumbing trade or two (2) years as a certified journeyman within the plumbing trade.

ELECTRICAL CONTRACTOR. A Class E Electrical Contractor shall be a certified master electrician or have as his or her employee a licensed master electrician on a full-time employment basis. A Class E Electrical Contractor License shall entitle the holder thereof to perform electrical services such as the installation and servicing of electrical systems. A Class E Electrical License requires two (2) years as a certified journeyman within the electrical trade.

FIREPLACE CONTRACTOR. A Class E Mechanical Fireplace Contractor shall be a certified master or have as his or her employee a licensed mechanical fireplace master on a full-time employment basis. A Class E Mechanical Fireplace Contractor License shall entitle the holder thereof to perform work such as installation, service, and maintenance of factory-built fireplace systems. Mechanical fireplace contractor work shall be limited to contracting, installation, service, and maintenance of factory-built fireplace systems. A Class E Mechanical Fireplace License requires four (4) years of field experience within the mechanical or mechanical fireplace trade or two (2) years experience as a certified journeyman within the mechanical or mechanical fireplace trade.

5-1512.1 **CLASS L LIMITED SPECIALTY CONTRACTOR**

A Class L License shall entitle the holder thereof to perform work limited in scope as approved by the Contractor Licensing Board in accordance with Section 5-1515(G). The annual Class L License fee shall be sixty-five dollars (\$65). (Ord. 8921)

5-1513 **APPLICATION FORM.**

(Ord. 8557)

(A) **APPLICATION FOR LICENSURE**

The City of Lawrence, Kansas Development Services Division shall receive and process contractor license applications. In addition to the license fee, an application fee of \$65 shall accompany each original application. License fees shall be paid without proration. No contractor license may be transferred or assigned.

(B) **APPLICATION FOR EXAMINATION AND CERTIFICATION**

1. **Examination.**

a. **General.** Any person seeking to make application for examination and certification pursuant to this Article shall apply at the Planning and

Development Services Department. The application fee for examination and certification shall be \$50.

- b. **Eligibility.** To be eligible, to make application for examination and certification, an applicant shall have the practical experience prescribed in this Section.
- i. **Class A Contractor.** Applicants with a least six (6) years of Class A experience or who hold a Class B, Building Contractor license and have at least ten (10) years of experience working as a Building Contractor shall be eligible for examination for certification as a Class A, General Contractor.
 - ii. **Class B Contractor.** Applicants with at least four (4) years of Class B experience or who hold a Class C, Residential Contractor license and have at least six (6) years of experience working as a Residential Contractor shall be eligible for examination for certification as a Class B, Building Contractor.
 - iii. **Class C Contractor.** Applicants with at least two (2) years of Class C experience or who hold a Class D, Building Specialty Contractor license and have at least four (4) years of experience working as a Building Specialty Contractor shall be eligible for examination for certification as a Class C, Residential Contractor.
 - iv. **Class D, Concrete.** Two (2) years experience within the concrete industry.
 - v. **Class D, Framing.** Two (2) years experience within the framing industry.
 - vi. **Class E, Mechanical, Electrical, Plumbing, Fireplace.** See Section 5-1705 of Chapter 5, Article 17, Trade Licensing, and amendments thereto.
 - vi. **Education.** A degree in engineering conferred by an accredited college or university may be substituted for two and one-half (2.5) years of practical experience. Also, graduation from an accredited vocation-technical school or other formal training within the field of endeavor may be substituted for one (1) year of practical experience.
- c. **Application.** A person who seeks certification in the categories established in this Article shall submit written application on forms provided by the Planning and Development Services Department. Practical experience shall be verified through the submission of copies of trade licenses; union cards; W-4 tax receipts; or statements from present and past employers verifying the practical experience that are written on company letterhead stationery and attested by a public notary. The evidence of practical experience shall accompany the application form. The Planning and Development Services Department may reject an applicant's application form if the information is illegible, incomplete or falsified. The Planning and Development Services Department shall provide notice to the applicant that his or her license

has been accepted or rejected not more than thirty-one (31) days after receipt of the completed application form. Applicants who receive rejection notices may again make written application upon satisfactorily meeting the criteria set forth by the Planning and Development Services Department. Applicants who receive notices advising that they have been accepted may register with the examination preparer on forms provided by the Planning and Development Services Department.

- d. **Registration Forms.** The Planning and Development Services Department shall issue registration forms for examination, as provided by the exam preparers, in the categories established by this Article. The Planning and Development Services Department shall make every attempt to provide an exam candidate with the necessary information and registration forms in a reasonable time. The Planning and Development Services Department shall not be held responsible for a candidate's failure to make the necessary deadlines, actions or contracts involving the examination preparers and the candidate, examination content, examination preparer notification and review policies, the scheduling of exam dates and locations, the proctoring and grading of exams, exam fees and other items relating to the examination preparers.
 - e. **Passing Grade.** The passing grade for all certification categories shall be seventy-five percent (75%) or better.
 - f. **Re-examination.** Candidates who do not pass a certification examination may make written application for re-examination to the Planning and Development Services Department involving the administration of examinations. Each application for re-examination shall require an application fee.
2. **Certificate of Competency.** A candidate who passes a certification examination shall be issued a certificate of competency as provided by the Kansas Statutes Annotated and amendments thereto.

5-1514

RENEWAL OR REINSTATEMENT OF LICENSE.

- (A) Every contractor license shall be issued on a calendar year basis to expire on December 31st of each year. A contractor shall be entitled to renew such contractor's license upon satisfaction of the requirements of this Article. A license renewal application may be submitted to the City of Lawrence, Kansas Codes Development Services Division beginning on December first through and including the last day of January without a late fee. Thereafter, a seventy five dollar (\$75.00) late fee shall be collected to offset administrative costs incurred as a result of such later renewal. Unless an expired license is renewed within one year of its expiration, the contractor shall be required to make a new application and satisfy all the then-existing contractor licensing requirements. License renewal applications shall be mailed by the City of Lawrence, Kansas Codes Development Services Division no later than November first of each year to every licensed contractor at the address provided by the contractor. The failure to receive an application shall not excuse untimely license renewal. (Ord. 8557)
- (B) During the annual renewal period, a licensed contractor that has completed the annual requirement for continuing education may, have the contractor's license declared inactive. No building permit shall be issued to a contractor with an inactive license. The holder of an inactive license may annually renew the inactive license upon the completion of all continuing education requirements and the payment of the annual renewal fee. The

holder of an inactive license may obtain an active contractor's license at any time upon the payment of the required license fee. (Ord. 8557)

- (C) Any contractor whose license is suspended for any Code-related violation must provide satisfactory evidence to the Contractor Licensing Board ("CLB") that the violation has been corrected in accordance with the applicable Code. Failure to provide such evidence may result in the revocation of the contractor's license.
- (D) When a contractor's license is revoked, a new license shall not be granted until the contractor has first passed an examination as required by Chapter V, Article 15, and has provided the CLB with satisfactory evidence that a new license should be issued. If the contractor's license was revoked as the result of a Code-related violation, such contractor may not be re-licensed unless the CLB determines that the violation has been corrected.
- (E) Any contractor with delinquent fees shall make full payment to the City of Lawrence, Kansas prior to the issuance or renewal of a contractor license.

5-1515

EXAMINATIONS, LICENSE APPROVAL, AND ISSUANCE.

Contractor applicants shall be licensed by satisfying one or more of the following provisions: (Ord. 8557, Ord. 8921)

- (A) Obtain a certificate of competence from a nationally-recognized testing institution as contemplated by K.S.A. 12-1508, and amendments thereto (plumbing contractors), K.S.A. 12-1525, and amendments thereto (electrical contractors), K.S.A. 12-1541 and amendments thereto (Heating, Ventilation and Air Conditioning contractors), and K.S.A. 12-1556 and amendments thereto (building and residential contractors); or
- (B) Until December 31, 2006 provide verifiable evidence that the applicant or a firm's designated representative has the required number of years of full-time experience in the building construction industry for that license:
 - (1) Class A License – fifteen (15) years or more experience
 - (2) Class B License – ten (10) years or more experience;
 - (3) Class C License – five (5) years or more experience;
 - (4) Class D License – five (5) years or more experience; or
- (C) Hold a bachelor's degree in engineering, architecture, or construction science from an accredited college or university; or
- (D) Hold a provisional license (General, Building and Residential contractor only) and complete not less than thirty two (32) hours of codes-related education prior to the expiration of such provisional license.
- (E) Reciprocity. To the extent that other jurisdictions or states which provide for the licensing of general contractors provide for similar action, the Building Official may grant licenses of the same or equivalent classification to general contractors licensed by other municipalities or states, without written examination, upon satisfactory proof furnished to the Building Official that the qualifications of such applicants are equal to the qualifications of holders of similar licenses in the City of Lawrence, Kansas and upon payment of the required fee.
- (F) The contractor-applicant shall disclose, at the time of application, any current or previous contractor license held in Kansas or any other state and any disciplinary actions taken against such contractor-applicant. If the contractor-applicant is employed by or a principal of a firm, the application shall disclose whether the firm or the firm's employees or

principals have had any contractor-related disciplinary action taken against them in Kansas or any other state. No license shall be issued to any contractor-applicant who has had a license suspended or revoked for disciplinary reasons, or who has surrendered a license during any disciplinary proceeding or investigation, within the immediately preceding five years. Any contractor-applicant denied a license under the provisions of this section may appeal such denial to the CLB.

- (G) A Class L Limited Contractor License may be issued to a contractor-applicant for work requiring building permits that are specialized in scope and do not fall within Class A, B, C, D, or E License categories. Applications for Class L Licenses shall be made to the Contractor Licensing Board, and the Board shall approve or reject the license and application based on credentials furnished to the Board in support of the license application that would demonstrate knowledge and ability to perform the specialized work for which the license is requested. The contractor-applicant shall keep in force a policy of general liability insurance in accordance with Section 5-1506 "Class A, B, and C Contractors," or "Class D and E Contractors," as deemed appropriate by the Board.

5-1516

PROVISIONAL LICENSE.

Until July 1, 2006, any person or firm that has obtained a building permit during 2004 may obtain a provisional contractor's license if all of the following conditions are met: (Ord. 7870)

- (A) At the time of the license application, the applicant, if an individual, or the designated representative, if a firm, is working full-time in the construction industry for the license Class requested; and
- (B) The applicant for a Class A license shall have not less than seven (7) years of full-time experience in planning, supervising, and undertaking Class A type construction;
- (C) The applicant for a Class B license shall have not less than five (5) years of full-time experience in planning, supervising, and undertaking Class B type construction;
- (D) The applicant for a Class C license shall have not less than three (3) years of full-time experience in planning, supervising, and undertaking Class C type construction;
- (E) The applicant provides evidence of insurance coverage as required by Chapter 5, Article 15, Section 1506; and
- (F) All application and license fees are paid.
- (G) For purposes of this section, twenty four (24) credit hours of post-secondary education in the courses of engineering, architecture, or building trades shall be deemed equivalent to one year of full-time experience. "Full-time" means a minimum of thirty (30) hours a week carrying out the work of a contractor.

5-1517

RENEWAL OF PROVISIONAL LICENSE.

The holder of a provisional license may renew the provisional license for an additional 365 days following its expiration. Upon the expiration of a provisional license, a contractor licensed under the provisional licensing provisions of this Article shall be required to satisfy the licensing requirements of Section 5-1515, Examinations, license approval, and issuance. (Ord. 7870)

5-1518

FIRMS/QUALIFYING PARTY.

Under this Article, a firm may obtain, in the firm's name, a contractor's license provided that such firm has at least one full-time employee who is designated by the firm as its qualifying party. The qualifying party must spend a minimum of thirty (30) hours a week carrying out the work of the firm. Whenever a building permit is issued in the name of a firm, the firm shall be subject to

these regulations and the jurisdiction of the CLB. The qualifying party shall be the legal representative for the contractor relative to the provisions of this Article. The designated qualifying party shall satisfy the requirements this Article. A designated qualifying party shall not be a qualifying party for more than one company, unless the companies have a common owner. When the qualifying party terminates employment with the licensee, the Development Services Division shall be notified in writing within thirty (30) days of the disassociation and another qualifying party must qualify within sixty (60) days. The qualifying party or parties are:

- (A) Any individual contractor or copartner.
- (B) Any employee of the contractor, applicant so long as said employee spends a minimum of thirty (30) hours a week carrying out the work of the firm.
- (C) Any stockholder of a corporation who was an original incorporator or original stockholder as shown in the articles of incorporation.

A contractor, including firms, may appoint, on forms provided by the City of Lawrence Development Services Division, one or more individuals who shall be authorized to obtain building permits on behalf of the contractor. Such individuals are not required to be a licensed contractor.

5-1519 **CONTINUING EDUCATION.**

The Planning and Development Services Department may establish continuing education requirements, rules, and regulations for contractors licensed under this Article. Every qualifying party shall complete at least eight (8) hours of continuing education each calendar year. The Planning and Development Services Department shall identify courses and education programs provided by governmental entities, trade associations, contractor education providers, and others on the codes adopted by the City of Lawrence, Kansas which satisfy the continuing education requirements of this Section. (Ord. 8557)

5-1520 **CONTRACTOR DISCIPLINE.**

The CLB shall have the authority to admonish, reprimand, and otherwise discipline any contractor subject to the requirements of this Article including the suspension or revocation of the contractor's license issued under the provisions of this Article in accordance with the procedures set forth in Chapter V, Article 16. The CLB may suspend or revoke a contractor's license if the CLB concludes, following a hearing, that the contractor's action or inaction is:

- (A) A serious or repeated violation of the provisions of this Article, any applicable Code, or the failure to comply within a reasonable time to any lawful written order of a building code official;
- (B) A knowing and intentional misrepresentation of a material fact made in connection with obtaining a contractor's license or a building permit;
- (C) A fraudulent or deceitful use of a contractor's license to obtain a building permit;
- (D) A failure to obtain a building permit or to obtain a required inspection of an ongoing project as required by any applicable Code;
- (E) A failure to exercise regular, routine control and supervision over an on-going project for which the contractor has obtained a building permit;
- (F) A failure to timely obtain a certificate of occupancy or Required Final Inspection for a completed structure as required by the applicable code;

- (G) A failure to hire a licensed Building Specialty, electrical, plumbing, or HVAC contractor to supervise any electrical, plumbing, HVAC or specialty work on the job site for which the contractor obtained a building permit;
- (H) A failure to pay any required application or licensing fees for a building permit, contractor license, or inspection fee; or
- (I) A violation of any one or more of the above items.

5-1521

BOARD ACTION.

Upon finding by a majority of the members present at the hearing that a contractor has violated one or more of the provisions of Chapter V, Article 15, Section 1520 the CLB may admonish, reprimand, or take other appropriate disciplinary action against such contractor including, but not limited to:

- (A) Suspension of the contractor's license for a fixed period not to exceed ninety (90) days.
- (B) Suspension of the contractor's license for a fixed period exceeding ninety (90) days, provided, however, the contractor shall have the right to have the suspension and the terms thereof reconsidered by the CLB at the expiration of the first ninety (90) days and every ninety (90) days thereafter to determine if just cause exists to modify or terminate the suspension.
- (C) Such reconsideration may, at the Board's option, include a hearing.
- (D) Revocation of the contractor's license for a period not less than twelve (12) months from the date of revocation. A contractor's license shall be revoked if the contractor has been suspended two times during any thirty-six (36) month period.

Any decision of the CLB shall be made in writing and mailed to the contractor. A contractor whose license is the subject of a CLB action may appeal any decision of the CLB to the Lawrence City Commission by filing a notice of appeal with the CLB within thirty (30) days following the third day after the Contractor Licensing Board's written decision was mailed to the contractor as evidenced by a certificate of mailing which shall be included with the decision. When an appeal is filed, the secretary of the CLB shall forward the appeal and the CLB decision to the Lawrence City Commission together with the CLB record. Appeals to the City Commission shall be *de novo* and no action shall be taken by the CLB during a pending appeal.

5-1522

SAFE HARBOR PROVISIONS.

A contractor shall not be found in violation of this Article, nor disciplined by the CLB for a violation of an applicable building safety code provision if the contractor performs the work in accordance with and reliance upon duly certified plans and specifications prepared or approved by an architect or engineer licensed in Kansas without knowledge by the contractor that such plans and specifications, or pertinent parts thereof, are in violation of applicable codes.

5-1523

HEARINGS.

All contested matters pertaining to the suspension or revocation of licenses shall be heard by the CLB.

5-1524

RULES AND REGULATIONS.

The CLB may adopt rules, regulations, and procedures consistent with the provisions of this Article and Chapter V, Article 16 and amendments thereto.

5-1525

CONTRACTOR LICENSING REGULATIONS.

This Article may be referred to as the "Contractor Licensing Regulations."

5-1526

SEVERABILITY.

If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

ARTICLE 16. CONTRACTOR LICENSING BOARD

5-1601 **CONTRACTOR LICENSING BOARD ESTABLISHED.**

In order to establish and maintain a high standard of integrity, skill, and practice in the various construction fields, and to safeguard the life, health, property, and welfare of the public, the Lawrence City Commission hereby creates a Contractor Licensing Board ("CLB") to consist of nine (9) members, eight (8) of which shall be appointed by the Mayor. The member who is a certified code official of the City of Lawrence shall be designated by the Planning and Development Services Director. Prior to the initial appointment or subsequent expiration of any term of a CLB member, any person, professional society, or association interested in the construction industries to be regulated by Chapter V, Article 15 of the City Code, and amendments thereto, the City's contractor licensing regulations, may submit a list of names or persons of recognized ability who have the qualifications prescribed for CLB members. The Mayor shall give consideration to the list of names submitted.

5-1602 **QUALIFICATIONS OF CLB MEMBERS.**

The CLB shall, to the extent qualified individuals are willing to serve, consist of the following members:

- (A) One (1) member shall be a certified building code official of the City of Lawrence.
- (B) One (1) member shall be licensed by the state of Kansas as an architect, civil or professional engineer.
- (C) One (1) member shall be a licensed general contractor or an employee of such contractor.
- (D) One (1) member shall be a licensed building contractor or an employee of such contractor.
- (E) One (1) member shall be a licensed residential contractor or an employee of such contractor.
- (F) One (1) member shall be from the general public of Lawrence.
- (G) One (1) member shall be a licensed electrical contractor or an employee of such contractor and shall at the time of appointment to the CLB be a member in good standing of the City's Board of Electrical Appeals.
- (H) One (1) member shall be a licensed plumbing contractor or an employee of such contractor and shall at the time of appointment to the CLB be a member in good standing of the City's Board of Plumbing and Gas Fitter Appeals.
- (I) One (1) member shall be a licensed mechanical contractor or an employee of such contractor and shall at the time of appointment to the CLB be a member in good standing of the City's Board of Mechanical Appeals.

Every member, except the member from the general public, shall, at the time of the appointment, be active in the appointee's profession or trade and have had at least five (5) years experience in such appointee's profession or trade.

5-1603 **TERM.**

The term of office for CLB members shall be four (4) years. At the time that this ordinance is passed, the members of the existing contractor licensing board shall continue to serve their unexpired terms.

The City of Lawrence certified building code official's term shall be at the discretion of the Planning and Development Services Department Director. Vacancies occurring before the expiration of a term shall be filled in the manner of the original appointment for the remainder of the unexpired term. CLB members shall serve no more than two (2) full terms with the exception of the Neighborhood Resources Department staff member, who shall serve at the discretion of the Planning and Development Services Department Director.

- (A) The members of the CLB shall serve without compensation.
- (B) The members of the CLB shall, by majority vote, elect a member as chairperson, who shall be a licensed contractor or an employee of a licensed contractor, and a vice-chairperson. The Chairperson and Vice-Chairperson shall hold their respective offices for one (1) year and may be re-elected for successive terms. The Chairperson, or acting Chairperson, shall not vote on matters before the CLB except in the case of a tie vote.
- (C) The CLB may, in addition to the *Contractor Licensing Board Rules and Regulations*, adopt rules and regulations consistent with this Article to carry into effect the provisions hereof, and such rules and regulations shall be furnished to any person upon request.
- (D) The CLB may conduct disciplinary hearings relating to the limitation, suspension, or revocation of any license. All hearings conducted by the CLB shall be in accordance with this Article and Sections [5-1520](#) and [5-1521](#) of the City Code, and amendments thereto.

5-1604 **REGULAR MEETINGS AND HEARINGS.**

The CLB shall meet at such place and time as may be determined by the CLB. The CLB shall conduct its meetings in accordance with the Kansas Open Meetings Act.

5-1605 **SPECIAL MEETINGS AND HEARINGS.**

Special meetings and matters that require a hearing may be called by the CLB Chairperson, the Vice-Chairperson, or a majority of the CLB members present and voting.

5-1606 **QUORUM.**

Five (5) members of the CLB shall constitute a quorum for the transaction of CLB business, including hearings. Attendance at any meeting may be in person or by conference telephone.

5-1607 **VOTING.**

All actions by the CLB shall be by a majority vote of those present except for any amendment to these Rules and Regulations which shall be by not less than a two-thirds (2/3) vote of the entire board. The Chairperson shall not cast a vote unless the vote is a tie in which event the Chairperson shall cast the deciding vote. Proxy voting shall not be allowed.

5-1608 **OFFICERS.**

The CLB shall elect from its members a Chairperson and a Vice-Chairperson. The Chairperson shall be licensed contractor or a full-time employee of a licensed contractor. The Chairperson shall call and preside at all meetings and hearings of the CLB. The Chairperson shall be responsible for the preparation of the agenda of all CLB meetings. The Certified Building Code Official shall be a member and act as Secretary to the Board. In the absence of the Chairperson, the Vice-Chairperson shall act as Chairperson. In the absence of both the Chairperson and Vice-Chairperson, the members present shall, by majority vote, appoint a Chairperson Pro-Tem who shall preside over the meeting or hearing.

5-1609 **COMMITTEES.**

The Chairperson, by a majority of the CLB, may designate one (1) or more committees, standing or ad hoc, each of which shall consist of three (3) or more individuals who may or may not be a member of the CLB. Each committee shall include a building official.

5-1610

COMPLAINTS.

Any person may file a written complaint with the CLB on forms provided for that purpose. A complaint shall include any written material or documents then available to the complaining party. Every complaint shall set forth with particularity one (1) or more of the following violations:

- (A) A serious or repeated violation of the provisions of the Contractor Licensing Regulations, any applicable code, or the failure to comply within a reasonable time to any lawful written order of a building code official;
- (B) A knowing and intentional misrepresentation of a material fact made in connection with obtaining a contractor's license or a building permit;
- (C) A fraudulent or deceitful use of a contractor's license to obtain a building permit;
- (D) A failure to obtain a building permit or to obtain a required inspection of an on-going project as required by any applicable Code;
- (E) A failure to exercise regular, routine control and supervision over an on-going project for which the contractor has obtained a building permit;
- (F) A failure to timely obtain a certificate of occupancy or Required Final Inspection for a completed structure as required by the applicable code;
- (G) A failure to hire a licensed Building Specialty, electrical, plumbing, or HVAC contractor to supervise any electrical, plumbing, HVAC or specialty work on the job site for which the contractor obtained a building permit;
- (H) A failure to pay any required application or licensing fees for a building permit, contractor license, or inspection fee; or
- (I) A violation of any one (1) or more of the above items.

5-1611

CONSUMER COMPLAINTS.

Consumer complaints relating to the quality of materials, workmanship, untimely construction, contract disputes, and similar matters are not within the purview of (a) through (h) above and are beyond the jurisdiction of the CLB. No complaint shall be considered by the CLB unless the alleged violator is a licensed contractor who is alleged to have violated a provision of Chapter V of the City Code.

5-1612

BOARD ACTION.

Upon a finding by a majority of the members present at the hearing that a contractor has violated one (1) or more of the provisions of the Contractor Licensing Regulations, the CLB may admonish, reprimand, or take other appropriate disciplinary action against such contractor, including but not limited to:

- (A) Suspension of the contractor's license for a fixed period not to exceed ninety (90) days.
- (B) Suspension of the contractor's license for a fixed period exceeding ninety (90) days, provided, however, the contractor shall have the right to have the suspension and the terms thereof reconsidered by the CLB at the expiration of the first ninety (90) days and every ninety (90) days thereafter to determine if just cause exists to modify or terminate the suspension. Such reconsideration may, at the Board's option, include a hearing.

(C) Revocation of the contractor's license for a period not less than twelve (12) months from the date of revocation. A contractor's license shall be revoked if the contractor has been suspended two (2) times during any thirty-six (36) month period.

5-1613 **HEARINGS.**

All contested matters pertaining to the suspension, revocation, and reinstatement of licenses, including examinations, shall be heard by the CLB. The hearing shall be informal but witnesses shall testify under oath and a written decision shall be rendered by the CLB setting forth the relevant findings and conclusions for any action taken by the CLB. The written decision of the CLB shall be mailed to the contractor. The Chairperson or the Chairperson's designate shall preside over the hearing.

5-1614 **HEARING PROCEDURE.**

A hearing shall be held before the CLB after not less than ten (10) days notice to the contractor and to the complainant setting forth the hearing date, time, and place and stating in general terms the nature of the complaint. The written complaint, including any supporting material or documents, shall be provided to the contractor prior to or at the hearing. The burden of proof shall be on the complainant to show, by a preponderance of the evidence presented, that the allegations set forth in the complaint are true. If the complainant, or a representative of the complainant, fails to appear at the scheduled hearing date, the CLB may nonetheless proceed with the hearing. For good cause shown, the CLB may grant a continuance, hold a hearing open, allow additions to the record after the hearing has concluded, or take other action in the interest of justice.

5-1615 **APPEAL.**

A contractor whose license is the subject of a CLB action may appeal any decision of the CLB to the City Commission by filing a notice of appeal with the CLB within thirty (30) days of the decision. The thirty (30) day appeal period shall commence three (3) days after the date the decision is mailed to the contractor as evidenced by a certificate of mailing which shall be included with the CLB decision. The CLB secretary shall forward the CLB decision and appeal to the City Commission together with the CLB record. Appeals to the City Commission shall be *de novo* and no action shall be taken by the CLB during a pending appeal.

5-1616 **SEVERABILITY.**

If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

ARTICLE 17. TRADE LICENSING

5-1701

PURPOSE.

The purpose of this Article is to ensure that all persons desiring to perform electrical, mechanical, and plumbing work in this City be duly licensed to ensure capable and skilled craftsmanship utilized in construction projects, both public and private, through uniform compliance with the laws of this city, and protection of the public from unsafe construction practices. It is further the intent that owner-occupants of single-family residential structures be permitted, without first obtaining a license, to perform minor work on such homeowner's residences. It is not the intent of this Article to require any person performing demolition services for a project or job but providing no other building, construction, alteration, remodeling or repair services on the project or job to obtain a license pursuant to this Article.

5-1702

SEVERABILITY.

If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

5-1703

CERTIFICATION AND LICENSING, GENERALLY.

All persons who are engaged in construction or a building specialty trade and who perform work within the scope of any of the provisions of these regulations shall be licensed under this Article, except that contractors shall be licensed under Chapter V, Article 15 of the City Code.

5-1704

DEFINITIONS.

As used in this Article and elsewhere in the ordinances of the City, unless the context otherwise indicates, the terms used herein shall be defined as follows:

Apprentice: A person who engages in electrical, mechanical and plumbing work and does not possess a license as provided by this Article.

Appliance or Utilization Equipment Installer: An unlicensed person who installs or repairs appliances or utilization equipment including but not limited to alarm systems, gasoline dispensing pumps, manufacturing equipment, water irrigation systems, elevators, and garage door openers.

Building Specialty Trade: Is the performance of construction work requiring special skill such as electrical, mechanical, plumbing and fireplace installing.

Certified: Is an acknowledgment of a person's competency by this jurisdiction, issued pursuant to the Statutes of Kansas.

Contractor: Within the meaning of this Article is any person, which also means and includes a firm, co-partnership, corporation, association, or other organization, or any combination thereof, who undertakes, with or for another within the city, to build, construct, alter, remodel, repair, or demolish any building or structure, or any portion thereof, for which a permit from the city is required, and which work is to be done for a fixed sum price, fee percentage, or other compensation.

Direct Supervision: Means that a licensed person shall be in the vicinity of the person being supervised for the purpose of giving information, direction, and demonstration while such person is doing work that requires a license. Further, the person under supervision shall have knowledge of the whereabouts of the supervising licensed person and shall provide accurate information concerning his or her direct supervisor's location upon request of the administrative authority. Not more than two (2) apprentices will be supervised by one (1) licensed person at the same time.

Install: To assemble, relocate, or make ready for use any material, equipment, appliance, or apparatus.

Licensed: An acknowledgement by this jurisdiction that a person meets the licensing criteria and has paid the required fees to practice a trade.

Maintenance: The upkeep of property or equipment.

Trade: An occupation or craft requiring dexterity and/or artistic skills in relation to the construction of a building, structure or system and its related equipment specific to electrical, mechanical and plumbing.

Vicinity: For the purposes of this Article shall mean that the supervisor shall be within the same subdivision or construction site for residential projects, and within the same construction site for non-residential projects.

5-1705

EXAMINATIONS AND CERTIFICATION.

(Ord. 8557, Ord. 8752)

(A) **Examination.**

- (1) **General.** Any person seeking to make application for examination and certification pursuant to this Article shall apply at the Planning and Development Services Department. The application fee for examination and certification shall be \$50.00
- (2) **Application.** A person who seeks certification in the categories established in this Article shall submit written application on forms provided by the Planning and Development Services Department. The Planning and Development Services Department may reject an applicant's application form if the information is illegible, incomplete, or falsified. The department having jurisdiction shall provide notice to the applicant that his or her license has been accepted or rejected not more than thirty-one (31) days after receipt of the completed application form. Applicants who receive rejection notices may again make written application upon satisfactorily meeting the criteria set forth by the department having jurisdiction. Applicants who receive notices advising them that they have been accepted may register with the examination preparer on forms provided by the department having jurisdiction.
- (3) **Registration Forms.** The Planning and Development Services Department shall issue to accepted applicants registration forms for examination, as provided by the exam preparers, in the categories established by this Article. The Planning and Development Services Department shall make every attempt to provide an exam candidate with the necessary information and registration forms in a reasonable time. The department having jurisdiction shall not be responsible for a candidate's failure to meet the necessary deadlines, actions, or contracts involving the examination preparers and the candidate, for examination content, for examination preparer notification and review policies, for the scheduling of exam dates and locations, for the proctoring and grading of exams, for exam fees, and for any other matters or items relating to the examination preparers.
- (4) **Passing Score.** The minimum passing score for all certification categories shall be seventy-five percent (75%).
- (5) **Re-examination.** Candidates who do not pass a certification examination may

make written application for re-examination to the Planning and Development Services Department involving the administration of examinations. Each application for re-examination shall require payment of an application fee of \$50.00.

(B) **Certification of Competency.**

A candidate who passes a certification examination shall be issued a certificate of competency as provided by the Kansas Statutes Annotated, and amendments thereto. (Ord. 8752)

5-1706

LICENSE ADMINISTRATION.

(Ord. 8752)

(A) **Certification required.**

A certificate of competency is the accepted standard for licensure within this jurisdiction. Unless specifically accepted elsewhere in these regulations, only persons so certified and who present a certificate of competency, as required by the Kansas Statutes Annotated and amendments thereto, to the Planning and Development Services Department shall be permitted to obtain a license in the electrical, mechanical, and plumbing trades in the City.

(B) **Application for Licensure.**

Any person desiring to obtain a license under these regulations shall first be certified pursuant to the Kansas Statutes Annotated, and amendments thereto, in the respective category and shall make application, display personal identification, and pay the required fees as established at subsection (F), to the Planning and Development Services Department. A valid driver's license or State issued identification card may be used as identification. The person seeking licensure shall present an original certificate of competency. The Planning and Development Services Department may verify the contents with the issuing jurisdiction and may require the applicant to provide additional information.

(C) **License Categories.**

The following license categories are hereby established. Additional allowances or limitations for the scope of work for a category shall be noted herein.

(1) **Class E Contractor, Electrical, Mechanical, and Plumbing.** Applicants for a contractor license shall comply with the provisions of Chapter V, Article 15 of the City Code, as amended.

(2) **Master Electrician.** A master electrician is a person who works for an electrical contractor and designs and/or installs electrical systems, and who may supervise others, and has passed an examination as a master electrician pursuant to the Kansas Statutes Annotated, and amendments thereto. A master electrician may become an electrical contractor by meeting all of the requirements for licensure as an electrical contractor under Chapter V, Article 15 of the City Code, as amended.

(3) **Master Fireplace.** A master fireplace is a person who works for a fireplace contractor and designs and/or installs fireplace systems, and who may supervise others, and has passed an examination as a master mechanical pursuant to the Kansas Statutes Annotated, and amendments thereto or possesses a current wood and gas fireplace certification issued by National Fireplace Institute or other approved organizations on the basis of having passed an approved certification examination. A master fireplace may become a fireplace contractor by meeting all of the requirements for licensure as a fireplace contractor under Chapter V, Article 14 of the City Code, as amended.

- (4) **Master Mechanical.** A master mechanical is a person who works for a mechanical contractor and designs and/or installs mechanical systems, and who may supervise others, and has passed an examination as a master mechanical pursuant to the Kansas Statutes Annotated, and amendments thereto. A master mechanical may become a mechanical contractor by meeting all of the requirements for licensure as a mechanical contractor under Chapter V, Article 15 of the City Code, as amended.
- (5) **Master Plumber.** A master plumber is a person who works for a plumbing contractor and designs and/or installs plumbing systems, and who may supervise other plumbers, and has passed an examination as a master plumber pursuant to the Kansas Statutes Annotated, and amendments thereto. A master plumber may become a plumbing contractor by meeting all of the requirements for licensure as a plumbing contractor under Chapter V, Article 15 of the City Code, as amended.
- (6) **Journeyman Electrician.** A journeyman electrician is a person who labors at the electrical trade as an employee of an electrical contractor, and has passed an examination as a journeyman electrician pursuant to the Kansas Statutes Annotated, and amendments thereto.
- (7) **Journeyman Fireplace.** A journeyman fireplace is a person who labors at the fireplace trade as an employee of a fireplace contractor, and has passed an examination as a journeyman mechanical pursuant to the Kansas Statutes Annotated, and amendments thereto or passed an approved fireplace certification examination. Only those examinations developed by an independent nationally recognized testing, or educational institution, and approved by the Planning and Development Services Department will be accepted by the City. Mechanical Fireplace Journeyman licensee work shall be limited to installation, service, and maintenance of factory-built fireplace systems.
- (8) **Journeyman Mechanical.** A journeyman mechanical is a person who labors at the mechanical trade as an employee of a mechanical contractor, and has passed an examination as a journeyman mechanical pursuant to the Kansas Statutes Annotated and amendments thereto.
- (9) **Journeyman Plumber.** A journeyman plumber is a person who labors at the trade of plumbing as an employee of a plumbing contractor, and has passed an examination as a journeyman plumber pursuant to the Kansas Statutes Annotated, and amendments thereto.
- (10) **Residential Electrician.** A residential electrician is a person who labors at the electrical trade as an employee of an electrical contractor and who has passed a Thomson Prometric examination as a residential electrician or other exam approved by the Planning and Development Services Director. A residential electrician may install electrical systems in one (1) and two (2) family dwellings without supervision. A residential electrician shall work of an apprentice when not working on systems in one and two family dwellings.
- (11) **Residential Mechanical.** A residential mechanical is a person who labors at the mechanical trade in one (1) and two (2) family dwellings as an employee of a licensed mechanical contractor, and who has passed a Thomson Prometric residential mechanical examination or other exam approved by the Planning and Development Services Director. On installations other than one (1) and two (2) family dwellings a residential mechanic shall be known as an apprentice.

(12) **Sheet Metal.** A sheet metal is a person who labors at the mechanical trade, limited to the installation, fabrication, alteration, extension or repair of sheet metal work while employed by a licensed mechanical contractor and who has passed a Thomson Prometric sheet metal examination or other exam approved by the Planning and Development Services Director.

(D) **Certification Categories, Eligibility, and Verification.**

(Ord. 8752)

(1) **General Requirements.** To receive certification in order to be eligible for licensure under the various license categories, an applicant must establish the following practical field experience:

(a) **Master.** Four (4) years practical field experience or two (2) years as a journeyman within the respective trade.

(b) **Journeyman.** Two (2) years practical field experience within the respective trade.

(c) **Residential Electric.** Two (2) years practical field experience within the respective trade with installation experience in one- and two-family dwellings.

(d) **Residential Mechanical.** Two (2) years practical field experience within the respective trade with installation experience in one- and two-family dwellings.

(e) **Sheet Metal Mechanical.** Two (2) years practical field experience within the mechanical trade.

(2) **Education.** A degree in engineering conferred by an accredited college or university may be substituted for two and one-half (2 1/2) years of practical field experience. Also, graduation from an accredited vocation-technical school or other formal training within the field of endeavor may be substituted for one (1) year of practical field experience.

(3) **Verification.** It shall be the duty of the Planning and Development Services to verify practical field experience before issuing a certificate of competency to any person. Practical field experience shall be verified through the submission of copies of trade licenses, union cards, W-4 tax receipts, or written statements, on company letterhead stationery and attested by a notary public, by present or past employers verifying the applicant's practical field experience.

(E) **Continuing Education.**

Persons seeking to obtain or renew licenses will be required to provide proof of successful completion of six (6) hours of continuing education within the previous calendar year. Each subsequent year an additional six (6) hours of training will be required to achieve the necessary twelve (12) hours every two (2) years pursuant to the Kansas Statutes Annotated, as amended.

Exception: Persons seeking to obtain licenses within the calendar year of the issue date on their Certificate of Competency shall not be required to provide continuing education for that year.

The City will approve continuing education programs recognized by the Kansas Mechanical Trades Review Board and/or the Johnson County Contractor Licensing

Program. The City will also approve training provided by International Association of Continuing Education Training (IACET) accredited Continuing Education Unit (CEU) providers, such as trade organizations with appropriate accreditation. Finally, the City will approve classes provided by post-secondary education institutions or technical schools with proof of successful completion of the class. (Ord. 8782)

(F) **Fees.**

Contractor See Chapter 5, Article 15 of this Code. (Ord. 8782)
Master \$20
Journeyman \$20
Residential \$20
Sheet Metal \$20

(G) **Fee Renewals.**

Contractor See Chapter 5, Article 15 of this Code
Master \$10
Journeyman \$10
Residential \$10
Sheet Metal \$10

All licenses, except licenses which have been nullified, may be renewed from year to year upon request and payment of the required renewal fee shown herein, if received on or before December 31 of each year. If not received by December 31~~st~~, it may be done so by the end of regular office hours on the last working day of January of the New Year at double the renewing fee. All certificates not renewed before the last working day of January shall become null and void and shall be placed on inactive status. Reapplication by the person placed on inactive status shall be mandatory to regain active status. (Ord. 8782)

(H) **Transfer.**

A license issued pursuant to the provisions of these regulations shall ~~be~~ not be transferable. (Ord. 8782)

(I) **Display.**

A person who is licensed under provisions of these regulations shall carry on their person the license card issued by the Planning and Development Services Department when performing work within the scope of these regulations. The person shall display the license card upon the request of the enforcing authority when the person is performing work within the scope of these regulations. (Ord. 8782)

5-1707 **LICENSE AND SUPERVISION REQUIREMENTS.**

(A) **License Required.**

- (1) Any person engaged in the business of contracting to install, repair, replace, alter, or remodel any electrical, mechanical, or plumbing system or portion thereof must possess a valid City of Lawrence Contractors license pursuant to Chapter V, Article 15 of the City Code.
- (2) Any person who installs, replaces, alters, or remodels any electrical, mechanical, or plumbing system or portion thereof must possess a valid City of Lawrence license for such activity issued pursuant to this Article. It shall be deemed allowable for an individual who is not licensed to perform the work under the direct supervision of a licensee.

(B) **License Not Required.**

- (1) A license is not required for work that is performed by the owner occupant of a property whose use is restricted to a single-family residence. The owner occupant shall agree to procure all of the required permits, conform to all applicable codes and ordinances, request all required inspections at the proper intervals and provide all the corrections as deemed necessary.
- (2) A license is not required for maintenance work to the electrical, mechanical or plumbing system(s) and/or equipment that is performed by the owner, on behalf of the owner or the occupant of a business, multi-family dwelling complex, industrial, manufacturing, institutional, or governmental facility on such facility.
- (3) Appliance and utilization equipment installers may connect an appliance or equipment to an electrical system's final branch circuit switching device. The installation, modification or extension of a system or the installation of a system as a means of connection for an appliance or equipment is subject to the permit and licensing requirements of these regulations.
- (4) Utility company personnel performing work exempt from permits within utility easement and other locations.
- (5) Persons working within federal and state highway easements and right of ways or railroad right of ways.
- (6) Installers of Class 1, Class 2, and Class 3 electrical systems, 50 volts nominal or less, A.C. or D.C. current. This provision shall include installers of fire, burglar and similar alarm systems.

(C) Supervision.

Where a license is required to do work in the City an apprentice as defined by this Article may perform said work with the direct supervision of a licensed person. Not more than two (2) apprentices shall work under the direct supervision of one (1) licensed person.

5-1708

UNLAWFUL ACTS.

It shall be unlawful for any person:

- (A) To perform or cause to be performed any work in the City of Lawrence which requires a permit without having first secured the appropriate permit from the City.
- (B) To perform or cause to be performed any work in the City of Lawrence which requires a permit without securing the services of a duly authorized and licensed Class E contractor to perform and/or supervise the work.
- (C) For any person to conduct, carry on, or engage in the business of Class E contracting without having first obtained a valid, current Class E Contractor's License from the City of Lawrence.
- (D) For any person holding a current, valid Class E Contractor's License to employ any person to perform any work in the City of Lawrence which requires a license if that person does not hold a current, valid license from the City of Lawrence for such work as required by this Article.
- (E) For any person to perform any work in the City of Lawrence which requires a license without first having obtained a current valid license from the City of Lawrence as required by Chapter V, Article 15 or this Article.

- (F) For any person to employ any individual as an apprentice, as defined in this Article, to perform any work in the City of Lawrence without providing direct supervision as defined in this Article. Not more than two (2) apprentices will be supervised by one (1) licensed person at the same time.
- (G) For a person through negligence or indifference to knowingly create an unsafe electrical, mechanical or plumbing condition and/or allow an unsafe electrical, mechanical or plumbing condition to exist.
- (H) For a person through negligence or indifference to knowingly create an unsafe electrical, mechanical or plumbing condition and/or allow an unsafe electrical, mechanical or plumbing condition to exist that results in property damage or personal injury.

5-1709

PENALTY.

Any person violating any of the provisions of this Article shall be subject to a fine not to exceed five hundred dollars (\$500) or to imprisonment not to exceed three (3) months or both at the discretion of the court. Each day that any such violation continues shall constitute a separate offense.

ARTICLE 18. SIGNS

5-1801 PURPOSE.

- (A) The purpose of this Article is to establish a comprehensive system for the regulation of signs, bulletin signs and other advertising devices in the City of Lawrence to:
- (1) Enable the identification of places of residence and business.
 - (2) Allow for the communication of information necessary for the conduct of commerce.
 - (3) Lessen hazardous situations, confusion and visual clutter caused by the proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian, bicycle and vehicular traffic.
 - (4) Enhance the attractiveness and economic well-being of the City as a place to live, vacation and conduct business.
 - (5) Protect the public from the dangers of unsafe signs.
 - (6) Permit signs that are compatible with their surroundings and aid orientation, and preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs.
 - (7) Encourage signs that are appropriate to the zoning district in which they are located and consistent with the category of use to which they pertain.
 - (8) Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business.
 - (9) Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains.
 - (10) Preclude signs from conflicting with the principal permitted use of the site or adjoining sites.
 - (11) Regulate signs in a manner so as not to interfere with, obstruct vision of or distract motorists, bicyclists, or pedestrians.
 - (12) Require signs to be constructed, installed, and maintained in a safe and satisfactory manner.
 - (13) Preserve and enhance the natural and scenic characteristics of this community.

All of the above are deemed to promote the general health, safety and welfare of the citizens of the City of Lawrence.

It is the intent of this Article to achieve these purposes by regulating signs, bulletin signs and other advertising devices in this City; permitting or, where appropriate, prohibiting those devices in zoning districts by establishing reasonable time, place and manner restrictions; to control location, size, number, elimination and construction where these devices are permitted; and by regulating works of art in the City that constitute signs.

In adopting this Article, the City intends to balance the needs for signs as a means of expressing persuasive messages and conveying functional information against the need to protect the visual environment from excessive or inappropriate signage. The City recognizes that signs are an important design element of the physical and visual environment. Regulations consistent with the goals and objectives of the City are necessary to ensure that the character and image for which the City is striving can be attained. It is the purpose of this Article to make Lawrence visually attractive to residents, visitors, and commercial, industrial and professional concerns while maintaining economic stability through effective sign regulation.

(B) Application.

This Article applies to all signs that are or are intended to be viewed from a public right-of-way or adjacent property or that are or are intended to be viewed from outdoor areas of public property, except as otherwise provided in this Article.

(C) General Provisions.

The provisions and policies stated in this Section apply to all signs within the regulatory scope of this Article.

(1) **Message neutrality.** It is the City's policy to regulate signs in a constitutional manner, which is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs.

(2) **Regulatory interpretations.** All regulatory interpretations of this Article are to be exercised in light of the City's message neutrality policy. Whenever any sign permit or other authorization is subject to a discretionary review, that review shall not consider the message content of the sign, other than whether any proposed commercial messages thereon are offsite or onsite. Where a particular type of sign is proposed in a permit application and the type is neither expressly allowed nor prohibited by this Article, then the Building Safety manager shall approve, conditionally approve or disapprove the application, based on the most similar sign type that is expressly regulated by this Article.

(3) **Substitution of messages.** Subject to the owner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message, provided that the sign or sign structure is legal without consideration of message content. This substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Article. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision (a) does not create a right to increase the total amount of signage on a parcel or land use; (b) does not affect the requirement that a sign structure or mounting device be properly permitted; (c) does not allow a change in the physical structure of a sign or its mounting device; or (d) does not allow the substitution of any off-site commercial message in place of an on-site commercial message or a noncommercial message.

(4) **Rules for non-communicative aspects of signs.** All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., shall be enforceable independently of any permit or approval process.

(5) **Billboard policy.** The City completely prohibits the construction, erection or use of

any billboards, as defined in this Article, other than those that legally exist in the city, or for which a valid permit has been issued and has not expired, as of the effective date. The governing body affirmatively declares that it would have adopted this billboard policy even if it were the only provision in this Article. The governing body intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this Article may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable. This provision does not prohibit agreements to relocate presently existing, legal billboards, so long as the agreements are not contrary to state or federal law.

- (6) **Owner's consent.** No sign may be displayed on real or tangible personal property without the consent of the legal owner of the property on which the sign is mounted or displayed.
- (7) **Sign rights and duties.** As to the rights, duties and obligations relating to all signs attached to property, real or personal, and arising from this Article, attach to and travel with the land or other property on which that sign is mounted or displayed.
- (8) **Safety codes.** In addition to the requirements of this Article, all signs displayed in the city must comply with all requirements for public safety including all applicable safety codes, such as but not limited to building, plumbing, electrical, mechanical, grading and fire codes.
- (9) **Other law.** All signs displayed in the City must comply with the requirements of this Article and the requirements of all other Applicable Law.
- (10) **Permit requirement.** It is illegal to display any sign within the limits of the City without a sign permit, unless the particular sign is expressly exempted from the permit requirement by a section of this Article.
- (11) **Severance.** If any section, sentence, clause, phrase, word, portion or provision of this Article is held invalid or, unconstitutional, or unenforceable, by any court of competent jurisdiction, that holding shall not affect, impair or invalidate any other section, sentence, clause, phrase, word, portion or provision of this Article and shall be given effect without the invalid portion. In adopting this Article, the City Commission affirmatively declares that it would have approved and adopted the Article even without any portion that may be held invalid or unenforceable.
- (12) **On-Site /off-site distinction.** Within this Article, the distinction between on-site (or on-premise point- of- sale) and off-site (or off premise or non- point- of -sale) applies only to commercial speech messages

5-1802

DEFINITIONS.

Definitions of terms as used in this Article, unless the context otherwise requires, shall be as follows: (Ord. 9113)

- (A) **Area Marker.** A sign that designates or identifies a subdivision or development.
- (B) **Awnings.** Any structure made of cloth or metal with a metal frame attached to a building and projecting over public property when so erected to permit its being lowered to a position over public property and to permit its being raised to a position flat against building when not in use.
- (C) **Canopy.** A roof-like structure of a permanent nature which projects over a public way.

- (D) **Establishment.** A place of business which has a separate identity, separate entrances, and separate records and books of its business transactions.
- (E) **Reserved.**
- (F) **Front Footage.** The lot frontage on which the sign is located.
- (G) **Marquee.** A roof-like structure of a permanent nature which projects from the wall of a building and may overhang a public way. Changeable lettering may be a part thereof.
- (H) **Noncombustible Material.** Any material which will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.
- (I) **Sign.** A sign includes billboard or other device which displays or includes any letter, work, model, banner, flag, pennant, insignia, propeller, balloon, device or representation used as, or which is in the nature of an advertisement or announcement or which directs attention to an object, product, place, activity, person, institution, organization or business; but the term shall not include display of official notice nor flag, pennant, emblem or insignia of any nation or group of nations or of any state or political unit.
- (J) **Sign, Advertising.** A sign which directs the attention of the public to any goods, merchandise, property (real or personal), business, service, entertainment or amusement conducted, produced, bought or sold, furnished, offered or dealt in elsewhere than on the premises where such sign is located or to which it is affixed.
- (K) **Sign, Bulletin.** A sign or board erected by a church, school, community center, public agency or institution on its premises for announcement purposes.
- (L) **Sign, Business.** A sign which directs attention to a business or professional conducted, or to products, services, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed. A "for sale" or "for rent" or "for lease" sign relating to the property, the same, address, and occupation of the occupant shall also be deemed a business sign.
- (M) **Sign, Flashing.** Any sign which incorporates in any manner apparent movement achieved by electrical pulsation or by other means such as sequential light phasing.
- (N) **Sign, Ground/Pole Mounted.** A sign which is supported by one or more poles, uprights or braces in the ground having a minimum ground clearance of eight feet and which is not a part of a building.
- (O) **Sign, Ground/Surface Mounted.** A sign which is mounted flush with the ground or is supported by one or more poles, uprights, or braces in the ground, rising not higher than four feet above the adjoining ground level, and which is not a part of a building.
- (P) **Sign, Illuminated.** Any sign designed to give forth any artificial light, or designed to reflect such light deriving from any source which is intended to cause such light or reflection.

- (Q) **Sign, Mobile.** Business signs used to advertise an establishment or service which are on or affixed to trucks, automobiles, trailers or other vehicles used primarily to support or display such signs while parked.
- (R) **Sign, Moving.** Any sign, or part of a sign, whether illuminated or unilluminated, that does not remain stationary at all times regardless of power source which effects movement.
- (S) **Sign, Political.** A sign which makes known the name of and information about a person running for an office or any other information concerning a political campaign or election issue of any nature.
- (T) **Sign, Projecting.** A sign other than a wall or ground sign suspended from or supported by a building and projecting out there from. Projection means the distance by which a sign extends over public property or beyond the building line.
- (U) **Sign, Roof.** A sign erected upon or above a roof or parapet of a building which extends above the highest point of the building.
- (V) **Sign, Structure.** The supports, uprights, bracing and framework for a sign or outdoor display.
- (W) **Sign, Temporary.** A sign, banner, valance, advertising display or special flag used for commercial or political promotion and constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames intended to be displayed for a specified short period of time only.
- (X) **Sign, Wall.** A sign painted, attached to, or erected against the wall of a building or structure with the exposed face of the sign in a plane approximately parallel to the plane of the wall.
- (Y) **Wall.** The exterior surface of a building or structure. For purposes of this Article, other than size limitations, wall shall be determined to include mansard-type or sloped roof structures.
- (Z) **Work of Art.** The term work of art shall apply to all mural paintings or decorations, inscriptions, mosaic, painted glass and other similar art forms of a permanent character intended for ornament or commemoration that are applied to, erected or placed upon the exterior walls of any building. For the purpose of this Article, a work(s) of art, whether singular or in aggregate, shall be deemed to exist when its size exceeds sixteen (16) square feet or exceeds the maximum area for a wall sign allowed in the applicable zoning district whichever is larger. For the purpose of this Article, a work of art which in any way relates to the business conducted therein shall be considered as a wall sign. (Ord. 5085, Sec. 2)
- (AA) **Unified Development.** One or more lots or parcels of real property that share a common plat, development plan, or site plan. (Ord. 9113)

GENERAL REQUIREMENTS

5-1803

PERMIT REQUIRED.

Except as provided in Section **5-1805** of this Article, no sign or work of art shall hereafter be erected, constructed, or altered except as provided by this Article and until a permit has been issued by the Planning and Development Services Director, or his or her designee. Application for a sign or work of art permit shall be made in writing upon forms furnished by the Planning and

Development Services Director, or his or her designee, and shall include such information as he may require for a complete understanding of the proposed work. A permit shall not be issued until a certificate of public liability insurance in the amount of \$100,000 and a certificate of employer's liability and workmen's compensation insurance in an amount that is in conformity with the statutory requirements of the laws of the State of Kansas has been filed with and approved by the City Clerk. A double permit fee shall be charged for failure to make application for a sign permit as required. The insurance requirements of this Section shall be waived for "works of art." (Ord. 5085, Sec. 3)

5-1804 **FEES FOR SIGN PERMITS AND VARIANCES.**

(A) **Sign Permit Fees.** Prior to being granted a permit pursuant to this Article, every applicant shall pay to the Planning and Development Services Director, or his or her designee, the following permit fee for each sign or work of art regulated by this Article:

- | | |
|--|---------|
| (1) Advertising, awning, temporary sign (non-electric) | \$25.00 |
| (2) Work of Art | \$25.00 |
| (3) Directional or informational sign not being installed in conjunction with a new building or in conjunction with remodeling | \$25.00 |
| (4) Wall sign, roof sign, marquee (non-electric) (each) | \$75.00 |
| (5) Ground sign, pole sign, surface mounted sign (non-electric) (each) | \$75.00 |

The fees established above shall be for each sign permitted. Signs denoting a business name or a general business type, or both, in a single sign category as established in this Section, shall be considered a single sign for purposes of a sign permit fee. Additional signage for symbols, logos, insignias and specific goods and services shall be considered individual signs for purposes of a sign permit fee.

Any applicant requesting a permit to install a sign with either internal or external lighting will be required to purchase an electric permit in addition to the above fee schedule.

If a permit is requested for signs in different categories as outlined above, whether for one or more businesses, the full cost for the permit in each category shall be charged. (Ord. 5085, Sec. 3; Ord. 6470, Sec. 1)

(B) **Variance Application Fees.** At the time an application for a variance to the requirements of this Article is submitted pursuant to Section 5-1847 of this Article, the applicant shall pay to the Planning and Development Services Director, or his or her designee, a non-refundable fee of \$250.00. The fee shall not be refunded if the variance application is denied. (Ord. 6470; Ord. 6572)

5-1805 **SAME; EXEMPTIONS.**

A permit shall not be required for the following listed signs. These exemptions, however, shall apply only to the requirement for a permit and shall not be construed as relieving the owner of such sign from the responsibility for its erection and maintenance in a safe condition:

- (A) Real estate signs not exceeding eight (8) square feet in area which advertises only the sale, rental or lease of the premises upon which such signs are located.
- (B) Professional name plates not exceeding one square foot in area.
- (C) Bulletin boards not over twelve (12) square feet in area for public charitable or religious institutions when located on the premises of such institutions.
- (D) Occupational signs denoting only the name and profession of an occupant in a commercial building, public institutional building or dwelling and not exceeding one (1) square foot in area.
- (E) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
- (F) Traffic or other municipal signs, legal notices, railroad crossing signs, danger, temporary or emergency signs.
- (G) Signs of community interest which are approved by the City Commission.
- (H) Political signs not exceeding sixteen (16) square feet in area, which make known the name of and information concerning a political campaign of any nature. No political sign shall be placed in or on the public right-of-way. No political sign shall be placed or erected in or on any private property without the express permission of the owner or occupant of such property. (Ord. 7543)
- (I) Mobile Signs, as permitted in Section 5-1821 of this Article. (Ord. 5085, Sec. 35; Ord. 6581, Sec. 5)
- (J) Temporary double-sided and A-Frame type freestanding signs advertising for an adjacent business. The size of the sign shall not exceed 32 inches wide and 48 inches tall above the adjacent sidewalk. The sign shall be located within twelve (12) inches of the building where the advertised business exists and shall be on private property except in the CD zoning district where said sign may be located in the right-of-way. A minimum of six (6) feet of unobstructed sidewalk clearance for pedestrian walkway shall be maintained. One sign shall be permitted per public entrance and shall be located within close proximity of the public entrance. Signs shall not be illuminated or contain any digital display and shall not be displayed during non-business hours. Signs shall be constructed of durable, sturdy material (no banners, flags, streamers, balloons, or other moving parts) and shall be maintained in good repair. (Ord. 8830)

5-1806

TEMPORARY DIRECTIONAL YARD SIGNS IN RESIDENTIAL DISTRICTS.

No private signage shall be placed or maintained on public right-of-way or easements. In addition to other allowed signage, one (1) temporary directional sign may be placed on private property in residentially zoned districts, with the consent of the property owner, provided that: (Ord. 7372)

- (A) such sign shall not exceed four square feet in area per side and forty-two (42) inches in height; and
- (B) such sign shall remain in place only from 5 p.m. Friday until 5 p.m. Sunday; and
- (C) such sign directs traffic to property in the residentially zoned district.

5-1807

SAME; PERMIT REVOCABLE.

All rights and privileges acquired under the provisions of this Article, or any amendment thereto are mere licenses revocable by the Planning and Development Services Director, or his or her designee, for violation of the provisions of this Article and all such permits shall contain a statement of this limitation. (Ord. 5085, Sec. 3)

5-1808 **INSPECTION.**

As soon as a sign or work of art has been erected, the permittee shall notify the Planning and Development Services Director, or his or her designee, who shall inspect such signs or works of art and approve the same if it is in compliance with the provisions of this Article. The Planning and Development Services Director, or his or her designee, may, from time to time as he deems necessary, inspect all signs or other advertising structures or works of art regulated by this ordinance, for the purpose of ascertaining whether it is secure or whether it is in need of removal or repair. (Ord. 5085, Sec. 3)

5-1809 **ALTERATIONS.**

A sign or work of art which was erected before the adoption of this Article shall not be rebuilt or relocated without conforming to the requirements set forth herein. (Ord. 5085, Sec. 3)

5-1810 **MAINTENANCE.**

All signs or works of art together with all their supports, braces, guys and anchors, shall be kept in good repair and in a proper state of preservation. The Planning and Development Services Director, or his or her designee, may order the removal of any sign that is not maintained in accordance with the provisions of this Article. The appearance of the work of art shall be maintained in good physical condition as determined by the Planning and Development Services Director, or his or her designee. (Ord. 5085, Sec. 3)

5-1811 **REMOVAL OF CERTAIN SIGNS.**

Any sign now or hereafter existing which no longer advertises a bona fide business being conducted, or a product being sold, shall within thirty (30) days after written notification from the Planning and Development Services Director, or his or her designee, be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found. (Ord. 5085, Sec. 3)

5-1812 **OBSCENE MATTER.**

It shall be unlawful for any person to display upon any sign or other advertising structure or work of art any material (words, scenes or graphics) that are obscene, indecent, immoral or harmful to minors as defined within the meaning of K.S.A. 21-6401, as amended (Ord. 5085, Sec. 3)

5-1813 **LICENSE REQUIRED.**

No person, firm or corporation shall engage in the business of sign hanging or the erection of signs within the corporate limits of the City without complying with the provisions of this Article. There shall be an initial yearly license fee of \$100 for each such person, firm or corporation engaged in the business of sign hanging and the erection of signs. There shall also be a yearly license renewal fee of \$50. All persons engaged in the business of sign hanging and the erection of signs must obtain such a license except those who are employed by contractors carrying a license. There shall be a separate license for each place of business in the City conducted by any person, firm or corporation. Nothing in this Section shall prevent any person, firm or corporation from hanging or erecting any sign or signs to be used in advertising the business or merchandise offered for sale of such a person, firm or corporation, but strict compliance with the provisions of this Article must be made at all times in the hanging and maintenance of such signs. (Ord. 5085, Sec. 3; Code 1984)

5-1814 **ENFORCEMENT OF UNLAWFUL OR UNSAFE SIGNS.**

The violation of any provision of this Article shall be a municipal offense and shall be subject to a

minimum \$50.00 fine. Every day of violation shall be a separate and distinct offense. If a City building inspector, or other employee designated by the City Manager to enforce provisions of this Article, shall find that any sign or other advertising structure or work of art regulated by this Article is unsafe or insecure, or is a nuisance to the public or has been constructed or erected or is being maintained in violation of this Article, he or she shall have the authority to issue a Notice to Appear citation pursuant to Charter Ordinance No. 31. In addition to the issuance of a Notice to Appear citation, the City shall have the authority to cause the removal of the unlawful sign or work of art and to have the reasonable costs of such removal, and related administrative costs, assessed against the property where the unlawful sign or work of art was located.

For unlawful signs located on City property, City right-of-way and City easements, including signs in violation of Section [5-1806](#), the City Planning and Development Services Director, or other employee designated by the City Manager, shall have the authority to immediately remove such signs. In addition to the penalty provisions set forth above, any person seeking to retain custody of an unlawful sign removed from City property, City right-of-way, or City easements, shall pay to the City an administrative storage fee of \$25.00 for each sign. After at least ten (10) days of storage the City shall have sign materials either recycled or otherwise properly disposed. The administrative storage fee shall take effect sixty (60) days after the effective date of this ordinance. (Ord. 7372)

- 5-1815 **NUMBER, DATE AND VOLTAGE TO BE DISPLAYED.**
Every sign or other advertising structure or work of art hereafter erected shall have painted in a conspicuous place thereon, in letters not less than one (1) inch in height, the date of erection, the permit number and the voltage of any electrical apparatus used in connection therewith. (Ord. 5085, Sec. 4)
- 5-1816 **WIND PRESSURE REQUIREMENTS.**
All signs and other advertising structures or works of art shall be designed and constructed to conform to the City Building Codes. (Ord. 5085, Sec. 4)
- 5-1817 **OBSTRUCTION TO DOORS, WINDOWS OR FIRE ESCAPES.**
No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape. (Ord. 5085, Sec. 4)
- 5-1818 **NOT TO CONSTITUTE TRAFFIC HAZARD.**
No sign or other advertising structure or work of art as regulated by this Article shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the intensity, position, shape or color, it may interfere with, obstruct the view, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "Stop," "Look," "Drive-in," "Danger," or any word, phase, symbol or character in such manner as to interfere with, mislead or confuse traffic. (Ord. 5085, Sec. 4)
- 5-1819 **GOOSENECK REFLECTORS.**
Gooseneck reflectors and lights shall be permitted on ground signs, roof signs, wall signs, and works of art. Reflectors shall be equipped with proper glass lenses concentrating the illumination upon the area of the sign or work of art so as to prevent glare upon the street or adjacent property. (Ord. 5085, Sec. 4)
- 5-1820 **SPOTLIGHT AND FLOODLIGHT PROHIBITED.**
It shall be unlawful for any person to maintain any sign or work of art which extends over public property which is wholly or partially illuminated by floodlights or spotlights. (Ord. 5085, Sec. 4)
- 5-1821 **MOBILE SIGNS PROHIBITED.**

No mobile signs as defined in Section [5-1802](#) shall be permitted in any district. This Section shall not apply to taxi cabs or buses. (Ord. 5085, Sec. 4)

5-1822 **MOVING AND FLASHING SIGNS PROHIBITED.**

No moving signs shall be permitted in any district except for pennants used in connection with real estate "Open House" and maintained for less than forty-eight (48) hours. No flashing signs shall be permitted in any district except those signs which impart general information unrelated to the commercial enterprise involved, such as time and temperature signs, or message center displays. (Ord. 5085, Sec. 4)

5-1823 **PROJECTIONS DEEMED NUISANCES; BANNERS ACROSS MASSACHUSETTS STREET.**

All canopies, ropes, networks, banners, holiday decorations, posts, radio aerials, placed in or projecting over or across any street, avenue, alley or sidewalk, shall be deemed nuisances unless constructed and maintained under the conditions of this Article. Permission may be granted by the majority vote of all members present at a regular meeting of the Governing Body to maintain a banner or holiday decoration across Massachusetts Street in locations between 6th and 11th Streets for limited periods of time upon the following terms and conditions:

- (A) That the applicant for said banners or holiday decorations be sponsored by a benevolent, charitable, civic, patriotic or nonprofit organization or corporation.
- (B) That if the banners or decorations be affixed to private property that it be done so only after the written consent of the property owner is obtained.
- (C) That said application be granted after the filing of a bond or insurance in a sufficient amount to protect the public and hold the City harmless from all claims and damages of any kind. (Ord. 5085, Sec. 4)

5-1824 **NUISANCE; ABATEMENT; ASSESSMENT.**

When any such condition exists as is referred to in Section [5-1823](#), the Commission may declare such a nuisance and order its removal and abatement. The Planning and Development Services Director, or his or her designee, shall give the owner or occupant of the grounds fronting thereon, or the person causing a nuisance mentioned in Section [5-1823](#), a written notice that such nuisance must be removed within three (3) days. If such nuisance is not removed or abated within the three (3) days, the Planning and Development Services Director, or his or her designee, shall cause the same to be removed and abated, and shall report the cost thereof to the City Clerk. The cost of removal or abatement shall be charged against the lot or parcel of ground fronting on such nuisance or the expense may be collected from the person causing such nuisance. (Ord. 5085, Sec. 4)

5-1825 **CONSTRUCTION PERMIT REQUIRED: INSPECTION OF PLANS.**

Before any person shall construct any canopy, they must exhibit to the Planning and Development Services Director, or his or her designee, a draft of the plans and specifications for the same and receive from the Planning and Development Services Director, or his or her designee, a permit for such construction. Before the Planning and Development Services Director, or his or her designee, shall grant the permit required by this Section, the Inspector shall carefully inspect the plans of the proposed structure and be satisfied that the same is safe and that the building from which it is to be suspended is sufficiently strong to safely carry the weight of such structure. (Ord. 5085, Sec. 4)

5-1826 **SPECIFICATIONS GENERALLY.**

Canopies of permanent and substantial design and fireproof construction may be erected in front of a project from any building within the fire limits in the City to be used as a hotel or theater, upon the terms and conditions listed below:

- (A) Canopies must be constructed of fireproof material and under the supervision of the Planning and Development Services Director, or his or her designee, of the City.
- (B) Canopies may project from such building over the sidewalk not to exceed the width of the sidewalk measured from the lot line and shall have a clearance of not less than eight (8) feet above the sidewalk.
- (C) All canopies must be suspended from the building and not resting upon the sidewalk.
- (D) A canopy when erected must be so drained as not to discharge water upon the sidewalk, nor upon streets except by a closed drain. (Ord. 5085, Sec. 4)

5-1827 **AREA MARKERS FOR RESIDENTIAL USES.**

- (A) **Area Markers.** Area markers meeting the requirements of this Article shall be approved by the Planning and Development Services Director, or his or her designee. Area markers for residential uses shall comply with the following requirements:
 - (1) Not to exceed twenty-four (24) square feet in area.
 - (2) Total height is not greater than four (4) feet above the level of the street upon which the sign faces, or above the adjoining ground level, if such ground level is above the street level.
 - (3) Illumination of any type is not allowed.
 - (4) Permitted, pursuant to [5-1840.1](#), in RS (Single-Family), RM (Multi-Family (Multi-Dwelling Residential-Office), PRD (Planned Residential) .
 - (5) Shall be constructed of wood or stone or brick or combinations thereof.
 - (6) Identify an area only.
 - (7) An area marker may only identify an area of four (4) or more acres. Construction shall be carried out in a manner approved by the Planning and Development Services Director, or his or her designee, as to its safety and support.
 - (8) One (1) area marker shall be allowed per public road access point, with no more than two (2) area markers allowed regardless of the number of public road access points. (Ord. 6572)
- (B) **Premises to be Kept Free of Weeds.** All area markers and premises surrounding same shall be maintained by the owner or occupant thereof in a clean, sanitary and inoffensive condition, free and clear of all obnoxious substances, rubbish and weeds. (Ord. 5544; Ord. 5735)

5-1828 **DIRECTIONAL AND INFORMATIONAL SIGNS.**

- (A) Directional and informational signs shall not be erected or placed at any location without prior approval from the Planning and Development Services Director, or his or her designee. Such signs shall meet all the following conditions:
 - (1) Not to exceed four (4) square feet.

- (2) Not to exceed four (4) feet in height from adjacent grade.
 - (3) May be single or double-faced.
 - (4) Illumination only by indirect means.
 - (5) Generic names (office/store/shop/business/parking, etc.) and entrance-exit information only will be allowed on directional signs. Specific business names, logos or insignias will not be allowed on directional or informational signs.
 - (6) Not more than two (2) signs will be allowed at any business location.
 - (7) Information signs (office/trucks/deliveries, etc.) shall not exceed four (4) square feet. Location and number of informational signs shall be approved by the Planning and Development Services Director, or his or her designee, prior to installation.
 - (8) Location of directional and informational signs shall not create traffic confusion or hazards.
- (B) Construction shall be carried out in a manner approved by the Planning and Development Services Director, or his or her designee. All such signs shall be maintained by the owner or occupant thereof in a clean, sanitary and inoffensive condition. (Ord. 5745)

5-1829 **AWNINGS AND CANOPIES.**

- (A) **Materials.** Awnings may be constructed of cloth or metal, provided, that all frames and supports shall be of metal. Canopies shall be constructed pursuant to the International Building Code adopted in Article 2 of this Code.
- (B) **Height Above Sidewalk.** All awnings shall be constructed and erected so that the lowest portion thereof shall not be less than eight (8) feet above the level of the public sidewalk.
- (C) **Setback from Curblin.** No awning shall be permitted to extend beyond a point two (2) feet inside the curblin.
- (D) **Support.** Every awning shall be securely attached to and supported by the building. (Ord. 5085, Sec 5; Ord. 6572)
- (E) **Signage Area.** To determine the allowable signage area on the awning or canopy, the surface area of the awning or canopy behind the lettering, logo, insignia shall be measured by establishing the square footage covered by the perimeter of signage. The combined signage area on an awning or canopy and the surface area of any wall sign shall not exceed the requirements for wall signs pursuant to 5-1836. If fifty percent (50%) or more of the total square footage of the canopy or awning contains logo, insignia or lettering, the surface area of the entire awning or canopy, including the surface area without lettering, logo, or insignia, shall be considered a sign for purposes of this Article. (Ord. 5085 Sec. 5; Ord. 6572)

5-1830 **GROUND SIGN/POLE MOUNTED.**

- (A) **Material Required.** All ground sign/pole mounted for which a permit is required under this Article shall have a surface or facing of noncombustible materials, or material approved by the Building Safety Manager. Provided, that combustible structural trim may be used thereon.
- (B) **Letters, etc., to be Secured.** All letters, figures, character or representation in cutout or irregular form, maintained in conjunction with, attached to or superimposed upon any ground sign/pole mounted shall be safely and securely built or attached to the sign structure.
- (C) **Height Limitation.** It shall be unlawful to erect any ground sign/pole mounted whose total height is greater than thirty (30) feet above the level of the street upon which the sign faces, or above the adjoining ground level, if such ground level is above the street level. If the adjoining ground level is below the street level, the total height of the sign may exceed thirty (30) feet by an amount sufficient to allow the highest point of the sign to be thirty (30) feet above the street level upon which the sign faces when measured on a line perpendicular to the street passing through the sign location.
- (D) **Space Between Ground Sign/Pole Mounted and Ground, Other Signs or Structures.** Ground sign/pole mounted shall have an open space not less than eight (8) feet between the bottom of the sign and the ground level. The nearest point on any ground sign/pole mounted shall be no closer than four (4) feet to any sign, building or structure unless constructed entirely of noncombustible material.
- (E) **Setback Line.** No portion of any ground sign/pole mounted shall extend beyond the property line.
- (F) **Bracing, Anchorage and Supports.** All ground signs/poles mounted shall be securely built, constructed and erected upon posts and standards sunk at least three (3) feet below the natural surface of the ground and shall be supported and braced by noncombustible material or metal rods in the rear thereof extending from the top thereof to a point in the ground at least a distance equal to one-half of the height of such sign, measured along the ground from the posts or standards upon which the same is erected. If posts are sunk six (6) feet in the ground and are continuous to the top of the sign, braces shall not be required.
- (G) **Premises to be Kept Free of Weeds.** All ground signs/poles mounted and the premises surrounding the same shall be maintained by the owner or occupant thereof in a clean, sanitary and inoffensive condition, free and clear of all obnoxious substances, rubbish and weeds. (Ord. 5085, Sec. 5)

5-1831 **GROUND SIGNS/SURFACE MOUNTED.**

- (A) **Material Required.** All ground signs/surface mounted for which a permit is required under this Article shall be constructed of materials approved by the Planning and Development Services Director, or his or her designee.
- (B) **Letters, etc., to be Secured.** All letters, figures, characters, or representation in cutout or irregular form, maintained in conjunction with, attached to or superimposed upon any ground sign/surface mounted shall be safely and securely built or attached to the sign structure.

- (C) **Height Limitation.** It shall be unlawful to erect any ground sign/surface mounted whose total height is greater than four (4) feet above the level of the street upon which the sign faces, or above the adjoining ground level, if such ground level is above the street level.
- (D) **Visual Obstruction.** No ground sign/surface mounted located on the triangle formed by two curblines at the intersection of two streets, and extending for a distance of fifty (50) feet each way from the intersection of the curblines on any corner lot within the City, shall be permitted to exceed a height of more than thirty-six (36) inches above the road level of any street, avenue, or alley, in order that the view of the driver of a vehicle approaching a street interest shall not be obstructed.
- (E) **Space between Ground/Surface Mounted and other Signs and Structures.** The nearest point of any ground sign/surface mounted shall be no closer than ten (10) feet to any sign, building or structure unless constructed entirely of noncombustible material.
- (F) **Setback Line.** No portion of any ground sign/surface mounted shall extend beyond the property line.
- (G) **Bracing, Anchorage and Supports.** All ground signs/surface mounted shall be securely built, constructed and erected upon foundations, posts, standards or supports designed to adequately support the sign. In no case shall this Section be construed to allow "A-frame" signs.
- (H) **Premises to be Kept Free of Weeds.** All ground signs/surface mounted and the premises surrounding the same shall be maintained by the owner or occupant thereof in a clean, sanitary and inoffensive condition, free and clear of all obnoxious substances, rubbish and weeds. (Ord. 5085, Sec. 5)

5-1832 **MARQUEES.**

- (A) **Materials Required.** All marquees, including the anchors, bolts, supports, rods and braces thereof, shall be constructed of noncombustible materials and approved by the Planning and Development Services Director, or his or her designee.
- (B) **Drainage.** The roofs of all marquees shall be constructed so as not to permit water to flow on any sidewalk.
- (C) **Roofs, Use.** The roofs of all marquees shall be used for no other purpose than to form and constitute a roof.
- (D) **Height above Sidewalk.** No portion of a marquee shall be less than eight (8) feet above the level of the sidewalk.
- (E) **Setback from Curblines.** No marquee shall be permitted to extend beyond a point two (2) feet inside the curblines.
- (F) **Bracing, Anchoring and Supports.** Marquees shall be supported solely by the building to which they are attached, and no columns or posts shall be permitted as support therefore.
- (G) **Advertising Matter.** No marquee shall display any advertising matter, except those goods and services offered for sale upon the premises or public service messages of a community-wide interest.

- (H) **Live Loads.** Marquees shall be constructed in accordance with the Building Code. (Ord. 5085, Sec. 5)

5-1833 **PROJECTING SIGNS.**

Projection over Public Property. No projecting sign shall be maintained less than eight (8) feet above the sidewalk over which it is erected. No projecting sign shall project beyond six (6) feet of the face of a building and shall not extend over any public driveway, alley or thoroughfare used for vehicular traffic. (Ord. 5085, Sec. 5)

5-1834 **ROOF SIGNS.**

- (A) **Materials Required.** Every roof sign, including the supports, braces and structural trim, shall be constructed entirely of noncombustible materials.
- (B) **Height and Area Limitation.** No roof sign shall have a surface or facing exceeding two hundred (200) square feet nor have its highest point extended more than thirteen (13) feet above the roof level.
- (C) **Setback from Roof Edge.** No roof sign over four (4) feet in height shall be erected or maintained with the face thereof nearer than five (5) feet to the outside wall toward which the sign faces.
- (D) **Space between Sign and Roof.** All roof signs shall have a space at least five (5) feet in height between the base of the sign and the roof level and have at least five (5) feet clearance between the vertical supports thereof.
- (E) **Prohibited Obstructions.** No roof sign shall be placed on the roof of any building or structure in such a manner as to prevent free passage from one part of the roof to any other part hereof or interfere with openings in the roof.
- (F) **Bracing, Anchorage and Supports.** Every roof sign shall be thoroughly secured to the building by iron or other metal anchors, bolts, supports, rods or braces. (Ord. 5085, Sec. 5)

5-1835 **TEMPORARY SIGNS.**

- (A) **Materials and Area Limitations.** No temporary sign shall exceed sixty (60) square feet in area. If the sign is to be located on a tract or lot having a front footage in excess of one hundred (100) feet and is the only sign to be located on the tract, additional square footage may be allowed on each side of the sign equal to thirty percent (30%) of the front footage in excess of the first one hundred (100) feet up to a maximum of ninety (90) square feet. No political sign shall exceed sixteen (16) square feet in area. A sign in excess of sixty (60) square feet shall be made of rigid materials approved by the Planning and Development Services Director, or his or her designee.
- (B) **Projecting from Wall over Public Property.** No temporary sign, except one approved by the Governing Body, shall extend over or into any street, alley, sidewalk or other public thoroughfare a distance greater than four (4) inches from the wall upon which it is erected and shall not be placed or project over any wall opening.
- (C) **Anchorage and Support.** Every temporary wall sign shall be attached to the wall with wire or steel cables; no strings, ropes, or wood slats for anchorage or support purposes shall be permitted.

- (D) **Duration of Permits.** No more than one permit for a temporary sign shall be authorized per year for erection and maintenance of such signs for any business commercial establishment, multi-shop commercial area, or industrial development. No temporary sign permit shall be authorized for a period exceeding thirty (30) days.
- (E) **Advertising Permitted.** The advertisement contained on any temporary sign shall pertain only to the business industry or use conducted on or within the premises on which such sign is located except as provided in Section 5-1805 of this Article. (Ord. 5559)

5-1836

WALL SIGNS.

- (A) **Materials.** All wall signs for which a permit is required under this Article shall have a surface of facing of noncombustible materials, provided that combustible structural trim may be used thereon. However, the surface or facing and structural trim of a wall sign which is attached to a stone, brick or masonry wall may be of exterior grade plywood having a thickness of not less than one (1) inch. No plywood sign shall be illuminated or in any manner be operated or serviced by electricity.
- (B) **Limitation on Placement on Area.** No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached. No wall sign shall exceed ten percent (10%) of the wall to which it is attached, or one hundred fifty (150) square feet, whichever is less. Individual letters with no background shall be measured by the minimum rectangular area necessary to encompass such letter or by a combination of rectangles as are necessary to encompass a letter of irregular dimensions.

If more than one establishment is located on a tract, lot, or unified shopping center, wall signs may be placed on each business. The total area of all wall signs on the tract, lot or unified shopping center shall not exceed ten percent (10%) of the wall to which they are attached, or one hundred fifty (150) square feet whichever is less as provided for in Sections 5-1841 to 5-1842.4, inclusive of this Article.

- (C) **Projection above Sidewalk and Setback Line.** No wall sign shall be permitted to extend more than eighteen (18) inches beyond the building line, nor shall be attached to a wall at a height of less than eight (8) feet above any public or private sidewalk or walkway.
- (D) **Obstructions to Doors, Windows or Fire Escapes.** No wall sign shall be erected, relocated or maintained as to prevent free ingress to or egress from any door, window or fire escape.
- (E) **Supports and Attachments.** All wall signs shall be safely and securely attached to the building wall. (Ord. 5085, Sec. 5)

5-1837

PLACARDS, LEAFLETS, HANDBILLS PROHIBITED.

No placards, leaflets, handbills or other similar signs shall be placed on the exterior wall or window of any building or public property in any district. All persons placing such materials, and all occupants and owners of buildings upon which such materials are placed shall be responsible for violations hereunder. (Ord. 5085, Sec. 5)

5-1838

WORKS OF ART.

Hereafter no work of art shall be applied to, erected or placed upon the exterior walls of any building within the City of Lawrence without first being submitted to and approved by the City

Commission. The City Commission may refer the proposed work of art to the Lawrence Arts Commission for their review and recommendation. The request to allow a work of art shall be accompanied by plans and specifications which describe its proposed size, location, appearance, color, texture, general design, use of material, orientation to other buildings and the relationship of such factors to features of buildings in the immediate surroundings. The City Commission or Arts Commission may, when it deems proper, also require a complete model of work of art to be submitted. In determining the merits of the work of art, consideration should be given to insure that the work of art maintains the high character of community development and would not be detrimental to the stability of value and the welfare of surrounding property, structures and residents and to the general welfare and happiness of the community. (Ord. 5085, Sec. 5)

5-1839 **DISTRICT SIGN REGULATIONS.**

The permitted signs in each zoning district are set forth below. The signs listed below are permitted in the stated zoning districts subject to all of the general provisions and conditions set forth elsewhere in this Article. (Ord. 5184, Sec. 1)

5-1840 **SIGNS PERMITTED IN RESIDENTIAL DISTRICTS.**

RS (Single-Dwelling Residential), RSO (Single-Dwelling Residential-Office), RM (Multi-Dwelling Residential), RMG (Multi-Dwelling Residential-Greek Housing), RMO (Multi-Dwelling Residential-Office), CO (Commercial Office), PRD (Planned Residential Development), POD (Planned Office District), PUD (Planned Unit Development), GPI (General Public and Institutional), H (Hospital), UR (Urban Reserve), OS (Open Space).

5-1840.1 **Area Markers.** See [5-1827](#) of the Code of the City of Lawrence, Kansas.

5-1840.2 **Bulletin signs**, for public, charitable or religious institutions, in residential districts, subject to the following conditions:

- (A) Only one (1) sign or bulletin board shall be located on the same lot as the principal building; provided, that such institutions occupying a corner lot shall be permitted one (1) sign facing each public street, but in no case shall such institution be permitted more than two (2) signs.
- (B) If sign or bulletin board is illuminated, it shall be by indirect lighting directed away from adjoining residential uses.
- (C) No sign or bulletin board shall exceed twenty-four (24) square feet in area.
- (D) No sign shall be located closer than eight (8) feet from any side or rear of property line.
- (E) A sign or bulletin board located in a front yard shall be no closer than ten (10) feet to the property line.
- (F) A sign or bulletin board, affixed to a building, shall not project higher than ten (10) feet above the ground level.
- (G) A sign or bulletin board shall be permanently anchored to the ground and shall not exceed a height of four (4) feet above normal grade.
- (H) Buildings constructed on the property line shall be allowed one (1) identification sign only when the sign is a flat wall sign permanently attached to the building.
- (I) On corner lots, no sign shall be so constructed or so located that it will obstruct the view of traffic approaching the street intersection.

5-1840.3 **Business Signs Unilluminated**, in residential districts, shall be permitted subject to the following conditions:

- (A) Professional or occupation name plates not over two (2) square feet in area and showing only the name and/or address and occupation of the occupant. There shall be only one (1) name plate for each dwelling. The name plate shall be affixed to the principal building flat against the wall.
- (B) In Single-Dwelling Residential-Office (RSO), Multi-Dwelling Residential-Office (RMO), Commercial Office (CO), and Planned Office District (POD) districts, one (1) wall sign up to ten (10) square feet of surface area per building shall be permitted. In Single-Dwelling Residential-Office (RSO), Multi-Dwelling Residential-Office (RMO), Commercial Office (CO), and Planned Office District (POD) districts, one (1) monument sign may be installed for a tract of property which has a size of one (1) acre or larger. The monument sign shall not exceed sixteen (16) square feet in sign surface area and four (4) feet in height. The base of the monument sign, the dimensions of which shall be excluded from the limitations on the sign surface area, may have a height not exceeding four (4) feet. If a monument sign exists for a tract of property in a Single-Dwelling Residential-Office (RSO), Multi-Dwelling Residential-Office (RMO), Commercial Office (CO), or Planned Office District (POD) zoned district, any wall sign shall be no greater than two (2) square feet of surface area per building.
- (C) Real estate signs, single or double faced, advertising "for sale" or "for rent" or "for lease" of the premises upon which the sign is located subject to the following conditions:
 - (1) Only one (1) sign for each real estate company shall be permitted per lot, or for each fifty (50) feet of street frontage.
 - (2) No sign shall exceed eight (8) square feet in area.
 - (3) When a sign is affixed to a building, it shall not project higher than one (1) story or ten (10) feet above the ground level.
 - (4) Ground signs shall be securely anchored to the ground and shall not project higher than five (5) feet above the ground grade.
 - (5) One wall sign may be attached to a wall of an apartment building located in RM, RMG, RMO, and PRD zones. Such sign shall not exceed ten percent (10%) of the wall to which it is attached or ninety (90) square feet, whichever is less. The wall to which such sign is attached shall front or face upon a public right-of-way. In no case shall more than one (1) sign be permitted for any apartment complex. (Ord. 6635)

5-1841 **SIGNS PERMITTED IN COMMERCIAL DISTRICTS.**

CN1 (Inner Neighborhood Commercial), CN2 (Neighborhood Shopping Center), IBP (Industrial/Business Park), IL (Limited Industrial), PCD (Planned Commercial Development) PID (Planned Industrial Development). Additional restrictions apply when these districts are within the South Lawrence Trafficway Overlay District (5-1848). Provided, from and after March 22, 1995, the installation of a ground sign/pole mounted shall not be permitted in any of the above cited commercial or industrial districts. The replacement or repair of a ground sign/pole mounted shall be allowed pursuant to 5-1841.5 (Ord. 6635)

5-1841.1 **Bulletin signs**, as set forth in Section [5-1840.2](#) of this Article.

5-1841.2 **Business signs**, illuminated and non-luminated, subject to the following conditions:

- (A) One ground sign, pole or surface mounted, may be erected in an off-street parking lot, a unified shopping center or industrial tract for purposes of identifying the development. The sign shall display only the name and the location of the development and names of stores, occupations or businesses located in the development. The size of the sign shall not exceed thirty (30) feet in height or one hundred (100) square feet in area. However, if the development has a front footage in excess of one hundred (100) feet, additional area may be allowed on each side of the sign equal to thirty percent (30%) of the front footage in excess of the first one hundred (100) feet of said tract or lot. The size of the sign shall not exceed one hundred fifty (150) square feet and shall conform to the requirements for ground signs set forth elsewhere in this Article.

If a unified shopping center is located on a tract or lot bounded by two (2) or more public streets such unified shopping center shall be permitted to erect one (1) additional ground sign, pole or surface mounted, at a secondary entrance facing a different public street than the original ground sign permitted in this Section.

In no case shall such additional ground sign exceed fifty (50) square feet in area. No ground sign, pole or surface mounted, shall be permitted to project into a right-of-way and shall be located in a manner not to constitute a traffic hazard.

In the PCD District, no ground sign/pole mounted shall exceed twelve (12) feet in total height as referenced in Section [20-1006](#) of the Code.

- (B) Illuminated signs shall be permitted provided, that such signs in direct view of traffic signals are not red, green or amber in color and providing such signs are illuminated only during business hours or until 11:00 p.m., whichever is later. When the sign is illuminated by a light or lights reflected upon it, direct rays of light shall not beam upon any residential building or into any residential district or into any street.
- (C) Temporary signs shall be permitted, subject to the general restrictions set forth elsewhere in this Article.
- (D) Wall signs which advertise or indicate only services or products which are sold or offered for sale within the building to which the sign is attached shall be permitted provided that:
- (1) The applicant presents a detailed plan to the Planning and Development Services Director, or his or her designee, showing the location of the signs on the building, size of letters and clearance between the walls and signs.
 - (2) Wall signs are permitted for each wall which faces or fronts onto a public right-of-way and such sign is attached to the corresponding wall, except that no wall sign shall be permitted upon any wall other than the front wall which faces or fronts onto a public right-of-way which such public right-of-way is bounded on the opposite side by properly zoned single-family dwellings. Wall signs are permitted in CN-1, CN-2, IBP, IL, PCD and PID zoning districts on building walls which do not face or front an adjoining and abutting public right-of-way, when there exists under the same ownership a parking lot or other open space of at least fifty (50) lineal feet between the wall and the nearest building, but in no case shall signs be constructed on more than two (2) walls of a building for each establishment, nor exceed the square footage limitations for the location. (Ord. 7889)
 - (3) The maximum area for wall signs shall be limited to ten percent (10%) of the wall to which it is attached or one hundred fifty (150) square feet, whichever is less. For each one hundred (100) foot increment the wall is set back from the public right-of-way the maximum area may be increased by fifty percent (50%), provided that no

sign shall exceed four hundred fifty (450) square feet. (Ord. 5184, Sec. 1; Ord. 6364, Sec. 3)

5-1841.3 **Awnings and canopies**, are permitted as set forth in Section [5-1829](#) of this Article. (Ord. 6572)

5-1841.4 **Reserved.**

5-1841.5 **New pole signs** prohibited in commercial and industrial districts; Repair/Replacement for existing signs.

(A) From and after March 14, 1995, the installation of a ground sign/pole mounted shall not be permitted on a commercial or industrially zoned lot. Provided, that the replacement or repair of a ground sign/pole mounted in existence on March 14, 1995 shall be allowed if the existing pole for the sign is not moved from its location on March 14, 1995 and the square footage of the sign surface area is not altered from that present on March 14, 1995. Provided, that any ground sign/pole mounted located on a tract of property with a site plan approved after June 12, 1995 that would be moved or altered, contemporaneous with site plan approval, in any manner, including the alteration of lettering, logo, or insignia on the surface area or configuration of the sign, shall be required to be removed within ninety (90) days of the approval of the site plan.

(B) From and after March 14, 1995, no bulletin signs (including signs with changeable copy or reader boards, or both) shall be permitted to be installed in any commercial or industrial districts, including planned unit developments, provided that businesses dispensing gasoline for sale shall be permitted to display the sale price of gasoline on the ground sign/surface mounted. Provided, that signs electronically or mechanically displaying the actual time and temperature shall not be prohibited. Provided further, that the prohibition on bulletin signs shall not prohibit the display of the name of businesses or establishments on otherwise permitted signs in a multi-establishment lot or location from being altered or changed to reflect said businesses or establishments. Provided further, that the prohibition on bulletin signs shall not prohibit the display on a bulletin sign, and the changeable copy thereof, of: 1) the name of a movie on a sign located at a movie/cinema theater; or 2) the name of an individual, group or entity on a sign located at a site zoned to allow public performances of music, entertainment or artistic events. (Ord. 6635)

5-1841.6

(A) **Signs in Commercial or Industrial Districts, General.** From and after March 22, 1995, the installation of a ground sign/pole mounted shall not be permitted in a commercially or industrially zoned district, including districts zoned planned commercial and industrial. One (1) ground sign/surface mounted (monument sign) may be installed on a tract of property with a commercial or industrial zoning designation, including property zoned planned unit developments, pursuant to this Section. The ground sign/surface mounted shall be limited to a height of twelve (12) feet and shall not exceed sixty (60) square feet in surface area, provided that for each additional five (5) feet of setback from the right-of-way property line, the height may increase by two (2) feet, for a maximum height of sixteen (16) feet, and the surface area may increase by an additional six (6) feet, to a maximum not to exceed seventy-two (72) square feet of surface area. (Ord. 9113)

(B) **Same, Base Calculation.** The permanent base of the sign shall not contain lettering, logo or insignia, and shall be permanently attached to the sign. The total base width must be at least sixty-five percent (65%) and no more than one hundred and twenty-five percent (125%) of the width of the sign. The base width shall not exceed eight (8) feet for a sign on a lot of less than one (1) acre, provided that a sign

on a lot of one acre or more shall have a maximum base width of twelve (12) feet. The square footage surface area limitation established in subsection (A) shall not include the dimensions of the base. For sign structures without a separation materials between the base and the sign, the requirements of this Section shall be determined by establishing the square footage covered by the perimeter of any lettering, logo, and insignia which shall be considered the signage square surface area. (Ord. 9113)

(C) Same, Multi-Establishments. (Ord. 9113)

(1) Same, Multi-Establishments on Five Acres or More.

- a.** A sign, located on a lot of five acres or more on a site with more than one separate business or establishment, shall be allowed a maximum square footage of twenty (20) square feet, in addition to that set forth in subsection (A), for the sign, depending on the setback of the sign.
- b.** As an alternative to the additional square footage set forth in Section 5-1841.6(C)(1)(a), an additional sign with a maximum of forty (40) square feet may be installed at a secondary entrance facing a different public street than the first sign, provided the site is bounded by two or more public streets, has five acres or more, and has more than one separate business or establishment on the site.

(2) Same, Multi-Establishments on Five Acres or More in a Unified Development.

- a.** Where one or more lots or parcels of real property are part of a Unified Development, and that exceeds five acres in size, a ground sign/surface mounted (monument sign), in compliance with Sections 5-1841.6(A) and (B) that is located on real property within the Unified Development, may display advertising graphics promoting multiple businesses or establishments located within the Unified Development. A business or establishment advertising on a ground sign/surface mounted (monument sign) that is located on another lot or parcel within a Unified Development shall not be permitted to install a ground sign/surface mounted (monument sign) on the lot or parcel that it occupies. Nothing in this section shall be construed to authorize the construction or erection of a billboard or poster board (as prohibited by Section 5-1845 of this Article) within the City.

(D) Same, Gas and Fuel Sales Pricing. Digital display of gas and fuel product and numeric price information for Gas and Fuel Sales (as defined in Chapter 20 of the Code of the City of Lawrence, Kansas) may be incorporated into a ground/surface mounted sign, provided that the total area of the gas and fuel product name and numeric price information shall not exceed twenty-five (25) percent of the sign area. Such display shall be limited to the name of the gas and fuel product and numeric price information only, and shall not flash, scroll, or otherwise simulate movement. (Ord. 8915, Ord. 9113)

CD (Downtown Commercial), CC (Community Commercial), CR (Regional Commercial), CS (Strip Commercial), IG (General Industrial). Additional restrictions apply when these districts are within the South Lawrence Trafficway Overlay District (5-1848). Provided, from and after March 22, 1995, the installation of a ground sign/pole mounted shall not be permitted in any of the above cited commercial or industrial districts. The replacement or repair of a ground sign/pole mounted shall be allowed pursuant to 5-1841.5. (Ord. 6635)

5-1842.1 **Awnings and canopies**, are permitted as set forth in Section 5-1829 of this Article. (Ord. 6572)

5-1842.2 **Bulletin signs**, as set forth in Section 5-1840.2 of this Article.

5-1842.3 **Business signs**, illuminated and unilluminated:

- (A) Wall signs are permitted for each establishment on a wall which faces or fronts an adjoining and abutting public right-of-way. Where a building faces more than one (1) public right-of-way, two (2) walls may be used for signs. No wall sign shall be permitted upon any wall other than the front wall which faces or fronts onto a public right-of-way when such public right-of-way is bounded on the opposite side by properly zoned single-family dwellings. All establishments may construct one wall sign as permitted in CD, CC, CR, CS and IG zoning districts on building walls which do not face or front an adjoining and abutting public right-of-way, when there exists under the same ownership a parking lot or other open space of at least fifty (50) lineal feet between the wall and the nearest building, but in no case shall a sign be constructed on more than two (2) walls of a building.
- (B) The maximum area for wall signs shall be limited to ten percent (10%) of the wall to which it is attached or one hundred fifty (150) square feet, whichever is less. For each one hundred (100) foot increment the wall is set back from the public right-of-way, the maximum area may be increased by fifty percent (50%), provided that no sign shall exceed four hundred fifty (450) square feet.
- (C) Single-Establishment: One ground sign, pole or surface mounted shall be permitted provided the size shall not exceed sixty (60) square feet in area, however, if an establishment is located on a tract or lot having a front footage in excess of one hundred (100) feet and is the only establishment located on the tract or lot, additional square footage may be allowed on each side of the sign equal to thirty percent (30%) of the front footage in excess of the first one hundred (100) feet of said tract or lot, provided the size of the sign shall not exceed ninety (90) square feet.
- (D) Multi-Establishment: If more than one establishment is located on a tract or lot, one (1) ground sign, pole or surface mounted, may be installed to display names of stores, occupations or business located on the tract or lot. The size of the sign shall not exceed one hundred (100) square feet in area.
- (E) Projecting signs shall be permitted in subject to the provisions set forth in Section 5-1833 of this Article.
- (F) Projecting signs below a canopy or marquee erected over a public sidewalk shall be permitted subject to the following conditions:
 - (1) A sign erected beneath a canopy shall not exceed three (3) square feet in area and shall be hung at right angles to the building. A minimum clearance of eight (8) feet shall be maintained between the bottom of the sign and the public sidewalk below.

- (2) A sign erected beneath a marquee shall not extend beyond a point within two (2) feet of the front edge of the marquee and shall maintain a minimum clearance of eight (8) feet between the bottom of the sign and the public sidewalk below.

5-1842.4 **Temporary signs** shall be permitted subject to the provisions set forth in Section [5-1835](#) of this Article. (Ord. 5184, Sec. 1)

5-1843 **TEMPORARY DEVELOPMENT SIGNS FOR SUBDIVISIONS, MULTI-FAMILY RESIDENTIAL AND COMMERCIAL/INDUSTRIAL DEVELOPMENTS.**

- (A) **Development Sign.** For purposes of this Article, a development sign shall be a sign which denotes the architect, engineer, contractor, subcontractors, lending institution, landscaper, irrigation contractor, or other related business when such temporary sign is placed upon a place where work is under construction and development.
- (B) **Residential Subdivision.** A development sign or signs advertising a residential development, as defined in Section [5-1840](#), subdivision not exceeding one hundred 100 square feet in total surface area may be placed in a residential subdivision during the initial sales and development of the subdivision. The sign or signs shall be located a minimum of twenty-five (25) feet from any public right-of-way, and are removed within thirty (30) days after completion or occupancy of the last house. The sign or signs shall denote the residential subdivision layout which shall be two (2) or more acres.
- (C) **Residential Development.** One development sign may be placed upon a building site of a residential, as defined in Section [5-1840](#), structure or area. The sign shall not exceed thirty-two (32) square feet in surface area for a lot or lots up to and including one acre in size. The sign shall not exceed sixty-four (64) square feet in surface area for a lot or lots greater than one acre. The sign shall be removed within thirty (30) days after completion or any occupancy of the structure.
- (D) **Commercial or Industrial Development.** One development sign may be placed upon a building site of a commercial or industrial development area. The sign shall not exceed thirty-two (32) square feet in surface area for a lot or lots up to and including one acre in size. The sign shall not exceed sixty-four (64) square feet in surface area for a lot or lots greater than one acre. The sign shall be removed within thirty (30) days after completion or any occupancy of the structure. (Ord. 6581)

5-1844 **PERMITTED SIGNS IN INDUSTRIAL DISTRICT.**
IG (Industrial) and F-P (Flood Plain) Districts.

5-1845 **NEW ADVERTISING SIGNS (BILLBOARDS) PROHIBITED; REGULATIONS FOR EXISTING SIGNS.**

- (A) Except as may be permitted by Section [5-1841.6\(C\)\(2\)](#), an advertising sign as defined in Section [5-1802 \(J\)](#) of this Article, (billboards or poster boards) shall not be constructed or erected in the City of Lawrence, Kansas at a site or location that is different from its site or location. A variance from the provisions of this Section shall not be granted by the Board of Sign Code Appeals. (Ord. 9113)
- (B) All existing advertising signs, as defined in Section [5-1802 \(J\)](#) of this Article, shall comply with the following standards: (Ord. 9113)

- (1) The height of an outdoor advertising sign shall not exceed thirty-five (35) feet, and the maximum outside dimension shall not exceed three hundred (300) square feet.
- (2) Each such sign shall be mounted on a single ground pole and there shall be a minimum clearance of eight (8) feet between ground level and the bottom of the sign structure.
- (3) Each advertising sign must be in compliance with all Kansas and Federal laws and regulations governing and concerning such signs.
- (4) The ground area immediately around and upon which such advertising signs are located shall be landscaped in accordance with a sketch-plan to be approved by the Governing Body of the City of Lawrence, Kansas, and such landscaping shall be maintained and replaced as necessary to comply with such sketch-plan.
- (5) Where feasible, such advertising signs shall be serviced by underground electrical wiring. (Ord. 5184; Ord. 6582)

5-1846 **NONCONFORMING SIGNS.**

Provisions relating to nonconforming signs shall be as follows:

- (A) All nonconforming signs within the City shall be removed within five (5) years from October 22, 1974, the effective date of Ord. No. 4523.
- (B) All signs granted a variance under Section [5-1847](#) of this Article shall not be subject to the provisions of Subsection (A) of this Section. (Ord. 5085, Sec. 7)

5-1847 **SIGN CODE BOARD OF APPEALS; APPEALS AND VARIANCE.**

- (A) There is hereby established the Sign Code Board of Appeals, hereinafter referred to as the Board. The Board shall be composed of seven (7) members who shall be residents of the City of Lawrence. The Board members shall be appointed by the Mayor with the consent of the other members of the City Commission. The Board members shall be initially appointed to serve such staggered terms as the Mayor shall determine but in no case shall such initial appointment be for a term longer than three (3) years. One full term of service for a Board member shall be three (3) years, provided a Board member shall only be eligible for two (2) consecutive full terms.
- (B) The Board shall hear and decide all appeals and request for variances from decisions of the Planning and Development Services Director, or his or her designee, concerning enforcement of the provision of Chapter 5, Article 18 of the City Code (Sign Regulations). All appeal requests and request for variances shall be submitted to the Planning and Development Services Director, or his or her designee, a minimum of fifteen (15) calendar days prior to the meeting date of the Board. The appeal request and requests for variances shall be on such forms, and with such information, as the Board and City staff may require. The Board may grant variances from the construction and district regulations for signs contained in provisions of Chapter 5, Article 18 only upon the affirmative vote of a majority of the Board members and the determination of the Board that all of the following findings have been fully met:
 - (1) At the time a variance is granted by the Board, the Board shall find that the variance request arises from conditions which are unique to the location in question and which

are not ordinarily found in the same district zone; and the unique conditions are not created by an action or actions of the property owner or applicant; and

- (2) At the time a variance is granted by the Board, the Board shall find that the granting of the variance will not be materially detrimental to the public welfare, including the visual appearance of the area, or injurious to property or improvements in such zoning districts or neighborhood in which the property is located; and
- (3) At the time a variance is granted by the Board, the Board shall find that the strict application of the requirements of Chapter 5, Article 18 of the City Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Article. Such practical difficulties or unnecessary hardships may include compliance with amended provisions of this Article that were not in effect at the time a predecessor sign was installed.

(C) In approving a request for a variance, the Board may condition such approval on such height, square footage, design, size, color, construction, lighting, location, duration, landscaping and other requirements related to the proposed signage it deems appropriate and necessary. The decision of the Board shall be deemed final and conclusive without appeal to the City Commission. The Board may vote to reconsider a prior decision of the Board by a vote of four (4) affirmative votes. No appeal or request for a variance shall be resubmitted within one (1) year of a final decision of the Board.

(D) Upon a majority vote of the Board, the Board may forward recommendations to the City Commission for amendments to the City sign regulations. The motions, votes, and findings of the Board shall be documented in the minutes of the Board, and the City Commission shall receive copies of the Board minutes. (Ord. 6581)

5-1848 **ADDITIONAL SIGN RESTRICTIONS IN SOUTH LAWRENCE TRAFFICWAY OVERLAY DISTRICT.**

As an additional restriction on signs in the South Lawrence Trafficway Overlay District, no pole mounted signs shall be permitted within the South Lawrence Trafficway Overlay District. (Ord. 6364, Sec. 5)

5-1849 **HISTORIC PROPERTY.**

Whenever an appeal or request for variance is made regarding a sign located, or to be located, on a landmark or within an Historic District or the environs thereof, as defined by Chapter 22 of the Code of the City of Lawrence, Kansas, 2006 Edition, then a copy of the notice of appeal or request for variance and all supporting documentation shall be forwarded by the Planning and Development Services Director, or his or her designee, to the Historic Resources Commission at least ten (10) days prior to the hearing on the matter before the Governing Body. The Historic Resources Commission may review and comment upon the appeal or request for variance as provided by Chapter 22, Section [22-205](#), of the Code of the City of Lawrence, Kansas, 2006 Edition. (Ord. 5950, Sec. 5)

ARTICLE 19. UNDERGROUND WIRING DISTRICTS

5-1901 **ARTICLE DEFINITIONS.**

Definitions of terms as used in this Article shall be as follows: (Ord. 5909, Ord. 8239)

- (A) Underground Wiring District shall mean an area in the City within which poles, overhead wires, and associated overhead structures are prohibited by this Article.
- (B) Poles, Overhead Wires and Associated Overhead Structures shall mean and

include, but not be limited to poles, towers, supports, wires, conductors, guys, stubs, platforms, cross-arms, braces, line transformers, insulators' cut-outs, switches, communication circuits, appliances, attachments and appurtenances located above ground upon, along, across or over the streets, alleys and easements, and used in supplying electric, communication, or similar or related service.

5-1902

UNDERGROUND WIRING REQUIRED IN CERTAIN AREAS.

The Governing Body of the City does hereby find and determine that the public interest requires that all poles, overhead wires, and associated overhead structures used in supplying electric, communication, or related service to be constructed within an underground wiring district in the City be placed underground in order to promote and preserve the health, safety and general welfare of the public and to improve the appearance and the orderly development of the City. From and after June 22, 1976, it shall be unlawful, except as specifically provided herein, for any person or utility to erect, construct, use or maintain any pole, overhead wires and associated overhead structures within an underground wiring district. (Ord. 5909, Ord. 8239)

5-1903

UNDERGROUND WIRING DISTRICTS ESTABLISHED.

(Ord. 5909, Ord. 8239)

- (A) The Governing Body finds and determines that the public interest requires that all areas within the City, platted and unplatted, which are not developed and which do not have any electrical or communication services installed on June 22, 1976, are hereby declared to be underground wiring districts. The subdivider, developer, or owner of any such area or portion thereof shall make the necessary arrangements for the installation of underground facilities, including circuits for street lights and traffic signals that may be required by the City. Such arrangements shall be made with each of the companies or persons supplying the electrical and communications service therein, in accordance with the established charges of such company or person. Letters from each of such companies or persons, indicating that the arrangements have been made, shall be submitted to the planning department at the time the final subdivision plat is filed.
- (B) Nothing in this Article will prevent a subdivider, developer, or owner making arrangements with a private contractor, qualified to the satisfaction of the utility involved, for the installation of underground facilities in accordance with the established specification of the companies controlling the utilities or communications service.

5-1904

EXCEPTIONS TO UNDERGROUND WIRING REQUIREMENTS.

Exceptions to underground wiring requirements in the City shall be as follows: (Ord. 5909, Ord. 8239)

- (A) Temporary Exceptions. The City Manager, or his or her designee, may grant special permission in cases where temporary electrical power or communication service is reasonably required for emergencies or for building construction purposes, or for other temporary purposes, to erect, construct, install or maintain poles, wires and other overhead structures for a period not to exceed 120 days. However, in the event the purpose for which the temporary exception referred to herein granted cannot be completed within the period herein provided, because of a shortage of materials, a natural disaster, strikes, or other circumstances beyond the control of the parties, or by unusual hardships, then the time may be extended an additional temporary period or periods necessary to allow completion of such construction.
- (B) Permanent Exceptions. The provisions of this Article shall not apply to any of the following uses in the underground wiring district:

- (i) Three phase primary electric distribution or transmission lines with capacities of 12KV or greater rated at a minimum of 300 amps which do not traverse the underground wiring district except which are necessary to provide service thereto.
 - (ii) Poles, overhead wires, and associated overhead structures, when part of an existing line originating in an area outside the underground wiring district, may remain in the underground wiring district. All future wiring shall be underground. Nothing in this Article will prevent the replacement of poles, overhead wires and associated overhead structures on these lines when necessary for the purpose of maintaining the line or altering the capacity thereof, or in the case of single phase lines, the addition of the necessary facilities to three phasing of the line.
 - (iii) Radio and television antennae.
 - (iv) Structures on corner lots, in streets and alleys, and on easements adjacent thereto, in an underground wiring district, in cases where electrical and communication wires cross a street or other district boundary from an area where overhead wires are not prohibited, may be connected to the overhead wires, and hereby are exempt from the provisions of this Article.
 - (v) Poles used exclusively for street or area lighting or for traffic control facilities.
 - (vi) Electric substations and the accompanying equipment and apparatus necessary to provide adequate electric service to those persons located within an underground wiring district or in the surrounding area.
- (C) Special Exception. Notwithstanding any other provisions of this Article, the Governing Body may grant special exceptions on a permanent or temporary basis to the provisions hereof on such terms as the Governing Body may deem appropriate in cases of emergency or unusual circumstances to any party to erect, construct, install, maintain, use or operate poles and overhead wires and associated overhead structures within any underground wiring district.
- (D) Floodplains and Drainage Easements. The installation, placement or maintenance of live front underground electrical structures shall be prohibited in all floodplains, floodways and drainage easements. Where electrical or communication equipment must cross a floodplain, floodway or drainage easement they shall be installed as to be reasonably free from flood or storm water runoff damage and the intrusion of ground water. Provided, that electrical structures and equipment installed prior to the effective date of this ordinance shall be governed by the provisions of this Article in effect prior to the effective date of this ordinance.
- (E) Hold Harmless. The utility, its successors and assigns, shall save and hold harmless the City, from all liability, costs, damages, and expenses of every kind, for the payment of which the City may become liable to any person, firm, or corporation by reason of any negligence by the utility in the construction, maintenance, and operation of its utility system within the City.
- (F) Penalty. Any person or utility who shall erect, construct, place or operate any such pole, overhead wire, or associated overhead structure within an underground wiring district in violation of this Article or who shall otherwise fail to comply with the provisions of this Section, upon conviction thereof, shall be punished by a fine not to exceed \$500 for each offense. (Ord. 5284 ; Ord. 5638; Ord. 5909, Sec. 2; Ord. 6591,

ARTICLE 20. SITING OF UTILITY FACILITIES

5-2001

DEFINITIONS.

Definitions of terms as used in this Article, unless the context otherwise requires, shall be as follows: (Ord. 8240)

- (A) Construct, Construction, Reconstruction or Rerouting. The act of placing or siting electric lines, poles and appurtenances, with voltages equal or in excess of 69 KV, but not including 230 KV or greater if the line is over five (5) miles in length, upon the right-of-way and public easements of the City and the private easements and right-of-way of the franchised utility, including the upgrading of electric lines sited at the time of the adoption of this ordinance. Such terms shall not include necessary and appropriate maintenance or repair to existing electric lines, as long as the changes are state of the art and similar in size and capacity.
- (B) Franchised utility. An investor-owned company that holds a franchise with the City to use the public right-of-way and utility easements in the conduct of business.
- (C) KV. Kilovolts. (Ord. 6423)

5-2002

PERMIT REQUIRED, PERMIT CONTENTS.

- (A) At least forty-five days (45) days, prior to the construction, reconstruction or rerouting of any electric lines, poles and appurtenances, with voltages equal to or in excess of 69 KV, but not including 230 KV or greater if the line is over five (5) miles in length, on City right-of-way or public easements and private easements and right-of-way of the franchised utility, the franchised utility shall submit an application for a permit to the City Clerk.
- (B) If such permit application has not been approved or disapproved, or a public hearing on the permit application scheduled for a future date, within sixty (60) days from submission of the permit application, the permit shall be deemed approved and valid.
- (C) A franchised utility shall not construct, reconstruct, or reroute an existing or new electric line with voltages equal to or in excess of 69 KV up to, but not including 230 KV if the line is over five (5) miles in length, upon the public right-of-way or public easements and private easements and right-of-way of the franchised utility without a permit approved by the City Commission. Such permit application shall include the information below for the preferred and at least two (2) other alternative constructions the franchised utility has considered. Upon request of the franchised utility, the City Commission may waive the requirement for application information on alternative constructions.

The permit application shall include the following information:

- (1) A general description of the proposed electric line design, including wire configuration; average, maximum and minimum current expected; projected electromagnetic fields; length of the line; number of angle and dead end structures; right-of-way width and total acres of right-of-way needed; number of buildings (homes, schools, playgrounds) within 100 feet of the line; number of highway and river crossings;

- (2) A map showing the approximate alignment and proposed pole locations, including the size and height of poles;
- (3) The preferred construction schedule and time line for construction;
- (4) The estimated cost of the preferred construction and its alternatives;
- (5) The justification for the preferred route with all criteria used in making that selection from among the alternatives examined;
- (6) The estimate by the franchised utility of the general effects on adjacent property owners and the public at-large from the proposed construction;
- (7) Such other information as may be appropriate and required by the City from time to time. (Ord. 6423)

5-2003

PUBLICATION, NOTIFICATION, AND PUBLIC HEARING.

(Ord. 8240)

- (A) PERMIT APPLICATION RECEIVED BY CITY COMMISSION. The City Commission shall receive all permit applications at a public hearing after notice and publication pursuant to subsection (b).
- (B) NOTICE AND PUBLICATION OF PERMIT APPLICATION. The franchised utility shall provide for the publication of the notice of the permit application in the official city newspaper at least thirty (30) days prior to the public hearing on the proposed project.

Such notice shall include information on obtaining a complete copy of the permit application. At the time of publication, the franchised utility shall notify in writing the owner(s) of record of property within 100 feet of 1) the boundary line of the public and franchised utility right-of-way for the proposed project and alternatives, and 2) the boundary line of the underlying public and franchised utility easements for the proposed project and alternatives. Such published notice and mailed notice shall include a description and summary of the proposed project and alternatives and the date and time of the public hearing. No defect in any notice or in the mailing thereof shall invalidate any proceedings or permit approval. (Ord. 6423)

5-2004

PUBLIC HEARING ON PERMIT APPLICATION; APPROVAL OF PERMIT.

(Ord. 8240)

- (A) The City Commission shall conduct a public hearing concerning the permit application. The City Commission may consider any alternatives or information submitted by interested individuals or organizations. If the City Commission determines that inadequate information exists to make a determination on the permit application, the City Commission may require such additional public hearings as appropriate. The City Commission may also order additional information from the franchised utility relevant to the proceeding. The City Commission may consider the following criteria as it deems appropriate in granting or denying the permit application. The criteria may include, but are not limited to:
 - (1) The effects to the general health, safety, and welfare of the citizens and businesses of the community from the proposed construction, including any anticipated depreciation of property values due to proximity to lines and poles, the effects to community and neighborhood aesthetics from the lines and poles, the temporary and permanent effects to public facilities (e.g.

sidewalks, green space) from the proposed construction, and the potential for health effects to the public from the proximity of electric lines and poles.

- (2) The cost estimates of alternatives to the preferred construction, including the probable financial impact under applicable tariffs of the franchised utility if the permit for the preferred construction is denied and an alternative construction permit is approved.
- (B) The Commission may request the franchised utility to provide additional information concerning alternatives to the preferred construction, including alternative locations and designs, the cost of alternatives, and the financial impact under applicable tariffs of the franchised utility if the permit for the preferred construction is denied and an alternative construction permit is approved. The franchised utility shall provide such information as requested.
- (C) The Commission shall approve the permit application for the preferred construction or such alternatives as may be proposed. (Ord. 6423)

5-2005

COST ACCOUNTING OF PERMITTED CONSTRUCTION.

A franchised utility shall provide to the City Commission an accounting of all costs associated with the construction conducted under an approved permit pursuant to this Article. The cost accounting shall be pursuant to the form required by the State Corporation Commission for the accounting of similar utility costs. (Ord. 6423, Ord. 8240)

5-2006

PENALTY/REVOCAION OF FRANCHISE FOR VIOLATION OF ARTICLE.

The construction, reconstruction or rerouting of electric lines, poles and appurtenances without a permit as required by this Article is a violation of this Article and shall be punishable, upon conviction, by a fine not to exceed \$1000.00. Each consecutive day's violation shall constitute a separate punishable offense. In addition or in the alternative, the City Commission may consider such violation as a breach of the applicable franchise agreement and may, pursuant to provisions thereof, revoke the franchise of the utility. (Ord. 6423, Ord. 8240)

ARTICLE 21 EXCAVATIONS AND STRUCTURES IN UTILITY EASEMENTS

5-2101

EXCAVATIONS AND STRUCTURES IN UTILITY EASEMENTS; DEFINITIONS.

The following definitions shall be observed in the construction of this article: . (Ord. 5607, Ord. 8326)

- (A) Company: Westar Energy, Southwestern Bell Telephone Corporation, Black Hills Energy, City of Lawrence Utility Department, Sunflower Cablevision, and Atmos Energy, or any utility granted a franchise by the City of Lawrence.
- (B) Easement: Any permanent or temporary easement granted for the use of utilities; any easement granted specifically to one utility or any dedicated public right-of-way.
- (C) Facilities: Any pipe, wires, poles, junction manholes, junction boxes, cables, valves, hydrants or other appurtenances installed and owned by any company or their contractors.
- (D) Locates: The physical location of any facility by the company representative.
- (E) Owner: The owner of any property or his or her contractor, building, agent or anyone acting on his or her behalf.
- (F) Structure: Any building, fence, pen or anything that impedes access to the

easement.

5-2102

SAME; EXCAVATION APPROVAL REQUIRED.

It shall be unlawful, except as specifically provided herein, for any owner of any property within the corporate limits of the City to excavate, bore, grade or to make any form of grade elevation change or to place a structure within the easement without prior notification of an approval from the company that has any facility within the easement. It is the purpose of this article that the company shall continue to comply with articles designated in applicable Codes and standards, addressing proper coverage requirements for facilities. (Ord. 5607, Ord. 8326)

5-2103

SAME; NOTICE TO COMPANY.

(Ord. 5607, Ord. 8326)

- (A) Any form of work as described in Section 5-2102 done within the easement shall require notification of the company who shall determine any realignment or relocation of any facilities to be made and finished grade required. Any locations of those companies must be completed before private construction can begin.
- (B) If the owner plans any grading, fill, tunneling, place a structure or any other disturbances of easements adjacent to the owner's property that will cause any company to be in violation of applicable Codes, the owner shall notify the company forty-eight (48) hours in advance exclusive of Saturdays, Sundays, and holidays of the proposed changes and compensate the appropriate company for changing their facilities to meet the applicable standards and Codes prior to any work done by the owner within the easement. Any changes shall be made in accordance with each company's policy and in accordance with the established charges of the company. The charges shall be paid by the owner.
- (C) Nothing in this article is to prevent an owner from contracting with a private contractor, qualified and approved by the company, for the re-installation or realignment of underground facilities in accordance with the established specifications of the company and local Codes.

5-2104

SAME; PENALTY.

Anyone found to be in violation of this article shall be charged three (3) times the actual cost of relocation, realignment, or repair of any facilities plus the applicable fine. (Ord. 5607, Ord. 8326)

5-2105

SEVERABILITY.

If any provision, clause, sentence or paragraph of this ordinance is found to unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance. (Ord. 8326)