

CHAPTER V. BUILDING AND CONSTRUCTION

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ARTICLE 1. ADMINISTRATION

- 5-101 **PURPOSE.**
The Governing Body finds that, in order to protect the health, safety, and welfare, of the community, it is necessary to regulate building and construction within the City. (Ord. 9625)
- 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, as amended or modified.
- 5-105 **SPECIFIC CODES.**
The codes specifically referenced in Sections 5-106 through 5-114 of this Article, and elsewhere in this Chapter shall be considered part of the requirements of this Article to the prescribed extent of each such reference.
- 5-106 **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.

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.

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RESIDENTIAL ONE-DWELLING AND TWO-DWELLING STRUCTURES.

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 residential one-dwelling or two-dwelling building or structure or any appurtenances connected or attached to such buildings or structures.

5-108

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.

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.

5-109

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.

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

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.

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

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.

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 **PROPERTY MAINTENANCE.**
The provisions of the *International Property Maintenance Code*, as adopted by the City at Chapter 9, 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.
- 5-113 **FIRE PREVENTION.**
The provisions of the *International Fire Code*, as adopted by the City at Chapter 8, 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.
- 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.
- 5-114 **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 and structures for energy efficiency.
- 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 **GENERAL.**
Where, in any specific case, different sections of this Article specify different materials, methods of construction, or other requirements, the most restrictive regulation shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall control.
- 5-116 **OTHER LAWS.**
The provisions of this Article shall not be deemed to nullify any local, state, or federal laws.
- 5-117 **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.
- 5-118 **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 govern.
- 5-119 **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 9, Article 6 of the City Code as amended, or the *International Fire Code* as adopted by the City at Chapter 8, Article 2 of the City Code, as amended, or as is otherwise lawfully deemed necessary by

the Building Official for the general health, safety, and welfare of the occupants and the general public.

5-120

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 deemed to be the Building Official.

5-121

APPOINTMENT.

The Building Official shall be appointed by the City Manager, or his or her designee.

5-122

DEPUTIES.

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 those powers delegated by the Building Official. For the maintenance of existing properties, see the International Property Maintenance Code as adopted by the City in Chapter 9, Article 6 of the City Code, as amended.

5-123

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.

5-124

APPLICATION AND PERMITS.

The Building Safety Division of the Planning and Development Services Department shall be responsible for reviewing applications, reviewing construction documents and issuing permits for the erection, alteration, demolition, and moving of buildings and structures, inspecting the premises for which such permits have been issued, and enforcing compliance with the provisions of this Article.

5-125

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.

5-126

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 at Article 9 of this Chapter, as amended.

5-127

NOTICE AND ORDERS.

The Building Official shall issue all necessary notices or orders to ensure compliance with this Article.

5-128

INSPECTION.

The Building Official shall make all 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 may arise.

5-129

IDENTIFICATION.

The Building Official shall carry proper identification when inspecting structures or premises in the performance of his or her duties under this Article.

5-130

RIGHT OF ENTRY.

Whenever it is necessary to make an inspection to enforce the provisions of this Article, or whenever the Building Official has reasonable cause to believe that there exists in a structure or upon a premises a condition that is contrary to or in violation of this Article, which renders 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 or the person in control of the structure or premises cannot be found, then the Building Official shall have the right to seek entry by way of an administrative search warrant or by any other lawful means.

5-131

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 the retention of public records.

5-132

LIABILITY.

The Building Official, member of the Building Code 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 or criminal complaint 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.

5-133

APPROVED MATERIALS AND EQUIPMENT.

Materials, equipment and devices approved by the Building Official shall be constructed and installed in accordance with such approval.

5-134

USED MATERIALS AND EQUIPMENT.

Materials that are reused shall comply with the requirements of this Article for new materials. Used equipment and devices shall not be reused unless approved by the Building Official.

5-135

MODIFICATIONS.

Whenever 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 strict adherence to 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.

5-136 **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.

5-137 **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.

5-138 **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.

5-139 **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 shall obtain the required permit. In addition to the requirements of this section, moved structures shall comply with Chapter 16, Article 7, of the City Code, as amended. The required procedure for demolishing structures is set forth at Chapter 5, Article 12, of the City Code, as amended.

5-140 **ANNUAL PERMIT.**

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

5-141 **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.

5-142 **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 that violates the provisions of this Article

or any other laws applicable in this jurisdiction. Permits shall not be required for the following:

(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 6 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) Uncovered 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-dwelling and two-dwelling structures.
- (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.
- (14) Replacement roof coverings.

(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.
 - (2) 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 that shall include compressor units and evaporator coils 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.
- (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.

5-143

EMERGENCY REPAIRS.

Whenever 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.

5-144

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, 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, mechanical, or other work affecting public health, safety, or welfare.

5-145

PUBLIC SERVICE AGENCIES.

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

5-146

APPLICATION FOR PERMIT.

To obtain a permit, the applicant shall first file an application therefor 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, at a minimum:

- (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) Include 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) Include the permit fee(s) required by Section 5-173 of this Article.
- (h) Give such other data and information as required by the Building Official.

5-147

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 applicable laws, then the Building Official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this Article and other applicable laws, then the Building Official shall issue the permit as soon as practicable.

5-148

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. The Building Official is authorized, upon good cause shown, to grant one or more extensions of time for additional periods of time, not exceeding 90 days each. The extension shall be requested in writing and shall demonstrate good cause.

5-149

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 applicable law. Permits presuming to give authority to violate or cancel the provisions of this Article or other applicable law shall not be null and void. 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 there is a violation of this Article or any other applicable law.

5-150

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, upon good cause shown, to grant, in writing, one or more extensions of time, for periods not exceeding 180 days each. The extension shall be requested in writing and shall demonstrate good cause. In addition to the requirements of this section, moved structures shall comply with Chapter 16, Article 7, of the City Code, as amended. The required procedure for demolishing structures is set forth at Chapter 5, Article 11, of the City Code, as amended.

5-151

SUSPENSION OR REVOCATION.

The Building Official is authorized to suspend or to revoke a permit issued under the provisions of this Article whenever it is determined that the permit was issued in error as the result of incorrect, inaccurate, incomplete, or fraudulent information provided at application, or if the permit, as granted, is in violation of any ordinance or regulation or any provision of this Article.

5-152

PERMIT DISPLAY.

The building permit or a copy thereof shall be kept on the site of the work, at all times, until the completion of the project, and shall be open to inspection by the Building Official or a duly authorized representative of the City.

5-153

HISTORIC PROPERTY.

Whenever a building permit is required by this Article for work to be performed on a site,

structure or object which the City Code, as amended, defines as a landmark or within the area of an Historic District, or their environs or a nominated landmark, a copy of the application filed by the applicant shall be forwarded to the Historic Resources Commission ("HRC") and no building permit may be issued on such application until the applicant has obtained from the HRC a Certificate of Appropriateness or Certificate of Economic Hardship for such work.

5-154

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, as required by applicable law. Whenever 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, statement of special inspections, or other data, if the Building Official finds that the nature of the work is such that review of those items is not necessary to obtain compliance with this Article.

5-155

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, and may be required to be submitted by the Building Official for certain classifications of construction work. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and shall demonstrate, 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.

5-156

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 established by the *International Building Code*, as adopted by the City at Chapter 5, Article 2 of the City Code, as amended.

5-157

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 including the path of exit and discharge to the public way in compliance with the provisions of this Article. In occupancies other than 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.

5-158

EXTERIOR WALL ENVELOPE.

- (a) 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.
- (b) The construction documents shall include manufacturer's installation instructions that shall 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.

5-159

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, the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations. 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 under Section 5-142 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 a minimum, the lot grading and drainage plan shall include the following:
 - (1) 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.
 - (2) Directional arrows showing the proposed flow of storm water internally on the lot and from the lot to the public storm water collection system.
 - (3) 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 and paved swales, an underground pipe with inlets may be required.
 - (4) 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.

5-160

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.

5-161

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 and stamped, 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.

5-162

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 said work has not been abandoned.

5-163

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 all applicable 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.

5-164

DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE.

- (a) Whenever 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.
- (b) 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.
- (c) Whenever structural observation is required by Section 1704 of the *International Building Code*, as adopted and amended by the City Code, as amended, 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.

5-165

DEFERRED SUBMITTALS.

- (a) 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.
- (b) 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.
- (c) 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.

5-166 **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, and shall be approved by the Building Official prior to commencement of work of the construction changes.

5-167 **RETENTION OF CONSTRUCTION DOCUMENTS.**

One set of approved construction documents shall be retained by the Building Official for a period of time not less than 180 days from the date of completion of the permitted work, or as may be required by state or local laws. Such documents may be retained in electronic format.

5-168 **TEMPORARY STRUCTURES AND USES; GENERAL.**

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 good cause shown.

5-169 **TEMPORARY STRUCTURES AND USES; COMPLIANCE.**

Temporary structures and uses shall comply with the requirements of Section 3103 of the *International Building Code*, as amended and adopted by City Code, as amended.

5-170 **TEMPORARY STRUCTURES AND USES; 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.

5-171 **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 the *National Electrical Code*, as adopted by the City at Chapter 5, Article 4 of the City Code, as amended.

5-172 **PERMIT FEES.**

- (a) **Year End Report.** Annually, 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.
- (b) **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 this Article and the Policy Statement adopted concurrently by the Governing Body.
- (c) **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.

- (d) **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 shown 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 be ignored and the Cumulative Past Overage for 2006 shall be equal to the Building Permit Fee Revenue Excess or Shortfall for that year. Each successive Year End Report shall include a calculation of the Cumulative Past Overage amount.
- (e) **Budget.** Annually, on or before July 1, 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. Annually, on or before September 1, the City shall adopt a Budget that sets out, among other things, the anticipated costs for regulating building activities during the ensuing calendar year.
- (f) **Schedule of Fees.** Annually, on or before July 1, 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 herein. 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.
- (g) **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.
- (h) **Building Permit Fees.** The ultimate decision regarding building permit fees is and shall be that of the Governing Body, upon recommendation of City Staff. However, such recommendation and ultimate decision shall be grounded in the fact that such fees must adequately cover the costs of the services to be performed and provided by the City in regulating building activity.
- (i) **City Policy.** It is the express policy of the City 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.

5-173

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.

5-174

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, Ord 10099)

Permit Fee Schedule, Projects Other than New Detached One- and Two-Dwelling Construction:

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

Permit Fee Schedule For New Detached One- and Two-Dwelling Construction:

TOTAL PROJECT AREA (SQ. FT.)	PROPOSED FEE ¹
Less than 2,000 sq. ft.	Flat fee of \$800.
2,000 to 2,749 sq. ft.	Flat fee of \$1,300.
2,750 to 3,499 sq. ft.	Flat fee of \$1,725.
3,500 to 4,249 sq. ft.	Flat fee of \$2,150.
4,250 to 5,249 sq. ft.	Flat fee of \$2,550.
5,250 to 6,999 sq. ft.	Flat fee of \$3,350.

7,000 to 9,999 sq. ft.	Flat fee of \$4,400.
10,000 sq. ft. or more	Flat fee of \$7,500.

¹ Fee waived if new housing meets U.S. Department of Housing and Urban Development criteria for permanently affordable housing, as determined the Housing Initiatives Division of the City of Lawrence Planning & Development Services Department.

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)	\$66.00 per hour ²
Re-inspection fees when assessed by the building official under the provisions of Section 5-196	\$66.00 per hour ²
Inspections for which no fee is specifically indicated (minimum charge - one-half hour)	\$66.00 per hour ²
Additional plan review required by changes, additions, or revisions to approved plans (minimum charge - one-half hour)	\$66.00 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	\$150.00

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.

5-175

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.

5-176

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 an amount equal to the base permit fee for the project.

- 5-177 **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.
- 5-178 **REFUNDS.**
The Building Official is authorized to establish a refund policy.
- 5-179 **RECORD OF FEES.**
The Building Official shall keep or cause to be kept an accurate account of fees collected and received and shall 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. Fees collected shall be deposited with the City's Department of Finance.
- 5-180 **GENERAL, INSPECTIONS.**
All work for which a permit is required shall be subject to inspection by the Building Official and such work shall remain visible and able to be accessed 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 applicable law. Inspections presuming to give authority to violate or cancel the provisions of this Article or other applicable law shall not be valid. It shall be the duty of the owner or the owner's authorized agent to cause the work to remain visible and able to be accessed for inspection purposes. Neither the Building Official nor the City shall be liable for an expenses caused by the removal or replacement of any materials required to perform an inspection.
- 5-181 **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.
- 5-182 **REQUIRED INSPECTIONS.**
The Building Official, upon notification, shall make the inspections set forth in Sections 5-183 through 5-193, inclusive, of this Article.
- 5-183 **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.
- 5-184 **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.
- 5-185 **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

5-186

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.

5-187

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.

5-188

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.

5-189

FIRE-RESISTANT PENETRATIONS.

Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

5-190

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 20, Article 12 of the City Code, as amended.

5-191

ENERGY EFFICIENCY INSPECTIONS.

Inspections shall be made to determine compliance with the *International Energy Conservation Code* or *International Residential Code* 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.

5-192

OTHER INSPECTIONS.

In addition to the inspections specified above, the Building Official is hereby authorized to make or require other inspections of any permitted work to ascertain compliance with the provisions of this Article and other applicable laws that are enforced by the Building Safety Division of the Department of Planning and Development Services.

5-193

SPECIAL INSPECTIONS.

For special inspections, *see International Building Code*, as adopted by the City at Article 2 of this Chapter, as amended.

5-194

FINAL INSPECTION.

The final inspection shall be made after all work required by the building permit is completed.

5-195

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.

5-196

INSPECTION REQUESTS.

- (a) It shall be the duty of the holder of the building permit or of any duly authorized agent to notify the Building Official when work is ready for inspection. It shall be the duty of the permit holder or of any duly authorized agent to provide access to and means for inspections of such work as required by this Article.
- (b) A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is requested is not complete, when corrections ordered are not made, or when the work is not visible and able to be accessed. Reinspection fees may not be assessed, however, the first time that a job is rejected for failure to comply with the requirements of this Article.

5-197

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 any duly authorized agent that 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.

5-198

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 therefor, 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.

Exception: Certificates of Occupancy are not required for work exempt from permits in accordance with Section 5-142 of this Article, as amended.

5-199

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 99), incorporated by reference into the *International Plumbing Code*, as adopted by the City at Chapter 5, Article 5 of the City Code, as amended, until all verification and testing records required by NFPA 99 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 99 and that all inspection and testing have been successfully completed as required by NFPA 99.

5-1,100

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 Building Official has issued a certificate of occupancy therefor, 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.

5-1,101

CERTIFICATE ISSUED.

- (a) 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, at a minimum, the following:
- (1) The building permit number.
 - (2) The address of the structure.
 - (3) The name and address of the owner.
 - (4) A description of that portion of the structure for which the certificate of occupancy is issued.
 - (5) A statement that the described portion of the structure has been inspected for compliance with the requirements of this Article for the occupancy, division of occupancy, and the use for which the proposed occupancy is classified.
 - (6) The name of the Building Official.
 - (7) The edition of the code under which the permit was issued.
 - (8) The use and occupancy, in accordance with the provisions of the *International Building Code*, as adopted by the City at Article 2 of this Chapter, as amended.
 - (9) 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.
 - (10) The design occupant load.
 - (11) If an automatic sprinkler system is provided, whether the sprinkler system is required.
 - (12) Any special stipulations and conditions of the building permit that are applicable to the certificate of occupancy.

5-1,102

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.

5-1,103

REVOCATION.

The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this Article whenever the certificate is issued in error, or on the basis of incorrect information supplied, or if it is determined that the building or structure or portion thereof is in violation of any provisions of this Article or any applicable law.

5-1,104

CONNECTION OF SERVICE UTILITIES.

A person shall not 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.

5-1,105

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.

5-1,106

AUTHORITY TO DISCONNECT SERVICE UTILITIES.

(a) The Governing Body finds that the occupancy or habitation of a building or structure that is not in compliance with the provisions of Chapter 5 or Chapter 10 of the City Code, as amended, constitutes a hazard to the public health, safety, and welfare, and that the supply 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 Director of Planning and Development Services, 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 5 or Chapter 10 of the City Code, as amended. The disconnection of City services pursuant to this Section shall only be ordered if the Director of Planning and Development Services, 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 of a building or structure in which the public health, safety or welfare is harmed or endangered by continued occupancy or habitation thereof.

(b) The Director of Planning and Development Services, or his or her designee, shall have the authority to authorize disconnection of electric or gas utility service to a building, structure, or system regulated by this Article in case of emergency, whenever it is necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by this Article. The Director of Planning and Development Services, or his or her designee, shall notify the serving utility and, if possible, the owner and occupant of the building, structure, or service system of the decision to disconnect utilities prior to taking such action. If not notified prior to disconnection, the owner or occupant of the building, structure, or service system shall be notified in writing, as soon as practical thereafter.

5-1,107

UTILITY TRANSFERS WITH A BUILDING PERMIT.

The Finance Department 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 (a) has not been issued a certificate of occupancy, (b) has not completed a final inspection, or (c) has not otherwise been discontinued pursuant to provisions of the *International Residential Code*, as adopted by the City Code, as amended, 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 Department of Planning and Development Services upon a finding that the structure or property complies with the provisions of this Chapter, including provisions regarding final inspection for the property or structures.

5-1,108

NOTICE OF APPEAL.

Any person shall have the right to appeal a decision of the Building Official to the Building Code Board of Appeals, as set forth in this Article and in Chapter 5, Article 16. 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, at a minimum, the following:

- (a) A brief statement setting forth the legal interest of each of the appellants in the building and or involved in the decision, notice or order.
- (b) A brief statement, in ordinary and concise language of that specific decision, 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.

5-1,109

ADMINISTRATION.

Any Notice of Appeal shall be filed with the Department of Planning and Development Services Building Safety Division within fourteen (14) days of the date of the decision of the Building Official. Notice shall be forwarded to the Building Code Board of Appeals to set a hearing date for the appeal. It shall be the duty of the appellant to notify other interested parties of the date of the hearing. Failure of any person to file a Notice of Appeal shall constitute a waiver of the right to appeal the decision of the Building Official.

5-1,110

TEST AND EVIDENCE.

The appellant shall cause to be made, at his or her own expense, any tests, research or evidence required by Building Code Board of Appeals to substantiate his or her claims.

5-1,111

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 the application for a building permit.
- (b) Fail to obtain a building permit, fail to possess a valid building permit, or fail 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 any inspection required by section this Article
- (e) Perform or cause to be performed any work in the City which requires a valid permit without having first secured the appropriate permit from the City or without having a valid permit at the time of the work.
- (f) Fail to faithfully construct without departure from or disregard of drawings and specifications, when such drawings and/or specifications have been filed with, reviewed and approved for compliance by the Director of Planning and Development Services, or his or her designees and a permit has been issued for

such construction.

- (g) 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.

5-1,112

NOTICE OF VIOLATION.

The Building Official is authorized to serve a Notice of Violation or Notice and 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 Notice of Violation or Notice and Order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

5-1,113

EMERGENCY ORDER.

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.

5-1,114

PROSECUTION OF VIOLATION.

If the Notice of Violation or Notice of Order is not complied with, the Building Official is authorized to seek the institution of the appropriate proceedings at law or in equity to restrain, to correct, or to abate such violation, to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this Article, or an order to comply with the Notice of Violation or Notice of Order issued hereunder.

5-1,115

AUTHORITY TO ISSUE CITATION AND NOTICE TO APPEAR.

Pursuant to City of Lawrence, Kan. Charter Ord. No. 31 (Nov. 26, 1994), the Building Official and inspectors employed by the City in the Department of Planning and Development Services are hereby authorized to issue citations and notices to appear in municipal court for alleged violations of the provisions of Chapters 5, 9, and 10 of the City Code, as amended.

5-1,116

MUNICIPAL OFFENSE.

Engaging in any of the unlawful acts set forth at Section 5-1,111, acting in violation of Section 5-1,119, or performing any act in violation of the provisions of this Article shall each be deemed a separate municipal offense hereunder. Any person violating a provision of Section 5-1,111, Section 5-1,119, or any provision of this Article shall, upon an adjudication of guilt or the entry of a plea of no contest, be subject to a minimum fine of \$500.00 and a maximum fine of \$1,000.00 for each unlawful act, or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. The municipal court judge shall also have the authority to order any person, upon adjudication of guilt or the entry of a plea of no contest hereunder, to comply with the terms of this Article.

5-1,117

STOP WORK ORDERS; AUTHORITY.

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 in a manner that is dangerous or unsafe, or in a manner that is inimical to the health, safety, and welfare the community, the Building Official is authorized to issue a Stop Work Order.

5-1,118

STOP WORK ORDERS; ISSUANCE.

The Stop Work Order shall be in writing and shall be given to the owner of the property involved, 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.

5-1,119

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 in violation of this Article and shall be subject, upon conviction or an entry of a plea of no contest, to the penalties established at Section 5-1,116 of this Chapter, as amended.

5-1,120

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.

5-1,121

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.

5-1,122

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.

5-1,123

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 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.

5-1,124

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 this Chapter and the *International Existing Building Code*, as adopted by the City in Chapter 5, Article 9 of the City Code, as amended.

5-1,125

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 property, or when any building or part of a building has fallen and life or property 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.

5-1,126

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.

5-1,127

CLOSING STREETS.

When necessary for public safety, the Building Official or 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.

5-1,128

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.

5-1,129

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.

5-1,130

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.

5-1,131

CONSTRUCTION SITE MAINTENANCE.

- (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, 2018 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, Ord. 9626)

5-202

OFFICIAL COPY.

Not less than one (1) copy of the *2018 International Building Code* shall be marked or stamped "OFFICIAL COPY AS INCORPORATED BY ORDINANCE No. 9626," 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 2018 INTERNATIONAL BUILDING CODE.

The *2018 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 *2018 International Building Code*, unless the section or subsection is specifically identified as being deleted, modified, or amended.

5-204

Section 308.3.2 of the 2018 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 *2018 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 *2018 International Building Code*, as adopted by the City.

5-205

Sections 310.4 and 310.4.1 of the 2018 International Building Code are hereby amended to read as follows:

310.4 Residential Group R-3. Residential Group R-3 occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, and the occupancy equals or exceeds the occupancy limits established for that property at Section 20-601(d) of the City Code, as amended, including:

Buildings that do not contain more than two dwelling units
Care facilities that provide accommodations for five or fewer persons receiving care
Congregate living facilities (nontransient) with 16 or fewer occupants

Boarding houses (nontransient)
Convents

Dormitories
Fraternities and sororities
Monasteries

Congregate living facilities (transient) with 10 or fewer occupants

Boarding houses (transient)

Lodging houses (transient) with five or fewer guest rooms and 10 or fewer occupants

310.4.1 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 *2018 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 *2018 International Building Code*, as adopted by the City.

5-206

Sections 423.4 and 423.4.1 of the 2018 International Building Code are hereby to read as follows:

423.4 Group E occupancies. In areas where the shelter design wind speed for tornadoes is 250 MPH in accordance with Figure 304.2(1) of ICC 500, all new Group E occupancies with an occupant load of 50 or more shall have a storm shelter constructed in accordance with ICC 500.

Exceptions:

1. Group E day care facilities.
2. Group E occupancies accessory to places of religious worship.
3. Buildings meeting the requirements for shelter design in ICC 500.

423.4.1 Required occupant capacity. The required occupant capacity of the storm shelter shall include all of the buildings on the site, and shall be greater than the following:

1. The total occupant load of the classrooms, vocational rooms, and offices in the Group E occupancy.
2. The occupant load or any indoor assembly space that is associated with the Group E occupancy.

Exceptions:

1. Where a new building is being added to an existing Group E campus, and where the area of the new building does not increase the floor area of the classrooms, vocational rooms, and offices on the campus by more than 25%, the storm shelter shall at a minimum accommodate the required occupant capacity for the new building.
2. Where approved by the code official, the required occupant capacity of the shelter shall be permitted to be reduced by the occupant capacity of any existing storm shelters on the site.

5-207

Section [F] 903.2.7 of the 2018 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 2018 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 907.2.11.
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 *2018 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 2018 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.

5-210

Table 1004.1.2, "Maximum Floor Area Allowances Per Occupant," of the 2018 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 Concentrated business use areas	150 gross See Section 1004.8
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	240 gross
Outpatient areas	100 gross
Sleeping areas	120 gross
Kitchens, commercial	200 gross
Library	50 net
Reading rooms	100 gross
Stack area	
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

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. 9626)

ARTICLE 3. RESIDENTIAL CODE

5-301

RESIDENTIAL CODE ADOPTED AND INCORPORATED.

The *2018 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, Ord. 9342, Ord. 9627)

5-302

OFFICIAL COPY.

Not less than one (1) copy of the *2018 International Residential Code* shall be marked or stamped "OFFICIAL COPY AS INCORPORATED BY ORDINANCE No. 9627," 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 2018 INTERNATIONAL RESIDENTIAL CODE .

The *2018 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 *2018 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 *2018 International Residential Code* are hereby deleted.

- (a) Appendix E, "MANUFACTURED HOUSING USED AS DWELLINGS," to the *2018 International Residential Code*, is hereby specifically adopted.
- (b) Appendix F, "RADON CONTROL METHODS," to the *2018 International Residential Code*, is hereby specifically adopted.
- (c) Appendix J, "EXISTING BUILDINGS AND STRUCTURES," to the *2018 International Residential Code*, is hereby specifically adopted.
- (d) Appendix M, "Home DAY CARE - R-3 OCCUPANCY," to the *2018 International Residential Code*, is hereby specifically adopted.
- (e) Appendix Q, "TINY HOUSES," to the *2018 International Residential Code*, is hereby specifically adopted.
- (f) Appendix R, "LIGHT STRAW-CLAY CONSTRUCTION," to the *2018 International Residential Code*, is hereby specifically adopted.
- (g) Appendix S, "STRAWBALE CONSTRUCTION," to the *2018 International Residential Code*, is hereby specifically adopted.

5-305

The 2018 International Residential Code is hereby amended by deleting CHAPTER 1, "SCOPE AND ADMINISTRATION."

5-306

Section R301.2 of the 2018 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 *2018 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 2018 International Residential Code is hereby amended to read as follows:

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

GROUND SNOW LOAD ^o	WIND DESIGN				SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^o	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARD ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	Speed ^d	Topographic effects ^k	Special wind region ^l	Wind- borne debris zone ^m		Weathering ^a	Frost line depth ^b	Termite ^c					
20 lbs	115	No	No	No	A	Severe	30"	Moderate to Heavy	4	No	COL Code Chapter 20 Article 12	778	56.0
MANUAL J DESIGN CRITERIA ⁿ													
Elevation	Latitude		Winter heating		Summer cooling		Altitude correction factor		Indoor design temperature		Design temperature cooling		Heating temperature difference
833	39° N		10		95		.975		70°F		75°F		60
Cooling Temperature difference					Coincident wet bulb		Daily range						-
20	-		-		76		M		-		-		-

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

- a. Where weathering requires a higher strength concrete or grade of masonry than necessary to satisfy

the structural requirements of this code, the frost line depth strength required for weathering shall govern. The weathering column shall be filled in with the weathering index, “negligible,” “moderate” or “severe” for concrete as determined from Figure R301.2(4). The grade of masonry units shall be determined from ASTM C34, C55, C62, C73, C90, C129, C145, C216 or C652.

- b. Where the frost line depth requires deeper footings than indicated in Figure R403.1(1), the frost line depth strength required weathering shall govern. 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(5)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 97 1/2-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. [Also see Figure R301.2(1).]
- 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(5)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, the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate “NO” in this part of the table.
- n. The jurisdiction shall fill in these sections of the table to establish the design criteria using Table 1a of 1b from ACCA Manual J or established criteria determined by the jurisdiction.
- o. The jurisdiction shall fill in this section of the table using the Ground Snow Loads in Figure R 301.2(6).

5-308 **The 2018 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 2018 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.

Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system.

5-310 **Section R404.4 of the 2018 International Residential Code** is hereby amended to read as follows:

R404.4 Retaining walls. Retaining walls that are not laterally supported at the top and that retain in excess of 72 inches of unbalanced fill, or retaining walls exceeding 24 inches in height that resist lateral loads in addition to soil, shall be designed in accordance with accepted engineering practice to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designated for a safety factor of 1.5 against lateral sliding and overturning. This section shall not apply to foundation walls supporting buildings.

5-311 **Section N1101.14 (R401.3) of the 2018 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. 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.

5-312 **Table 1102.1.1 (R402.1.1), "Insulation and Fenestration Requirements by Component," of the 2018 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}	RAWL ^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+5h	8/13	19	5/13 ^f	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 ⁱ	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 ⁱ	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. Where insulation is installed in a cavity that 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: In Climate Zones 1 through 3, skylights shall be permitted to be excluded from glazed fenestration SHGC requirements provided the SHGC for such skylights does not exceed 0.30.
- c. "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. "15/19" means R-15 continuous insulation on the interior or exterior of the home or R-19 cavity insulation on the interior of the basement wall. Alternatively, compliance with "15/19" shall be R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulation on the interior or exterior of the home.
- d. R-5 insulation shall be provided under the full slab area of a heated slab in addition to the required slab edge insulation R-values for slabs as indicated in the table. The slab edge insulation for heated slabs shall not be required to extend below the slab.
- 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. Alternatively, insulation sufficient to fill the framing cavity providing not less than an R-value of R-19.
- h. The first value is cavity insulation, the second value is continuous insulation. Therefore, as an example, "13+5" means R-13 cavity insulation plus R-5 continuous insulation.
- i. Mass walls shall be in accordance with Section N1102.2.5. The second R-value applies where more than half of the insulation is on the interior of the mass wall.

5-313 **Section N1102.2.9 (R402.2.9) of the 2018 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 (914 mm) below grade or the basement floor, whichever is less.

5-314 **Section N1102.4.1.2 (R402.4.1.2) of the 2018 International Residential Code** is hereby amended to read as follows:

N1102.4.1.2 (R402.4.1.2) Testing. The *building* or dwelling unit shall be tested and verified as having an air leakage rate not exceeding five air changes per hour in Climate Zones 1 and 2, and three air changes per hour in Climate Zones 3 through 8. Testing shall be conducted in accordance with RESNET/ICC 380, ASTM E 779 or ASTM E 1827 and reported at a pressure of 0.2 inches w.g. (50 Pascals). Where required by the *building official*, testing shall be conducted by an *approved* third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the *building*

official. Testing shall be performed at any time after creation of all penetrations of the *building thermal envelope*.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weather-stripping or other infiltration control measures.
2. Dampers including exhaust, intake, makeup air, back draft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures.
3. Interior doors, where installed at the time of the test, shall be open.
4. Exterior or interior terminations for continuous ventilation systems shall be sealed.
5. Heating and cooling systems, where installed at the time of the test, shall be turned off.
6. Supply and return registers, where installed at the time of the test, shall be fully open.

Exception:

When all reasonable efforts by an *approved* third party have failed to reach three air changes per hour in *Climate Zone 4* a written report of the efforts and results shall be signed by the party conducting the work and provided to the *building official*. The *building official* may administratively approve up to three-and-one-half maximum air changes per hour.

5-315

Sections N1103.3.2 (R403.3.2), N1103.3.3 (R403.3.3), and N1103.3.5 (R403.3.5) of the 2018 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.

Exception: Air-impermeable spray foam products shall be permitted to be applied without additional joint seals.

N1103.3.2.1 (R403.3.2.1) Sealed air handler. Air handlers shall have a manufacturer's designation for an air leakage of not greater than 2 percent of the design airflow rate when tested in accordance with ASHRAE 193.

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. Registers shall be taped or otherwise sealed during the test.
2. Post-construction 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:

1. A duct air-leakage test shall not be required where the ducts and air handlers are located entirely within the building thermal envelope.
1. A duct air-leakage test shall not be required for ducts serving heat or energy recovery ventilators that are not integrated with duct serving heating or cooling systems.
3. A duct air leakage test shall not be required where a whole house air leakage test is performed.

A written report of the results shall be signed by the party conducting the test and provided to the *building official*.

5-316 **Section N1103.5.1.1 (R403.5.1.1) of the 2018 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.

5-317 **Section N1103.5.3 (R403.5.3) of the 2018 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. Buried in piping.
4. Supply and return piping in recirculation systems other than demand recirculation systems.

5-318 **Section N1106.4 (R406.4) of the 2018 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

5-319

Section M1401.3 of the 2018 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.

5-320

Sections M1601.1, M1601.1, and M1601.1.2 of the 2018 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 fire blocking 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.
8. Volume dampers, equipment, and other means of supply, return, and exhaust air adjustment used in system balancing shall be provided with access.

**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 design temperature for systems utilizing plastic ducts and fittings shall be 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 drainage point that has access. 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.

- 5-321 **The 2018 International Residential Code is hereby amended by adding Sections M1603.1, M1603.1.1, M1603.1.2, M1603.1.3, M1603.1.4, AND M1603.1.5, which read as follows:**

M1603.1 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.

M1603.1.1 Connector length. Flexible air connectors shall be limited in length to 14 feet (4267 mm).

M1603.1.2 Connector penetration limitations. Flexible air connectors shall not pass through any wall, floor or ceiling.

M1603.1.3 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).

M1603.1.4 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.

M1603.1.5 Location. Flexible air connectors may only be used for environmental exhaust when located within conditioned space.

- 5-322 **Section G2406.2 (303.3) of the 2018 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, 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.

5-323 **The 2018 International Residential Code** is hereby amended by deleting **Section P2503.4**.

5-324 **Section P2053.5.1 of the 2018 International Residential Code** is hereby amended to read as follows:

P2503.1 Rough Plumbing. DWV systems shall be tested on completion of the rough piping installation by water or by air, without evidence of leakage. Either test shall be applied to the drainage system in its entirety or in sections after rough-in piping has been installed, as follows:

1. Water test. Each section shall be filled with water to a point not less than 5 feet (1524 mm) above the highest fitting connection in that section, or to the highest point in the completed system. Water shall be held in the section under test for a period of 15 minutes. The system shall prove leak free by visual inspection.
2. Air test. The portion under test shall be maintained at a gauge pressure of 5 pounds per square inch (psi) (34 kPa) or 10 inches of mercury column (34 kPa). This pressure shall be held without introduction of additional air for a period of 15 minutes.

5-325 **The 2018 International Residential Code** is hereby amended by adding **Section P2713.4**, which reads as follows:

P2713.4 Prohibited location. In no case shall tubs be installed head to head.

5-326 **Section P3005.2.3 of the 2018 International Residential Code** is hereby amended to read as follows:

P3005.2.3 Building drain and building sewer junction. The junction of the building drain and the building sewer shall be served by a cleanout that is located at the junction or within 10 feet (3048 mm) developed length of piping of the junction and shall be located outside the building. For the requirements of this section, removal of a water closet shall not be required to provide cleanout access.

5-327 **Section P3005.4.2 of the 2018 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.

5-328

The 2018 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 *2018 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 *2018 International Plumbing Code*, provided the aggregate cross-sectional area of all vents is not less than that of the largest required common building sewer.

5-329

Sections P3114.2, P3114.3, and P3114.8 of the 2018 International Residential Code are hereby amended to read as follows:

P3114.2 Installation. The valves shall only be installed with prior approval from 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 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 shall not be used to vent sumps or tanks except where the vent system for the sump or tank has been designed by an engineer. Air admittance valves shall not be installed in new construction or on outdoor vent terminals for the sole purpose of reducing clearances to gravity or mechanical air intakes.

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

5-330

Section E3604.5.1 of the 2018 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.

5-331

Section E3605.1 of the 2018 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].

5-332

Section E3611.2 of the 2018 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].

5-333

The 2018 International Residential Code is hereby amended by adding Section E3703.8, which reads as follows:

E3703.8 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 Section E3901.

5-334

Table E3801.4, "Allowable Applications for Wiring Methods, of the 2018 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	EN	FM	IM C RM	LFC	MC	NM	SR	SE	UF	US
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.

5-335 **Section E3901.4.4 of the 2018 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)]

5-336 **The 2018 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 2018 International Residential Code is hereby amended by adding Section E3902, 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 Section 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 2018 International Residential Code is hereby amended to read as follows:**

E3902.7 Sink receptacles and washing machines. 125-volt, single-phase, 15- and 20-ampere receptacles that are located within 6 feet (1829 mm) of the top inside edge of the bowl of the sink shall have ground-fault circuit-interrupter protection for personnel. [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 and dishwashers.

5-339 **The 2018 International Residential Code is hereby amended by deleting Sections E3902.9 and E3902.10.**

5-340 **Section E3902.16 of the 2018 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 bedrooms 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 wire ways 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

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. 9627)

ARTICLE 4. ELECTRICAL CODE

5-401 **ELECTRICAL CODE ADOPTED AND INCORPORATED.**

The NFPA 70, *National Electrical Code, 2017 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, Ord. 9346, Ord. 9628)

5-402 **OFFICIAL COPY.**

Not less than one (1) copy of the NFPA 70, *National Electrical Code, 2017 Edition*, shall be marked or stamped "OFFICIAL COPY AS INCORPORATED BY ORDINANCE No. 9628," 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 NFPA 70, NATIONAL ELECTRICAL CODE, 2017 EDITION.**

The NFPA 70, *National Electrical Code, 2017 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, 2017 Edition*, unless the section or subsection is specifically identified as being deleted, modified, or amended.

5-404 **Section 90.2 of the NFPA 70, National Electrical Code, 2017 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

The NFPA 70, *National Electrical Code, 2017 Edition*, is hereby amended by adding Section 100.1, which shall read as follows:

Basement. Any story that is not a story above grade plane.

Story. That portion of a building between the upper surface of a floor and the upper surface of the floor or roof next above, inclusive. It is measured as the vertical distance from top-to-

top of two successive tiers of beams or finished floor surfaces and, for the top-most story, from the top of the floor finish to the top of the ceiling joists or, where there not a ceiling, to the top of the roof rafters.

5-406

Section 210.8 of the NPFA 70, *National Electrical Code, 2017 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 No. 1: See 215.9 for ground-fault circuit-interrupter protection for personnel on feeders.

Informational Note No. 2: Se 422.5(A) for GFCI requirements for appliances.

For the purposes of this section, when determining distance from receptacles, the distance shall be measured as the shortest path of the cord of the appliance connected to the receptacle would follow without piercing a floor, wall, ceiling, or fixed barrier, or passing through a door, doorway, or window.

(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) All Outdoors

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

(4) Crawl spaces – at or below grade level

(5) Unfinished portions or areas of the basement not intended as habitable rooms

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 tub of the washing machine

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 single-phase receptacles rated 150 volts to ground or less, 50 amperes or less and three-phase receptacles rated 150 volts to ground or less, 100 amperes or less installed in the following locations shall have a ground-fault circuit-interrupter protection for personnel:

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

Exception: Receptacles on rooftops shall not be required to be readily accessible other than from the rooftop.

- (4) Outdoors

Exception No. 1 to (3) and (4): Receptacles that are not readily accessible and are supplied by a branch circuit dedicated to electric snow-melting, or deicing shall be permitted to be installed in accordance with 426.28, as applicable.

Exception No. 2 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) from the top inside edge

of the bowl 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
- (9) Crawl spaces - at or below grade level
- (10) Unfinished portions or areas of the basement not intended as habitable rooms

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

(D) Crawl Space Lighting Outlets. GFCI protections shall be provided for lighting outlets not exceeding 12.0 volts installed in the crawl spaces.

5-407

Section 210.12 of the NPFA 70, National Electrical Code, 2017 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) Dwelling Units. All 120-volt, single phase, 15- and 20-ampere branch circuits supplying outlets or devices installed in dwelling unit family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreations rooms, closets, hallways, or similar rooms or areas 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 wire ways, 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, *Outline 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 No. 3: See 760.41(B) and 760.121 (B) for power-supply requirements for fire alarm systems.

(B) Dormitory Units. All 120-volt, single-phase, 15- and 20-ampere branch-circuits supplying outlets and devices installed in dormitory unit bedrooms, living rooms, hallways, closets, bathrooms, and similar rooms shall be protected by any of the means described in 210.12(A)(1) through (6).

(C) Guest Rooms and Guest Suites. All 120-volt, single-phase, 15- and 20-ampere branch-circuits supplying outlets and devices installed in guest rooms and guest suites of hotels and motels shall be protected by any of the means described in 210.12(A)(1) through (6).

(D) Branch Circuit Extensions or Modifications - Dwelling Units and Dormitory Units. In any of the areas specified in 210.12(A) or (B), 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 (6 ft.) and does not include any additional outlets or devices.

5-408

Section 210.23 of the NFPA 70, National Electrical Code, 2017 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), and (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 lamp holders 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 lamp holders, infrared heating units, or other utilization equipment.

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

5-409

Section 210.52 of the NPFA 70, *National Electrical Code, 2017 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 and similar openings, fireplaces, and fixed cabinets that do not have countertop or similar work surfaces.

- (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 and Similar Work Surface Receptacle Outlets.** Receptacles installed for countertop and similar work surfaces as specified in 210.52(C) shall not be considered as the receptacle outlets 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: In addition to the required receptacles specified by 210.52, a receptacle outlet to serve a specific appliance 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.

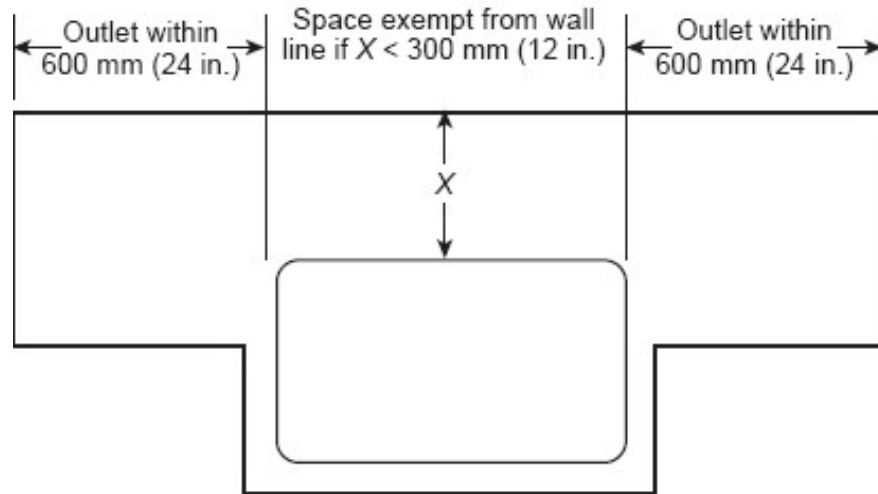
- (3) **Kitchen Receptacle Requirements.** Receptacles installed in a kitchen to serve countertop surfaces shall be supplied by not fewer than two small-appliance branch circuits, either or both of which shall also be permitted to supply receptacle outlets in the same kitchen and in other rooms specified 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 and Work Surfaces.** In kitchens, pantries, breakfast rooms, dining

rooms, and similar areas of dwelling units, receptacle outlets for countertop and work surfaces shall be installed in accordance with 210.52(C)(1) through (C)(5).

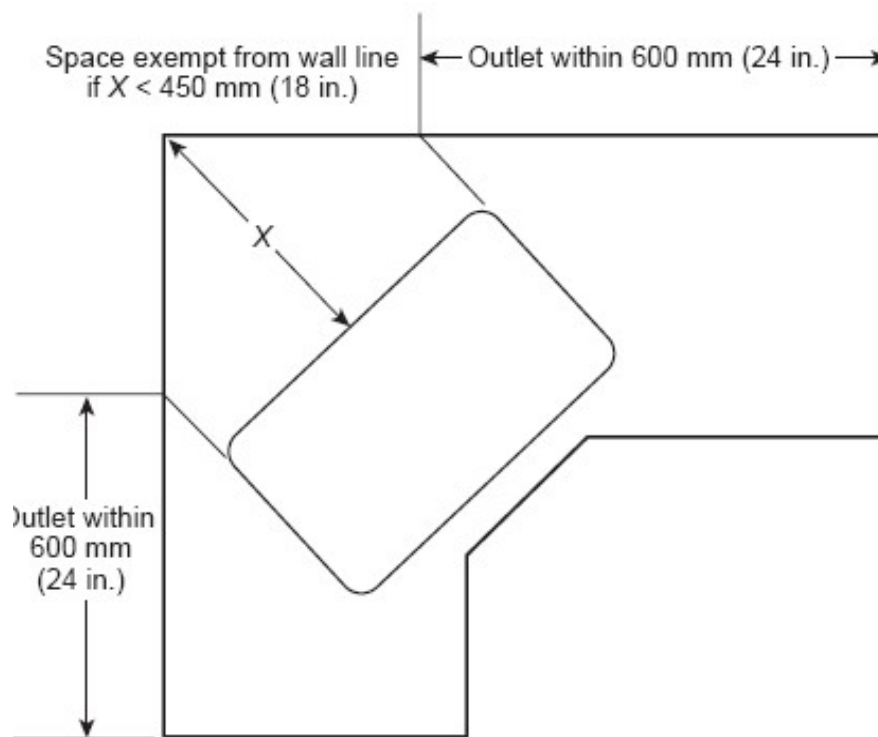
- (1) **Wall Countertop and Work Surfaces.** A receptacle outlet shall be installed at each wall countertop and work surface that is 300 mm (12 in.) or wider. Receptacle outlets shall be installed so that no point along the wall line is more than 600 mm (24 in.) measured horizontally from a receptacle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

- (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 long dimension 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 connected perpendicular wall.
- (4) **Separate Spaces.** Countertop spaces separated by range tops, 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).



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, Counter-Mounted Cooking Unit, or Sink.

Informational Note: See 406.5(E) and 406.5(G) for requirements for installation of receptacles in countertops and 406.5(F) and 406.5(G) for requirements for installation of receptacles in work surfaces.

- (5) **Receptacle Outlet Location.** Receptacle outlets shall be located on or above, but not more than 500 mm (20 in.) above, the countertop or work surface. Receptacle outlet assemblies listed for use in countertops or work surfaces shall be permitted to be installed in countertops or work surfaces. Receptacle outlets rendered not readily accessible by appliances fastened in place, appliance garages, sinks, or range tops 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 following conditions (1) and (2), receptacle outlets shall be permitted to be mounted not more than 300 mm (12 in.) below the countertop or work surface. Receptacles mounted below a countertop in accordance with this exception shall not be located where the countertop or work surface 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. 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 or basin countertop. Receptacle outlet assemblies listed for use in countertops shall be permitted to be installed in the countertop.

Informational Note: See 406.5(E) and 406.5(G) for requirements for installation of receptacles in countertops.

(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- and two-family dwellings, 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, at least one receptacle outlet shall be installed in each vehicle bay and not more than 1.7 m (5 1/2 ft) above the floor.

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.

(A) 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.

5-410

Section 210.62 of the NPFA 70, National Electrical Code, 2017 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.

5-411

Section 220.12 of the NPFA 70, National Electrical Code, 2017 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 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 are based on minimum load conditions and 100 percent power factor and may not provide sufficient capacity for the installation contemplated.

Exception No. 1: Where a building is designed and constructed to comply with an energy code adopted by the local authority and specifying an overall lighting density of less than 13.5 volt-amperes/13.5 m² (1.2 volt-amperes/1.2 ft²), the unit lighting loads in Table 220.12 for office and bank areas within the building shall be permitted to be reduced by 11 volt-amperes/11 m² (1 volt-amperes/1 ft²).

5-412

Section 225.17 of the NPFA 70, National Electrical Code, 2017 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 have adequate strength or be supported by braces or guys to safely withstand the strain imposed by the overhead feeder or branch-circuit conductors. Hubs intended for use with a conduit serving 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 where the connection is between a weather head 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 where the coupling 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.

5-413

Section 230.28 of the NPFA 70, National Electrical Code, 2017 Edition, is hereby amended to read as follows:

NPFA 70, National Electrical Code, 2017 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.

5-414

Section 230.43 of the NPFA 70, *National Electrical Code, 2017 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) Wire ways.
- (8) Busways.
- (9) Auxiliary gutters.
- (10) Rigid polyvinyl chloride conduit (PVC).
- (11) Cable bus.
- (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).

5-415

Section 230.70 of the NPFA 70, *National Electrical Code, 2017 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.

5-416

Section 230.72 of the NPFA 70, National Electrical Code, 2017 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 means 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.

5-417

Section 250.68 of the NFPA 70, National Electrical Code, 2017 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.

5-418

Section 334.12 of the NPFA 70, *National Electrical Code, 2017 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 within a dropped or suspended ceiling cavity 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.

(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.

5-419

Section 334.40 of the NPFA 70, *National Electrical Code, 2017 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.

5-420

Section 362.10 of the NFPA 70, National Electrical Code, 2017 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.

5-421

Section 701.12 of the NFPA 70, *National Electrical Code, 2017 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. Storage batteries shall be of suitable rating and capacity to supply and maintain the total load for a minimum period of 1 1/2 hours without the voltage applied to the load falling below 87.2 percent of normal. 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 the total lamp load associated with the unit for not less than (1) or (b):

(a) For a period of 1 1/2 hours, without the voltage falling below 87 1/2 percent of normal voltage

(b) The unit equipment shall supply and maintain not less than 60 percent of the initial emergency illumination for a period of at least 1 1/2 hours.

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 luminaries (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.

5-422

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, 2017 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, 2017 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.

ARTICLE 5. PLUMBING CODE

5-501 **PLUMBING CODE ADOPTED AND INCORPORATED.**

The *2018 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, Ord. 9629)

5-502 **OFFICIAL COPY.**

Not less than one (1) copy of the *2018 International Plumbing Code* shall be marked or stamped "OFFICIAL COPY AS INCORPORATED BY ORDINANCE No. 9629," 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 2018 INTERNATIONAL PLUMBING CODE.**

The *2018 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 *2018 International Plumbing Code*, unless the section or subsection is specifically identified as being deleted, modified, or amended.

5-504 **The 2018 International Plumbing Code** is hereby amended by deleting CHAPTER 1, "SCOPE AND ADMINISTRATION."

5-505 **Section 305.4.1 of the 2018 International Plumbing Code** is hereby amended to read as follows:

305.4.1 Sewer depth. *Building sewers* that connect to private sewage disposal systems shall be installed not less than 12 inches below finished grade and the point of septic tank connection. *Building sewers* shall be installed not less than 12 inches below grade.

5-506 **Sections 312.3 and 3.125 of the 2018 International Plumbing Code** are hereby amended to read as follows:

312.3 Drainage and vent water test. An air test shall be made by forcing air into the system until there is a uniform gauge pressure of 5 psi (34.5 kPa) or sufficient to balance a 10-inch (254 mm) column of mercury. This pressure shall be held for a test period of not less than 15 minutes. Any adjustments to the test pressure required because of changes in ambient temperatures or the seating of gaskets shall be made prior to the beginning of the test period.

312.5 Water supply system test. Upon completion of a section of or the entire water supply system, the system, or portion completed, shall be tested and proved tight under a water pressure not less than the working pressure of the system; or, by an air test of not less than 50 psi (344 kPa). This pressure shall be held for not less than 15 minutes. The water utilized for tests shall be obtained from a potable source of supply. The required tests shall be performed in accordance with this section and Section 107.

5-507 **The 2018 International Plumbing Code** is hereby amended by deleting **Section 312.6 Gravity sewer test.**

5-508 **The 2018 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.

5-509

Section 710.1 of the 2018 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).

5-510

The 2018 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.

5-511

Sections 918.2, 918.3, and 918.8 of the 2018 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.

5-512 **Sections 1003.2, and 1003.3.1 of the 2018 International Plumbing Code** are hereby amended to read as follows:

1003.2 Approval. The size, type and location of each interceptor and of each separator shall be designed and installed in accordance with the manufacturer's instructions and the requirements of this section based on the anticipated condition of use. Gravity grease interceptors shall be located outside the building in an accessible location; hydromechanical grease interceptors are prohibited; and automatic grease removal devices shall only be installed with the prior approval of the Building Official. Wastes that do not require treatment or separation shall not be discharged into any interceptor or separator.

1003.3.1 Grease interceptors and automatic grease removal devices required. A grease interceptor or automatic grease removal device shall be required to receive the drainage from fixtures and equipment with grease-laden waste located in food preparation areas, such as in restaurants, hotels, kitchens, hospitals, school kitchens, bars, factory cafeterias, and clubs. Fixtures and equipment shall include pot sinks, pre-rinse sinks; soup kettles or similar devices; wok stations; floor drains or sinks into which kettles are drained; automatic hood wash units and dishwashers. Grease interceptors and automatic grease removal devices shall receive waste only from fixtures and equipment that allow fats, oils, or grease to be discharged. Where a lack of space or other constraints prevent the installation or replacement of a grease interceptor, one or more grease interceptors shall be permitted to be installed on or above the floor and upstream of an existing grease interceptor.

5-513 **The 2018 International Plumbing Code is hereby amended by adding Section 1003.3.1,** which reads as follows:

1003.3.1 Discharge water temperature. No equipment or fixture shall discharge wastewater in excess of 140 degrees Fahrenheit into any grease interceptor or grease removal device.

5-514 **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. 9629)

ARTICLE 6. MECHANICAL CODE

5-601 **MECHANICAL CODE ADOPTED AND INCORPORATED.**
The *2018 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, Ord. 9630)

5-602 **OFFICIAL COPY.**
Not less than one (1) copy of the *2018 International Mechanical Code* shall be marked or stamped "OFFICIAL COPY AS INCORPORATED BY ORDINANCE No. 9630," 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 2018 INTERNATIONAL MECHANICAL CODE.

The *2018 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 *2018 International Mechanical Code*, unless the section or subsection is specifically identified as being deleted, modified, or amended.

5-604

The 2018 International Mechanical Code is hereby amended by deleting CHAPTER 1, "SCOPE AND ADMINISTRATION."

5-605

Section 303.3 of the 2018 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 *2018 International Energy Conservation Code*, as adopted by the City, and equipped with an approved self-closing device.

5-606

Sections 307.2.2 and 307.4 of the 2018 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, copper alloy, cross-linked polyethylene, polyethylene, ABS, CPVC PVC, or polypropylene pipe or tubing. 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 *2018 International Plumbing Code* relative to the material type. Condensate waste and drain line size shall be not less than 3/4-inch 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 2018 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 2018 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 *2018 International Mechanical Code*.

5-610 **Section [BE] 601.2 of the 2018 International Mechanical Code** is hereby amended to read as follows:

[BE] 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 2018 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 2018 International Mechanical Code** is hereby amended to read as follows:

603.6.1.1 Duct length. Flexible air ducts shall not 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 2018 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 shall only be allowed in Group R occupancies and only for environmental exhaust when located within the building thermal envelope.

5-614 **Section 603.8 and 603.8.2 of the 2018 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.

603.8.2 Sealing. Ducts shall be sealed, secured, and tested prior to concrete encasement. Ducts shall be leak tested as required by Section C403 of the *2018 International Energy Conservation Code*.

5-615 **[BF] Section 607.4 of the 2018 International Mechanical Code** is hereby amended to read as follows:

[BF] 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 2018 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.

5-617

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. 9630)

ARTICLE 7. FUEL GAS CODE

5-701

FUEL GAS CODE ADOPTED AND INCORPORATED.

The *2018 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, Ord. 9631)

5-702

OFFICIAL COPY.

Not less than one (1) copy of the *2018 International Fuel Gas Code* shall be marked or stamped "OFFICIAL COPY AS INCORPORATED BY ORDINANCE No. 9631," 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 2018 INTERNATIONAL FUEL GAS CODE.

The *2018 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 *2018 International Fuel Gas Code*, unless the section or subsection is specifically identified as being deleted, modified, or amended.

5-704

The *2018 International Fuel Gas Code* is hereby amended by deleting CHAPTER 1, "SCOPE AND ADMINISTRATION."

5-705

Section 303.3 of the *2018 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 *2018*

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 *2018 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 **Section 403.4.2 of the 2018 International Fuel Gas Code** is hereby amended to read as follows:

403.4.2 Steel. Steel, stainless steel, and wrought-iron pipe shall not be lighter than Schedule 40 and shall comply with the dimensional standards or ASME B36.10M and one of the following standards:

1. ASTM A53/A53M.
2. ASTM A106.
3. ASTM A312.

5-707 **Section 406.4.1 of the 2018 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.

5-708 **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 *2018 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, Ord. 9632)

5-802

OFFICIAL COPY.

Not less than one (1) copy of the *2018 International Energy Conservation Code* shall be marked or stamped "OFFICIAL COPY AS INCORPORATED BY ORDINANCE No. 9632," 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 2018 INTERNATIONAL ENERGY CONSERVATION CODE.

The *2018 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 *2018 International Energy Conservation Code*, unless the section or subsection is specifically identified as being deleted, modified, or amended.

5-804

The 2018 International Energy Conservation Code is hereby amended by deleting CHAPTER 1, "SCOPE AND ADMINISTRATION."

5-805

Section R401.3 of the 2018 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 other approved party 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 ceilings, roofs, walls, foundation components such as slabs, basement walls, crawl space walls and floors 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 performed 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 indicate 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 indicate "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 2018 International Energy Conservation Code is hereby amended to read as follows:

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

CLIMATE ZONE	FENESTRATION U-FACTOR ^b	SKYLIGHT ^b U-FACTOR	GLAZED FENESTRATION SHGC ^{b, c}	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE ^e	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 ⁱ	0	5/13
4 except Marine	0.35	0.55	0.40	49	19 ^g or 13+2 ^h	8/13	19	10/13	10, 2 ft ^l	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	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

NR = Not Required.

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: In Climate Zones 1 through 3, skylights will be permitted to be excluded from glazed fenestration SHGC requirements, provided that the SHGC for such skylights does not exceed 0.30.
- c. "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. "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. Alternatively, "15/19" shall be R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulation on the interior or exterior of the home.
- d. R-5 shall be provided under the full slab area of a heated slab in addition to the required slab edge insulation R-value for slabs, as indicated in the table. The slab edge insulation for heated slabs shall not be required to extend below the slab.
- 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 R301.1 and Table R301.1.
- g. Alternatively, insulation sufficient to fill the framing cavity and providing not less than an R-value of R-19.
- h. The first value is cavity insulation, the second value is continuous insulation. Therefore, as an example, "13+5" means R-13 cavity insulation plus R-5 continuous insulation.
- i. Mass walls shall be in accordance with Section R402.2.5. The second R-value applies where more than half of the insulation is on the interior mass of the wall.

5-807 **Section R402.2.9 of the 2018 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 comply with this requirement except where 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 **Section R402.4.1.2 of the 2018 International Energy Conservation Code** is hereby amended to read as follows:

R402.4.1.2 Testing. The building or dwelling unit shall be tested and verified as having an air leakage rate not exceeding five air changes per hour in Climate Zones 1 and 2, and three air changes per hour in Climate Zones 3 through 8. Testing shall be conducted in accordance with RESNET/ICC 380, ASTM E779 or ASTM E1827 and reported at a pressure

of 0.2 inch w.g. (50 Pascals). Where required by the code official, testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the code official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weather stripping or other infiltration control measures.
2. Dampers including exhaust, intake, makeup air, back draft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures.
3. Interior doors, where installed at the time of the test, shall be open.
4. Exterior or interior terminations for continuous ventilation systems shall be sealed.
5. Heating and cooling systems, where installed at the time of the test, shall be turned off.
6. Supply and return registers, where installed at the time of the test, shall be fully open.

Exception: When all reasonable efforts by an approved third party cannot verify an air leakage rate not exceeding three air changes per hour in Climate Zone 4, a written report of the efforts and results shall be made and signed by the party conducting the test and shall be provided to the code official. The code official is authorized to approve administratively a building or structure having a maximum of three and one-half air changes per hour.

5-809

Section 403.3.3 of the 2018 International Energy Conservation Code is hereby amended to read as follows:

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:

1. A duct air-leakage test shall not be required where the ducts and air handlers are located entirely within the building thermal envelope.
2. A duct air-leakage test shall not be required for ducts serving heat or energy recovery ventilators that are not integrated with ducts serving heating or cooling systems.

3. A duct air-leakage test shall not be required where a whole house air-leakage test is performed.

A written report of the results of the test shall be signed by the party conducting the test and provided to the code official.

5-810 **R403.5.1.1 of the 2018 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.

5-811 **Section R403.5.3 of the 2018 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.

5-812 **Table R406.4 of the 2018 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

5-813 **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. 9632)

ARTICLE 9. EXISTING BUILDING CODE

- 5-901 **EXISTING BUILDING CODE ADOPTED AND INCORPORATED.**
The *2018 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, Ord. 9329, Ord. 9633)
- 5-902 **OFFICIAL COPY.**
Not less than one (1) copy of the *2018 International Existing Building Code* shall be marked or stamped "OFFICIAL COPY AS INCORPORATED BY ORDINANCE No. 9633," 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 2018 INTERNATIONAL EXISTING BUILDING CODE.**
The *2018 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 *2018 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 2018 Existing Building Code** is hereby deleted.
- 5-905 **Section 809.1 of the 2018 International Existing Building Code** is hereby amended to read as follows:

809.1 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 *2018 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 1009.1 of the 2018 International Existing Building Code** is hereby amended to read as follows:

1009.1 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 *2018 International Plumbing Code*, the new occupancy shall comply with the intent of the respective *2018 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 **Section 1106.1 and 1106.1.1 of the 2018 International Existing Building Code** are hereby amended to read as follows:

1106.1 Addition to Group E occupancy. Where the area of an addition to an existing

Group E occupancy building is greater than 25% of the area of the existing Group E occupancy and the Group E occupancy is located in an area where the shelter design wind speed for tornadoes is 250 mph in accordance with Figure 304.2(1) of ICC 500, the addition shall have a storm shelter constructed in accordance with ICC 500.

Exceptions:

1. Group E day care facilities.
2. Group E occupancies accessory to places of religious worship.
3. Buildings meeting the requirements for shelter design in ICC 500.

1106.1.1 Required occupant capacity. The required occupancy capacity of the storm shelter shall include all buildings on the site, and shall be the greater of the following:

1. The total occupant load of the classrooms, vocational rooms, and offices in the Group E occupancy.
2. The occupant load of any indoor assembly space that is associated with the Group E occupancy.

Exceptions:

1. Where a new building is being added on an existing Group E site, and where the area of the new building does not increase the floor area of the classrooms, vocational rooms, and offices on the site by more than 25%, then the storm shelter shall at a minimum accommodate the required capacity for the new building.
2. Where approved by the code official, the required occupant capacity of the shelter shall be permitted to be reduced by the occupant capacity of any existing storm shelters on the site.

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 specified at Chapter 5, Article 1, Section 5-174 of the Code of the City of Lawrence, Kansas, 2018 Edition and amendments thereto, for each demolition permit issued by the Building Official.
(Ord. 9176, Ord. 9733)

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 **Reserved.**

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.**

The plans and specifications, 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.

CONTRACTOR LICENSE REQUIRED.

No person shall, unless otherwise exempt under Section 5-1524 of this Article,
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ARTICLE 15. CONTRACTOR LICENSING REGULATIONS

5-1501 **SHORT TITLE.**

This article shall be known as the City's "Contractor Licensing Regulations." (Ord. 9634)

5-1502 **PURPOSE.**

The Governing Body finds that, in order to advance the health, safety, and welfare of the residents of the City of Lawrence, Kansas, it is necessary to regulate and license certain occupations, including Contractors.

5-1503 **DEFINITIONS.**

The following words, terms, and phrases, when used in this Article, shall, except where the context clearly indicates otherwise, have the following meanings:

- (a) **Building.** Any Structure, usually having a roof and walls that supports or shelters any use or occupancy.
- (b) **Building Official.** The Building Codes Administrator, anyone fulfilling the duties of the Building Codes Administrator on either a temporary or permanent basis, or any designee of the City Manager, the Director of the Department of Planning and Development Services, or the Building Codes Administrator.
- (c) **Building Permit.** The permit described and governed by Chapter 5, Article 1, Section 5-141 *et seq.* of the City Code, as amended.
- (d) **City.** The City of Lawrence, Kansas.
- (e) **Contractor.** Any Person, who, unless otherwise expressly exempted by Section 5-1524 of this Article, undertakes within the City to construct, enlarge, alter, repair, move, demolish, or change the occupancy of any Building or Structure, or any part thereof, for which a Building Permit is required. Also, sometimes referred to herein as Licensee.
- (f) **Person.** Any natural person, business association, or business entity, including but not limited to a corporation, partnership, limited liability company, and the like, or any successor or assign of any of the foregoing.
- (g) **Qualifying Experience.** Work within the specific licensing classification. All claims of Qualifying Experience must be verified by a qualified and responsible Person, such as a Licensed Contractor, a Building Official, an architect, or an engineer.
- (h) **Qualifying Party.** Any natural person who has the Qualifying Experience and meets all other the requirements of this Article for the issuance of a Contractor License. Every Contractor License issued hereunder must have at least one Qualifying Party.
- (i) **Structure.** Any Building, edifice, artifice, or other piece of work that is built or constructed of parts or components that are joined or arranged in a definite manner.

5-1504 **CONTRACTOR LICENSE REQUIRED.**

No person shall, unless otherwise exempt under Section 5-1524 of this Article, undertake or perform any action in the City that is regulated by the codes specifically referenced in Sections 5-106 through 5-114 of Chapter 5, Article 1, (a) without having first obtained from the City and (b) without holding a valid Contractor License issued to that Person. The Building Official may waive the need for a contractor's license in those instances where it can

be established that no license exists for the installation, alteration, or repair of a certain type of work. (Ord. 9759).

5-1505

TYPES OF CONTRACTOR LICENSES. There shall be six separate classes of Contractor Licenses, described generally as follows:

- (a) **Class A, General Contractor.** A Class A Contractor License shall entitle the Licensee to undertake or perform any action in the City for which a Building Permit is required, including those functions for which a Class D Contractor License is required.
- (b) **Class B, Building Contractor.** A Class B Contractor License shall entitle the Licensee to undertake or perform any action in the City for which a Building Permit is required on any Building or Structure, not exceeding from grade, three stories in height, and to perform non-structural remodeling, tenant-finishes, and repairs on all Buildings and Structures, including those functions for which a Class D Contractor License is required.
- (c) **Class C, Residential Contractor.** A Class C Contractor License shall entitle the Licensee to perform any action in the City for which a Building Permit is required on any detached dwelling or duplex, including those functions for which a Class D Contractor License is required.
- (d) **Class D, Building Specialty Contractor.** There shall be four separate Class D Contractor Licenses, described generally as follows:
 - (1) **Class D, Framing Contractor.** A Class D Framing Contractor License shall entitle the Licensee to perform such work for the framing of a Building or Structure, including bearing and non-bearing walls, and to repair any of the above.
 - (2) **Class D, Concrete Contractor.** A Class D Concrete Contractor License shall entitle the Licensee to perform general concrete work, including the installation of steel or bars for the reinforcement of concrete work.
 - (3) **Class D, Roofing Contractor.** A Class D Roofing Contractor License shall entitle the Licensee to perform work for the roofing of any Building or Structure, including: the installation and repair of any roofing material; the installation or repair of roof sheathing; the installation, application, or repair of roof damp-proofing or weather-proofing; the installation of roof insulation panels or other roof insulation systems, and work incidental thereto; the repair of structural damage to an existing roof-support system; and the installation of skylights.
 - (4) **Class D, Swimming Pool Contractor.** A Class D Swimming Pool Contractor License shall entitle the Licensee to perform work to construct, install, or repair swimming pools, including pool shells, pool decks, freestanding above-ground swimming pools, the installation of pool-bonding grid systems, and pool equipment systems. Such work does not include connection to or work on electrical services, feeders, or branch circuits, water supply lines, cross-connection controls, or sanitary sewer lines.
- (e) **Class E, Trade Specialty Contractor.** There shall be four separate Class E Contractor Licenses (a Class A-D Contractor License shall not entitle the Licensee to perform work as a Class E Contractor, without having a separate Class E

License), described generally as follows:

- (1) **Class E, Mechanical Contractor.** A Class E Mechanical Contractor License shall entitle the Licensee to perform heating, ventilation, and air conditioning (HVAC) services, including the installation or servicing of mechanical systems.
 - (2) **Class E, Plumbing Contractor.** A Class E Plumbing Contractor License shall entitle the Licensee to perform plumbing services, including the installation or servicing of plumbing systems.
 - (3) **Class E, Electrical Contractor.** A Class E Electrical Contractor License shall entitle the Licensee to perform electrical services, including the installation or servicing of electrical systems.
 - (4) **Class E, Mechanical Fireplace Contractor.** A Class E Mechanical Fireplace Contractor License shall entitle the Licensee to install, service, maintain, and repair factory-built fireplace systems. The holder of a Class E Mechanical Fireplace Contractor shall only be entitled to work on factory-built fireplace systems.
- (f) **Class L, Limited Specialty Contractor.** A Class L Contractor License shall entitle the Licensee to perform certain, specifically identified specialty work of a limited scope.

5-1506

CONTRACTOR LICENSE FEES.

- (a) All Contractors obtaining or renewing a Contractor License under this Article shall pay to the City an annual Contractor License Fee of \$75.00. The Contractor License Fee shall be due at the time of application or renewal. The Contractor License Fee will not be prorated and will not be refunded upon denial, revocation, or termination.
- (b) From time to time, the Building Official shall review the amount of the Contractor License Fee to ensure that it is commensurate with the City's costs of administering the program.

5-1507

CONTRACTOR LICENSE APPLICATION. Application for a Contractor License shall be made to the Department of Planning and Development Services on a form provided by the Department for that purpose. In addition, the applicant shall complete the application in full and in writing, and shall provide, at a minimum, the following information:

- (a) **Contact Information.** The Applicant's name, address, telephone number, cellular telephone number, and e-mail address, as applicable. If the Applicant is a corporation, partnership, limited liability company, or other business association, the Applicant shall also provide the name, address, telephone number, cellular telephone number, and e-mail address, as applicable, for each Qualifying Party.
- (b) **License Being Sought.** The Contractor License being sought.
- (c) **Qualifying Experience.** Proof that the Applicant or Qualifying Party possesses the Qualifying Experience, as set forth below, for the Contractor License being sought. Qualifying Experience may be verified through the submission of copies of any licenses, trade licenses, union cards, W-4 Tax Receipts, affidavits from current or previous employers, or other relevant and trustworthy proof:

- (1) **Class A Contractor License:**
 - (A) The Applicant or Qualifying Party must have a minimum of 6 years Qualifying Experience performing Class A work; or
 - (B) The Applicant or Qualifying Party must have a valid Class B Contractor License and a minimum of 10 years Qualifying Experience as a licensed Class B Contractor.
- (2) **Class B Contractor License:**
 - (A) The Applicant or Qualifying Party must have a minimum of 4 years Qualifying Experience performing Class B work; or
 - (B) The Applicant or Qualifying Party must have a valid Class C Contractor License and a minimum of 6 years Qualifying Experience as a licensed Class C Contractor.
- (3) **Class C Contractor License:**
 - (A) The Applicant or Qualifying Party must have a minimum of 2 years Qualifying Experience performing Class C work; or
 - (B) The Applicant or Qualifying Party must have a valid Class D Contractor License and a minimum of 4 years Qualifying Experience as a licensed Class D Contractor.
- (4) **Class D Contractor License:** The Applicant or Qualifying Party must have a minimum of 2 years Qualifying Experience performing Class D work within the specialized industry (framing, concrete, roofing, or swimming pool) for which the Class D Contractor License is sought.
 - (A) **Class D Roofing Contractor License:** An Applicant or Qualifying Party, seeking a Class D Roofing Contractor License, must also submit proof that the Applicant or Qualifying Party has a current, valid State of Kansas Roofing Contractor Registration Certificate.
- (5) **Class E Contractor License:** The Applicant or Qualifying Party must have a minimum of 4 years Qualifying Experience performing Class E work within the particular trade (mechanical, electrical, plumbing, or fireplace) for which the Class E Contractor License is sought.
 - (A) The Applicant or Qualifying Party for a Class E Contractor License may substitute proof of a degree in engineering, conferred by an accredited college or university, for 2.5 years of Qualifying Experience performing Class E work; or
 - (B) The Applicant or Qualifying Party for a Class E Contractor License, who has graduated from an accredited vocational-technical school, may substitute proof of graduation for 1 year of Qualifying Experience performing Class E work.
 - (C) To establish proof of a degree in engineering or graduation from an accredited vocational-technical school, the Applicant or Qualifying Party must present a diploma or other certificate establishing the

same.

- (d) **Competency.** Proof that the Applicant or Qualifying Party has the necessary Competency for the class of Contractor License being sought. An Applicant or Qualifying Party may establish Competency as follows:
- (1) **Certificate of Competency.** The Applicant or Qualifying Party may submit a Certificate of Competency, issued by a nationally-recognized testing institution, such as those contemplated by K.S.A. 12-1509 (plumbing), K.S.A. 12-1525 (electrical), K.S.A. 12-1541 (HVAC), and K.S.A. 12-1556 (building and residential contractors), as amended, or those contemplated by the International Code Council, Kansas Roofing Contractor/Subcontractor or Prometric Roofing (roofing), or the equivalent, for the Contractor License being sought;
 - (2) **Education.** Except in the case of a Class E Contractor License, as noted below, the Applicant or Qualifying Party may submit proof of a Bachelor's Degree, conferred by an accredited college or university, in engineering, architecture, or construction science.
 - (A) **Class E Exception.** Subsection (d)(2) shall not apply to an Applicant or Qualifying Party seeking a Class E License. To obtain a Class E License, the Applicant or Qualifying Party must have obtained a Certificate of Competency under subsection (d)(1);
 - (3) **Reciprocity.** The Applicant or Qualifying Party may submit an equivalent Contractor License from another jurisdiction with whom the City has an existing and valid reciprocity agreement; or
 - (4) **Roofing Contractor Registration Certificate.** Any Applicant or Qualifying Party, seeking a Class D Roofing Contractor License, may establish Competency by submitting to the Department of Planning and Development Services, on or before 5:00 p.m., September 30, 2019, proof (A) that the Applicant or Qualifying Party has no less than five years' experience as a Roofing Contractor, (B) that the Applicant or Qualifying Party has a current, valid State of Kansas Roofing Contractor Registration Certificate, and (c) that the Applicant or Qualifying Party obtained and had a valid State of Kansas a Roofing Contractor Registration Certificate that was issued by the State prior to July 1, 2018.
- (e) **Fitness.** A statement establishing whether or not the Applicant or Qualifying Party has had a Contractor License suspended or revoked by any jurisdiction or has surrendered a Contractor License to any jurisdiction within the past 5 years.
- (f) **Application Fee.** Each Applicant and each Qualifying Party shall submit a \$75.00 Application Fee.
- (g) **License Fee.** The Contractor License Fee for each Contractor License sought, as required by Section 5-1506 of this Article.
- (h) **Insurance.** Proof of Insurance in accordance with Section 5-1510 of this Article.
- (i) **Miscellaneous.** Any other information required by the Building Official to enable him or her to determine whether the Applicant or Qualifying Party meets the requirements for the issuance of the Contractor License being sought.

5-1508

CONTRACTOR LICENSE ISSUANCE; DENIAL.

- (a) The Building Official shall review each application for a Contractor License. Within thirty (30) days of the application, the Building Official shall approve the application and shall issue to the Applicant the Contractor License being sought, unless:
 - (1) The application is incomplete;
 - (2) The application is determined to be fraudulent, to include a material misrepresentation, or to contain a false statement;
 - (3) The Applicant fails to establish, under Section 5-1507 of this Article, as amended, that the Applicant or Qualifying Party meets all qualifications, including but not limited to Qualifying Experience and Competency, required for the Contractor License being sought; or
 - (4) The Applicant or Qualifying Party has had a Contractor License revoked within the past 5 years.
- (b) If the application is determined to be deficient because it is incomplete under Section 5-1508(a)(1), including the failure to pay the Contractor License Fee or the Application Fee, the Building Official shall give notice to the Applicant and permit the Applicant fourteen (14) days thereafter within which to provide a completed application.
- (c) If the application is denied under Sections 5-1508(a)(2)-(4), or the Applicant has failed to complete the application within the fourteen-day period of Section 5-1508(b), then the Building Official shall deny the application by giving Notice of Denial to the Applicant. Notice of Denial shall be in writing, shall be mailed to the Applicant, shall inform the Applicant of the reason for denial with specificity, including all documentation supporting any allegation of fraud or material misrepresentation, and shall state that the Applicant has fourteen (14) days from the date of the Notice of Denial in which to file with the Department of Planning and Development Services any written Notice of Appeal in accordance with Section 5-1516, as amended.
- (d) The Building Official shall maintain a copy of the Notice of Denial in his or her files.

5-1509

CONTRACTOR LICENSES ISSUED TO BUSINESS ASSOCIATIONS OR OTHER BUSINESS ENTITIES.

- (a) As noted above, a Contractor License may be issued to a corporation, partnership, limited liability company, or other business association or business entity, upon application, so long as the business association or business entity has identified, in its application, at least one Qualifying Party. In order for a Contractor License to be issued to a business association or business entity, each named Qualifying Party must be:
 - (1) A stockholder or member of the board of directors of a corporation, a partner of the partnership, a member of the limited liability company, or a principal of the business association or other business entity; or
 - (2) An employee of any of the foregoing, so long as the employee works more than 30 hours per week for the business association or other business entity seeking the Contractor License.

- (b) Any change in the legal status of any corporation, partnership, limited liability company, or business association or other business entity (e.g., change of name, change in the board of directors of a corporation, change in the partners of a partnership, change in the members of a limited liability company, or other similar change) **or** any change regarding a Qualifying Party shall require the business association or other business entity issued the Contractor License to obtain a new Contractor License, reflecting that change in circumstances. Any change in legal status of a business association or other business entity **or** in a Qualifying Party shall render the existing Contractor License null and void.

5-1510

INSURANCE.

- (a) Every Licensee shall, at all times, keep in force a policy of commercial general liability insurance, including completed operations/products coverage. Such insurance policy shall be written by an insurance company licensed to do business in the state of Kansas. The Licensee shall, at all times, maintain a general liability coverage in an amount not less than \$1,000,000.00 per occurrence, single limit for bodily injury and property damage.
- (b) Every Licensee shall procure and maintain workers' compensation insurance, as required by state law.
- (c) At the time of application or renewal application, the applicant or Licensee shall provide to the Department of Planning and Development Services, as part of the application or renewal application, certificates of insurance, verifying that the applicant or Licensee has, in place, the insurance required by this Section. The City shall be added as a "Certificate Holder" to the insurance policy such that the City will receive in writing any change in coverage or cancellation of such policy at least ten days prior to such changes.
- (d) Failure to have the required insurance as required hereunder, whether it be by lapse of policy, cancellation, termination, or other action, shall render the Contractor License null and void.

5-1511

CONTRACTOR RESPONSIBILITY. Upon the issuance of any Building Permit to the Licensee, the Licensee shall be responsible for all work undertaken pursuant to that Building Permit, including all work performed by the Licensee's employees, agents, and subcontractors.

5-1512

CONTRACTOR LICENSE TERM. Each Contractor License issued under this Article, as amended, shall be valid until 11:59 p.m. on December 31 of the year in which the Contractor License is issued.

5-1513

CONTRACTOR LICENSE RENEWAL.

- (a) In order to retain a Contractor License, the Licensee must renew the Contractor License on an annual basis. To renew the Contractor License, the Licensee must submit a Contractor License Renewal Application to the Department of Planning and Development Services on a form provided by the Department for that purpose.
- (b) On or about November 1 of each year, the Building Official will mail to a Licensee a renewal Notice and the form for the Renewal Application.
- (c) To renew a Contractor License, the Licensee must, BEFORE January 1 of the

succeeding year: (1) remit to the City the Contractor License Fee as set forth at Section 5-1506; and (2) return the renewal form and all requested information, including proof of insurance as required by Section 5-1510, to the Department of Planning and Development Services.

- (d) Any renewal application received after January 1, but before May 1 of the succeeding year, shall be approved by Building Official if the Licensee includes all information required by subsection (c) and an additional \$75.00 late fee, to cover the additional costs of processing late renewal applications. If a Licensee fails to renew a Contractor License before May 1 of the succeeding year, then that Contractor License will have expired and cannot be extended. After May 1, if that Licensee wishes to continue working in the City as a Contractor, the Licensee must seek from the City a new Contractor License by filing an Application therefor in accordance with Section 5-1507 of this Article, as amended.
- (e) Failure to submit a timely renewal application (before May 1 of the succeeding year) or failure to submit the necessary information required by subsection (c) or (d) by May 1 of the succeeding year, shall be cause for the Building Official to deny the renewal application by giving Notice of Denial to the Applicant. Notice of Denial shall be in writing, shall be mailed to the Applicant, shall inform the Applicant of the reason for denial, and shall state that the Applicant has fourteen (14) days from the date of the Notice of Denial in which to file with the Department of Planning and Development Services any written Notice of Appeal in accordance with Section 5-1516. The Building Official shall maintain a copy of the Notice of Denial in his or her files.

5-1514 **CONTINUING EDUCATION.** The Department of Planning and Development Services may, by administrative policy, see Section 5-1523, establish continuing education requirements, rules, and regulation applicable to all Contractors licensed under this Article.

5-1515 **NOTICE AND ORDER.**

- (a) Any Licensee, for whom the Building Official has probable cause to believe is in violation or has violated this this Article or any provision of Chapter 5 of the City Code, as amended, shall -- in addition to any other remedy permitted by Chapter 5 of the City Code, as amended -- be sent a Notice and Order. The Notice and Order shall be served on the Licensee by hand-delivery or by first class mail addressed to the Licensee. The Notice and Order shall state:
 - (1) The condition that has caused the alleged Violation(s);
 - (2) Whether the Building Official seeks: (A) remediation of the violation, and the time that remediation must be completed; (B) to place a Contractor License on probation, or to extend a pre-existing probationary period; (C) to suspend for definite duration a Contractor License; or (D) to revoke the Contractor License; and
 - (3) That the Licensee has fourteen (14) days from the date of the Notice and Order to appeal the Notice and Order by filing with the Department of Planning and Development Services a written Notice of Appeal in accordance with Section 5-1516.

5-1516 **APPEAL.**

- (a) Any Licensee aggrieved by the action of the Building Official in issuing a Notice of

Denial or Notice and Order shall have the right to appeal that action to the Building Code Board of Appeals. Such appeal shall be taken by filing with the Department of Planning and Development Services a Notice of Appeal within fourteen (14) days of the date of the Notice of Denial or Notice and Order. The Notice of Appeal shall be in writing and shall set forth in sufficient detail why the Licensee believes that the Notice of Denial or Notice and Order was issued in error or why the penalty is excessive, inappropriate, or unreasonable. After the Notice of Appeal is filed, the Building Code Board of Appeals shall set a time and place for a public hearing. Notice of Hearing shall be given to the Licensee in the same manner as the Notice of Denial or Notice and Order. To prevail on appeal, the Licensee must prove that it is more probably true than not true that the Notice of Denial or Notice and Order was issued in error or that the penalty is excessive, inappropriate, or unreasonable.

- (b) There shall be a \$25.00 Docketing Fee due and payable at the time that any Notice of Appeal is filed.
- (c) Except where there are exigent circumstances, which exigent circumstances will be noted in the Notice and Order, the filing of a Notice of Appeal shall stay all administrative action on the Notice and Order until the appeal is heard and decided by the Building Code Board of Appeals.
- (d) On appeal, the decision of Building Code Board of Appeals shall be a final order. Any person aggrieved by a final order of the Building Code Board of Appeals shall have the right, in accordance with state law, to appeal that final order to the District Court of Douglas County, Kansas.

5-1517

PROBATION.

The Building Official or, in the case of an appeal from a Notice and Order, the Building Code Board of Appeals, shall -- in the case of a major violation, a series of minor violations, or similar conduct -- have the authority to place a Contractor License on probation. Probation may be conditioned to include a reasonable time period to remediate violations, reasonable reporting requirements, the completion of continuing education, or other reasonable requirements necessary to bring the Licensee into compliance with the City Code. Failure of a Licensee to successfully complete any and all conditions of probation shall be grounds for suspension or revocation of the Contractor License.

5-1518

SUSPENSION.

The Building Official or, in the case of an appeal from a Notice and Order, the Building Code Board of Appeals, shall have the authority to suspend a Contractor License, for a period not to exceed one year, if the Licensee commits a serious violation, fails to comply with the terms of probation, or the Building Official has probable cause to believe that the Licensee has violated federal, state, or local law and it is in the best interest of the health, safety, and welfare of the residents of the City that the Contractor License be suspended during the pendency of any investigation, administrative proceeding, or criminal proceeding arising therefrom. If the investigation, administrative proceeding, or criminal proceeding is not concluded within the period of suspension, then the period of suspension may be extended for an additional period of time not to exceed one year or until the investigation, administrative proceeding, or criminal proceeding is resolved, whichever occurs earlier. Depending on the length of the investigation or other proceeding, a Licensee may be subject to several successive suspensions.

5-1519

REVOCATION.

The Building Official or, in the case of an appeal from a Notice and Order, the Building Code Board of Appeals, shall -- in the case of a severe violation, in the case of an habitual violator, in the case where the Licensee has failed to complete probation, in the case where a

Licensee is convicted of a crime or assessed an administrative penalty related to the Licensee's work as a Contractor, or similar conduct -- have the authority to revoke a Contractor License. In making that determination, the Building Official or the Building Code Board of Appeals shall take into account the severity of the alleged violation or violations and all other relevant mitigating and aggravating circumstances, including, but not limited to whether or not the Licensee has had other revocations or convictions under this Article or in other jurisdictions. The Licensee or Qualifying Party for any Licensee of any Contractor License that is revoked shall not be eligible to apply for or to be issued, under this Article, a Contractor License for a period of 5 years.

5-1520

UNLAWFUL ACTS.

- (a) It shall be unlawful for any person to operate as a Contractor within the City limits without first obtaining from the City and without having a current, valid Contractor License as required by Section 5-1504 of this Article.
- (b) It shall be unlawful for any person to perform any action for which a Building Permit is required under Chapter 5, Article 1 of the City Code, as amended, without having a current, valid Contractor License issued to that Person and without having a valid, current Building Permit to perform that action.
- (c) It shall be unlawful for any Person to knowingly violate any provision of this Article.

5-1521

MUNICIPAL OFFENSE.

Engaging in any of the unlawful acts set forth at Section 5-1520 shall be a separate municipal offense. Any Person violating a provision of Section 5-1520 of this Article shall, upon an adjudication of guilt or the entry of a plea of no contest, be subject to a minimum fine of \$500.00 and a maximum fine of \$2,500.00 for each unlawful act. The municipal court judge shall have no authority to suspend all or any portion of the minimum fine for any conviction.

5-1522

SAFE HARBOR.

It shall be a complete defense to any Notice and Order or other disciplinary action hereunder that the Licensee performed work in accordance with and reliance upon duly certified plans and specifications prepared or approved by an architect or engineer, licensed by the state of Kansas, and without knowledge that those plans and specifications, or pertinent parts thereof, are in violation of the City Code.

5-1523

REGULATIONS.

- (a) In order to protect the health, safety, and welfare of the community, the Director of Planning and Development Services shall have the power to promulgate Administrative Regulations governing administration of the Contractor Licensing program and outlining the requirements for continuing education. Those Regulations and any amendments thereto shall be submitted to the Governing Body for final approval before they become effective. Any Regulations promulgated in accordance with this Article and approved by the Governing Body shall be dated and shall be available for inspection by the public at the City Clerk's Office during reasonable business hours. A Licensee shall receive a copy of the Regulations at the time of the issuance of the Contractor License(s).
- (b) Licensees shall comply with all Regulations promulgated hereunder.
- (c) All Regulations promulgated hereunder shall be consistent with the terms of the Article. In the event of any inconsistency or ambiguity, the terms of this Article shall

control and supersede the Regulations.

5-1524

EXEMPTIONS.

The provisions of this Article shall not apply to the following:

- (a) Any natural person employed by and working under the supervision of a Contractor having a valid Contractor License for the work being undertaken shall be exempt from the provisions of this Article; and
- (b) A natural person who owns, who personally occupies or will occupy a detached dwelling, and who undertakes the construction, alteration, repair, or maintenance of such detached dwelling or an accessory structure thereto shall be exempt from the provisions of this Article.
 - (1) While such person may be exempt from obtaining a Contractor License hereunder, such person shall be subject to the provisions governing Building Permits as established at Chapter 5, Article 1 of the City Code, as amended.
 - (2) Any person who undertakes the new construction of a detached dwelling more than 2 times in any 5-year period shall, for the purposes of this Article, be deemed a "Contractor" hereunder and shall be subject to the provisions of this Article.

5-1525

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. 9634)

ARTICLE 16. BUILDING CODE BOARD OF APPEALS

5-1601

PURPOSE.

The Governing Body finds that, in order to safeguard the health, safety, and welfare of the residents of the City of Lawrence, Kansas, and to establish and to maintain high standards of integrity, skill, and practice in the various construction fields it is necessary to regulate those fields. As part of that regulation, it is fundamentally fair and necessary that there be an appeals process. For that purpose, the Governing Body hereby establishes the Building Code Board of Appeals.

5-1602

BUILDING CODE BOARD OF APPEALS; ESTABLISHMENT; TERMS OF OFFICE; TERM LIMITS; ELECTION OF CHAIR AND VICE-CHAIR.

- (a) There is hereby established the Building Code Board of Appeals ("Board"). The Board shall be composed of not more than eleven (11) voting members. Members shall be appointed by the Mayor with approval of the Governing Body. All members of the Board shall serve without compensation. The Board will be composed of:
- (1) One Kansas-licensed professional engineer (PE), who specializes in structural engineering;
 - (2) Two Kansas-licensed professional architects;
 - (3) One Kansas-licensed professional engineer (PE), who specializes in mechanical or electrical engineering, or both;
 - (4) One City-licensed Class A or Class B Contractor, or a building construction superintendent of a business entity or association having such a license, where such person has at least ten years' experience working in the construction field and at least five years' experience working as a supervisor in the construction field;
 - (5) One City-licensed Class C Contractor, or a building construction superintendent of a business entity or association having such a license, where such person has at least eight years' experience working in the construction field and at least four years' experience working as a supervisor in the construction field;
 - (6) One City-licensed electrical contractor, or a licensed master or journeyman employee of a business entity or association having such license, where such person has at least five years' experience in the electrical trades;
 - (7) One City-licensed mechanical contractor, or a licensed master or journeyman employee of a business entity or association having such license, where such person has at least five years' experience in the mechanical trades;
 - (8) One City-licensed plumbing contractor or a licensed master or journeyman employee of a business entity or association having such license, where such person has at least five years' experience in the plumbing trades;
 - (9) One person, who shall have at least five-years' experience in the fire protection field (a licensed fire protection engineer, NICET Level III certified technician, or a fire protection systems installer is preferred);

(10) One person who shall be a member of the public at-large.

- (b) Members of the Board shall serve three-year terms, except when appointed to complete an unexpired term. As established by the bylaws, the terms of the Board members shall be staggered so that no more than four members' terms shall expire in any one year.
- (c) Board members shall serve no more than two consecutive full three-year terms. Appointment to complete an unexpired term shall not count toward the term limit. Any person who has reached the term limit shall not be eligible for re-appointment until he or she has been off the board for a period of at least one year.
- (d) Annually, at its first meeting of the year, the Board shall elect a Chair and a Vice-Chair. The Chair shall preside over meetings of the Board. The Vice-Chair shall preside over meetings of the Board in the absence of the Chair. In the absence of the Chair and Vice-Chair, the members of the Board shall elect a Chair Pro Tem, who shall preside as the temporary Chair.

5-1603

BYLAWS AND MEETINGS.

The Board shall adopt bylaws governing the procedures to be used by the Board. The bylaws shall establish specific duties and responsibilities of the Chair and Vice Chair, the time and place for meetings, rules of order, and other rules governing procedures and operations of the Board, including procedures for amending the bylaws.

6-1604

SECRETARY.

The Building Official, or his or her designee, shall serve as City liaison to the Board and shall act as Secretary. The Secretary shall, in consultation with the Chair, as necessary, be responsible for preparation of an agenda for each meeting of the Board. The Secretary shall also be responsible for recording the minutes of each meeting and for forwarding the approved minutes to the Governing Body.

6-1605

OPEN MEETINGS AND OPEN RECORDS.

All meetings of the Board shall be held in compliance with the Kansas Open Meetings Act and its records shall be subject to the Kansas Open Records Act.

5-1606

CONFLICTS OF INTEREST.

All Board members shall, by abstention, refrain from participating in the decision-making process, including discussing and voting, on any item for which he or she, his or her employer, or the entity for which he or she is representing appears before the Board, if such member has a Conflict of Interest under state law or under local law or resolution.

5-1607

BOARD DUTIES.

In addition to those duties that may be assigned to it by the Governing Body, the Board shall have the following duties:

- (a) To hear and to decide appeals from decisions made by the Building Official or the Fire Code Official, relative to building construction and enforcement of the Building Code, Existing Building Code, Residential Code, Energy Conservation Code, Electrical Code, Mechanical Code, Plumbing Code, Fuel Gas Code, and Fire Code, all as adopted by the City.
- (b) To hear and to decide appeals from decisions made by the Code Official, relative to the enforcement of the Property Maintenance Code, the Long-term Residential Rental Property Code, and the Short-term Residential Rental Property Code, all as

adopted by the City.

- (c) To hear and to decide appeals from decisions made by the Building Official, relative to the Contractor Licensing Regulations, as adopted by the City.
- (d) To make various recommendations to the Governing Body regarding adoption of or amendments to the City's Building Code, Existing Building Code, Residential Code, Energy Conservation Code, Electrical Code, Mechanical Code, Plumbing Code, Fuel Gas Code, Fire Code, and other Codes related to the regulation of building construction and maintenance.

5-1608

BURDEN OF PROOF; STANDARD OF REVIEW; LIMITATIONS; WRITTEN FINDINGS.

- (a) Unless the Code from which the appeal is brought provides otherwise, in appearing before the Board, the appellant shall bear the burden of proof to establish by a preponderance of the evidence -- *i.e.*, that it is more probably true than not true -- that the decision of the Building Official, Fire Code Official, or Code Official, from which the appeal is brought, is erroneous or that the penalty is excessive, inappropriate, or unreasonable.
- (b) In reviewing an appeal from a determination of the Building Official, the Fire Code Official, or the Code Official, the Board shall review all of the evidence presented by the appellant and the City. If, by a majority vote of the voting Board members, the Board concludes that the determination is erroneous or that the penalty is excessive, inappropriate, or unreasonable, then the Board shall reverse the determination, modify the determination, remand the determination to the appropriate official, with instructions, for reconsideration, or take whatever other action may be necessary, within the bounds of its authority, to remediate the error. If, by a majority vote of the voting Board members, the Board concludes that the determination is not erroneous or that the penalty is not excessive, inappropriate, or unreasonable, then the Board shall affirm the determination.
- (c) If, in reviewing an appeal, it appears that the provisions of the City Code do not definitively cover a method of construction, construction material, or other subject regulated by the City Code, as amended, then the Board may interpret the provisions of the City Code in a manner consistent with the intent of the City Code in order to prevent manifest injustice. However, in doing so, the Board shall **not** have the authority to interpret the administration of the City Code, nor shall the Board be empowered to waive specific requirements of the City Code.
- (d) The Board shall prepare written findings and conclusions regarding any decision it makes on appeal. The date of adoption of the written findings and conclusions shall be the date of the Board's final order.

5-1609

FINAL DECISION.

On appeal, the decision of the Board shall be a final order. Any person, including the City, aggrieved by a final order of the Board shall have the right, in accordance with state law, to appeal that final order to the District Court of Douglas County, Kansas.

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, Ord. 9663)

(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) **Residential Plumber.** A residential plumber is a person who labors at the plumbing trade in one (1) and two (2) family dwellings as an employee of a licensed plumbing contractor, and who has passed a residential plumber examination approved by the Planning and Development Services Director. A residential plumber may install plumbing systems in one (1) and two (2) family dwellings without supervision. A residential plumber shall work as an apprentice when not working on systems in one (1) and two (2) family dwellings.

(13) **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.**

(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.** Two (2) years practical field experience within the respective trade with installation experience in one- and two-family dwellings.

(d) **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.

(F) **Fees.**

Contractor See Chapter 5, Article 15 of this Code.

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.

(H) **Transfer.**

A license issued pursuant to the provisions of these regulations shall not be transferable.

(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.

(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

SHORT TITLE.

This Article shall be known as the "Sign Code" of the City of Lawrence, Kansas. (Ord. 9391)

5-1802

PURPOSE.

The Governing Body finds that, in order to advance the health, safety, and welfare, as well as the aesthetics, of the community, it is necessary to regulate certain uses within the City, including the use of Signs. (Ord. 9391)

5-1803

DEFINITIONS.

(Ord. 9391)

(A) The following words, terms, and phrases, when used in this Article, shall, except where the context clearly indicates otherwise, have the following meanings:

- (1) **Abandoned Sign.** Any Nonconforming Sign located on a building or property that is vacant and unoccupied for more than one year shall be deemed abandoned.
- (2) **Animated Sign.** Any Sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means.
- (3) **Automated Teller Machine (ATM) Sign.** A small Sign or video screen mounted on top of or in, and usually integrated into the structure of a machine that automatically provides cash and performs other automated banking functions for an account holder (commonly known as an automated teller machine (ATM)) that is used to provide instruction or to advertise services offered through an associated financial institution, and is neither legible nor intended to be legible from a Public Right of Way.
- (4) **Awning.** Any structure attached to the exterior wall or surface of a building, that is made of cloth or metal with a metal frame, that projects over private or public property or Public Right of Way, and that may be designed to be raised or lowered to a position flat against the building when not in use.
- (5) **Banner Sign.** A Temporary Sign composed of fabric or other flexible substrate that is fastened to the exterior of a building, exterior structure, or wall, that is attached to the ground by secure attachments to stakes, poles, or similar devices, or that is securely attached to a pole other than a flag pole.
- (6) **Billboard.** A permanent Sign Structure that is specifically intended and used to display Off-premises Signs and intended to be manually changed frequently or intermittently.
- (7) **Canopy.** A permanent structure or architectural projection of rigid construction, over which a covering is attached, that provides weather protection, identification, or decoration. A Canopy may be structurally independent or supported by attachment to a building on one or more sides.

- (8) **Changeable Message Sign.** A Sign that has the capability of Sign Copy, message, or content change, by means of manual or remote input, including the following:
- (a) **Manually Activated.** A Changeable Message Sign on which the Sign Copy, message, or content can be changed manually on a display surface. Examples of Manually Activated Changeable Message Signs include such things as Signs with letters and/or numbers mounted in or on a track system or Permanent Internal Ground Signs serving drive-through facilities.
 - (b) **Electrically Activated.** A Changeable Message Sign on which the Sign Copy, message, or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination often is integral to the Sign, and may be either an Internally Illuminated Sign or an Externally Illuminated Sign. See *also* Electronic Message Center (EMC) Sign.
- (9) **City.** The City of Lawrence, Kansas.
- (10) **Cladding.** A non-structural covering designed to conceal the actual structural supports of a Sign. See *also* Pole or Pylon Cover.
- (11) **Code Official.** The Building Code Official, anyone fulfilling the duties of the Building Code Official on either a temporary or permanent basis, or any designee of the City Manager, the Director of the Department of Planning and Development Services, or the Building Code Official.
- (12) **Corporate Flag.** A Flag, other than a Government Flag, that may have a Logo or Logos or other Sign Copy emblazoned upon it.
- (13) **Decorative Flag.** A Flag, other than a Government Flag, with no Logo or other Sign Copy emblazoned upon it.
- (14) **Director.** The Director of Planning and Development Services, anyone fulfilling that position on a temporary or permanent basis, or any designee of the City Manager or the Director of Planning and Development Services.
- (15) **Electronic Message Center (EMC) Sign.** A Sign that utilizes computer-generated messages or some other electronic means of changing Sign Copy. EMC Signs include displays using incandescent lamps, LEDs or LCDs, and may also enable changes to Sign Copy, message, or content to be made remotely.
- (16) **Externally Illuminated Sign.** Any Sign, where the Sign Face reflects light intentionally directed upon it by an external light source.
- (17) **Feather Sign.** A vertical, Temporary Free-standing Sign, typically constructed of a single plastic or metal shaft driven into the ground or supported by means of an individual stand, with an attached Banner Sign that is vertically elongated and attached to the shaft.
- (18) **Flag.** A sheet made of cloth, fabric, plastic or similar material that is typically square, rectangular, or triangular in shape -- but that may have other

shapes -- that is attachable by one edge to a pole, rope, or other structure, and used as a symbol or as decoration.

- (19) **Flashing Sign.** A Sign that contains flashing lights or exhibits noticeable changes in light intensity with a basic “on-off” of the same light source or display pattern, or that includes the illusion of intermittent or flashing light by means of animation or an externally-mounted intermittent light source. Generally, the Sign Copy is constantly repeated or flashed. An Electronic Message Center (EMC) Sign shall be classified as a Flashing Sign when the Sign Copy is repeated or flashed more than once every 3 seconds.
- (20) **Foot Candle.** An English unit of measurement of the amount of light falling upon a surface (Illuminance). One foot candle is equal to one lumen per square foot and can be measured by means of an Illuminance meter.
- (21) **Fuel Pump Sign.** A small Sign or video screen mounted above or in, and integrated into the structure of an operable fuel dispensing pump, that is used to advertise the brand name of the fuel dispensed from the pump or to advertise goods offered for sale on the same lot on which the fuel pump is located, and that is neither legible nor intended to be legible from a Public Right of Way.
- (22) **Fuel Pump Topper Sign.** A small Sign affixed to the top of an operable fuel-dispensing pump that is used to advertise goods offered for sale on the same lot on which the fuel pump is located, and that is neither legible nor intended to be legible from a Public Right of Way.
- (23) **Government Flag.** A Flag of the United States, a State, a County, a City, or other governmental entity, or that of a foreign nation.
- (24) **Governmental Sign.** Any type of Sign that is constructed, placed, or maintained by or at the direction of federal, state or local government. Governmental Signs include, but are not limited to: Signs required to enforce or provide notice of a property owner’s rights; Signs for safety of the public; traffic control or similar regulatory devices designed and located to control traffic movement and safety of vehicles and pedestrians in accordance with uniform traffic control device standards, such as the Manual for Uniform Traffic Control Devices (“MUTCD”); and Banner Signs approved and installed within Public Rights of Way under the City of Lawrence Streetlight Banner Program overseen by the City Manager.
- (25) **Illuminance.** The amount of light falling upon a real or imaginary surface, commonly called “light level” or “illumination.” Illuminance is measured in Foot Candles in the English system and in lux in the metric (SI) system.
- (26) **Internally Illuminated Sign.** Any Sign for which the source of light is entirely enclosed within the Sign.
- (27) **Logo.** A stylized group of letters, words, symbols, or combination thereof used to identify and represent a business, organization, group, team, or product and to differentiate it from others.
- (28) **Marquee.** A roof-like structure of a permanent nature that projects from the wall of a building. It may overhang a Public Right of Way.

- (29) **Memorial Sign or Tablet.** A smaller Sign or tablet used for commemorating, honoring, or remembering a person, place, or event, or for commemorating the name of a building and date of construction, when cut into or raised in integral relief on any masonry surface or when constructed of bronze or other similar Noncombustible Material.
- (30) **Minor Sign.** A Sign, not more than 4 square feet in area, intended to convey messages to internal users of a site, and generally not visible from or intended to convey messages to persons in the Public Right of Way. Examples of Minor Signs include such things as parking instructions, directional or wayfinding information, security warnings, business identification, or other similar communications that are accessory to the use of the site and any building located thereon.
- (31) **Mobile Sign.** A Sign affixed to a truck, automobile, trailer or other vehicle, excluding taxi cabs, pedicabs, buses, or mobile food units.
- (32) **Nit.** A photometric unit measuring Illuminance. One Nit is equal to one cd/m² (candela per square meter).
- (33) **Noncombustible Material.** Any material that has been tested in accordance with ASTM E 136, "Standard Test Method for the Behavior of Materials in a Vertical Tube Furnace at 750°C," and that complies with ASTM E 136 standards.
- (34) **Nonconforming Sign.** Any Sign that was lawful at the time of installation, erection, construction, hanging, or alteration, but is now prohibited by the Sign Code.
- (35) **Off-premises Sign.** A Sign installed, erected, constructed, or hung on a site or property that is not appurtenant to the use of, products being sold on, work being performed on, or the sale, lease, or rental of the land on which the Sign is located.
- (36) **On-premises Sign.** A Sign installed, erected, constructed, or hung on a site or property appurtenant to the use of, products being sold on, work being performed on, or the sale, lease, or rental of the land on which the Sign is located.
- (37) **Pennant Streamer.** A Temporary Sign display made of flexible materials, often triangular in shape, referred to as pennants, and displayed with other pennants on a rope, string, or wire.
- (38) **Permanent Sign.** A Sign, constructed of durable materials and attached to a wall or imbedded in or constructed on a foundation in the ground, that does not allow removal without special tools or equipment and which is intended to exist on more than a transitory or temporary basis.
- (39) **Person.** Any natural person, business association, or business entity, including but not limited to a corporation, a partnership, a limited liability company, a sole proprietorship, a political subdivision of the State or other governmental entity, a public or private agency, a utility, or any other legal entity, or any successor or assign of any of the foregoing.

- (40) **Pole Cover or Pylon Cover.** An enclosure designed to conceal poles and/or other structural supports of a Sign. See *also* Cladding.
- (41) **Portable Pedestrian Sign.** A Portable Sign, often referred to as an “A-Frame” or “sandwich board,” designed and constructed with durable materials and quality aesthetics for use on a recurring basis.
- (42) **Portable Sign.** A Sign or Sign Structure, without a permanent foundation and not otherwise permanently attached to a fixed location, that can be carried, towed, hauled, or transported and is primarily designed to be moved rather than limited to a fixed location, regardless of any modifications that may limit its portability.
- (43) **Projecting Wall Sign.** A type of Wall Sign, suspended from or supported by a building and projecting more than 18 inches therefrom.
- (44) **Public Property.** Any land owned by the City or other governmental entity.
- (45) **Public Rights of Way.** Those areas of real property in which the City has a right of way interest, whether through acquisition or dedication. It shall include the area on, below, or above any present and future public street, alley, avenue, road, highway, parkway, boulevard, bridge, sidewalk, walkway, or other public way.
- (46) **Roof Sign.** A Sign, installed, erected, constructed, or hung upon or above a roof or parapet of a building, that extends above the highest point of the building.
- (47) **Scrolling Message Sign.** An Electronic Message Center (EMC) Sign that includes a Sign Copy transition where the Sign Copy that is leaving or appearing passes horizontally across the Sign Face.
- (48) **Sign.** Any name, identification, description, display, or illustration that is affixed to, painted, or represented directly or indirectly upon a building or other outdoor surface or support structure and that directs attention to or is designed or intended to direct attention to the Sign Face or to an object, product, place, building, structure, activity, person, institution, organization, or business, including all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof. For the purposes of the Sign Code, a Work of Art, as defined in this Article, is not considered to be a Sign. Likewise, any Sign located entirely within an enclosed structure and not exposed to a Public Right of Way or parking lot is not, for the purposes of the Sign Code, considered to be a Sign.
- (49) **Sign Alteration.** Any change or modification to the size, shape, height, width, or depth of a Sign, Sign Structure, or Sign Cabinet; any replacement or reconstruction of a Sign Structure foundation or base, or any replacement of poles or pylons that support a Sign or Sign Structure. Sign Alteration does not include the replacement of existing Sign Face, ordinary repair or maintenance of an existing Sign or Sign Structure (such as masonry tuck-pointing, sandblasting, patching of holes, painting or recovering an existing Sign pole), or replacement or upgrade to internal electrical components of an existing Sign or Sign Cabinet.

- (50) **Sign Cabinet.** A structural frame that encloses one or more translucent Sign Face panels, one or more transparent exposed neon channel letters, or one or more opaque, routed, push-through faces that are mounted within the structural frame, and that may contain a light source illuminating the Sign Face panels.
- (51) **Sign Copy.** The letters, numerals, figures, symbols, Logos, and graphic elements constituting the content or message of a Sign.
- (52) **Sign Face.** The surface upon, against, or through which the Sign Copy is displayed or illustrated, not including structural supports, architectural features of a building or Sign Structure, nonstructural thematic or decorative trim, or any areas that are separated from the background surface upon which the Sign Copy is displayed by a distinct delineation, such as a reveal or border.
- (53) **Sign Structure.** Any structure that is built or constructed and supports or is capable of supporting a Sign, as defined herein. A Sign Structure shall include the foundation and base, the poles or pylons that support the Sign, any structural extensions that support a Sign or Sign Cabinet, and any structural framework that supports a Sign, Sign Face, or Sign Cabinet.
- (54) **Snipe Sign.** A Sign that is attached to a utility pole, tree, fence, or similar object, located on public or private property.
- (55) **Street Frontage.** The portion of a lot or tract that directly abuts a street or thoroughfare, as those terms are defined in the Land Development Code, Chapter 20 of the City Code, as amended. Street Frontage is measured in linear feet.
- (56) **Temporary Sign.** A Portable Sign that is not permanently embedded in the ground or permanently affixed to a building or structure, and that is designed or intended to be displayed for a limited time. Typically, a Temporary Sign is constructed of cloth, canvas, light fabric, cardboard, wallboard, aluminum or other similar light materials, with or without frames. A Temporary Sign does not include a Permanent Sign with temporary or changeable Sign Copy or a Portable Pedestrian Sign, as defined herein.
- (57) **Transition Duration.** On an Electrically Activated Changeable Message Sign, or Electronic Message Center (EMC) Sign, the interval of time between the change from one complete static Sign Copy to another complete static Sign Copy.
- (58) **Transition Method.** A visual effect, applied to an Electrically Activated Changeable Message Sign or an Electronic Message Center (EMC) Sign display, transitioning from one Sign Copy to the next. Lawful Transition Methods are:
- (a) **Dissolving.** A frame effect accomplished by varying the light intensity or pattern, in which the first frame gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second frame; and

- (b) **Fading.** A frame effect accomplished by varying the light intensity, where the first frame gradually reduces intensity to the point of not being legible (*i.e.*, fading to black) and the subsequent frame gradually increases intensity to the point of being legible.
- (59) **Traveling Message Sign.** An Electronic Message Center (EMC) Sign that includes a Sign Copy transition where the Sign Copy that is leaving or appearing passes vertically across the Sign Face.
- (60) **Vacant Sign.** Any Sign located on a building or property that is vacant and unoccupied for more than 60 days.
- (61) **Wall.** The exterior surface of a building or structure. For the purposes of this Article, other than size limitations, the term Wall shall include mansard-type or sloped-roof structures, as well as Marquees, Canopies, and Awnings, as defined in this Article.
- (62) **Wall Sign.** A Sign painted, printed, or attached to the Wall of a building, including Marquees, Canopies, Awnings, or other fixed building surface, in a permanent manner, or an Internally Illuminated Sign greater than 12 square feet in area and mounted on the interior side of a window, with a scale and design intended to be legible to vehicles or pedestrians from a Public Right of Way or from a private sidewalk, walkway, or parking lot.
- (63) **Window Sign.** A Sign posted, painted, placed, or affixed in or on a window or a Sign that is located on the interior of a structure that is exposed to public view from the exterior of the structure through a window.
- (64) **Work of Art.** Any mural painting or decoration, inscription, mosaic, painted glass, bas-relief, or other similar art form of a permanent character that is intended for decoration, ornament, or commemoration and that is applied to, placed upon, or erected on an any lot or parcel or Wall of any building or structure. Typically, a Work of Art does not incorporate Logos or commercial speech.
- (65) **Zoning District.** An area of the City within which certain uniform regulations and requirements, or various combinations thereof, apply to each lot in that area under the provisions of the City's Land Development Code, Chapter 20 of the City Code, as amended. Zoning District boundaries established by the City's Land Development Code are designated on the Official Zoning District Map for the City, as may be amended from time to time.

5-1804

SIGN PERMIT REQUIRED.

(Ord. 9391, Ord. 9439)

- (A) No person shall install, erect, construct, hang, or alter any Sign within the City without first obtaining from the City a Sign Permit, unless such is otherwise exempt under Section 5-1812 of this Article.
- (B) No person shall replace the Sign Copy or Sign Face on any existing Sign within the City without first obtaining from the City a Sign Permit, unless such is otherwise exempt under Section 5-1812 of this Article.

5-1805

SIGN PERMIT APPLICATIONS.

Application for a Sign Permit shall be made to the Director on a form provided for that

purpose. The applicant shall complete the application in writing and shall provide sufficient information to afford the Code Official reviewing the application a full and accurate overview of the proposed Sign, Sign Alteration, or replacement of Sign Copy or Sign Face. (Ord. 9391)

(A) Application for a Sign Permit shall include at least the following:

- (1) The name of the applicant and contact information, including an address, telephone number, and e-mail address, if any.
- (2) The name of the owner of the real property, if different than the applicant, upon which the Sign, for which the Sign Permit is sought, is or would be located, including an address, telephone number, and e-mail address, if any.
- (3) The name of the Person, if different than the applicant, installing, erecting, constructing, hanging, or altering the Sign, for which the Sign Permit is sought, including an address, telephone number, and e-mail address, if any.
- (4) A site plan showing the location or proposed location of the Sign, for which the Sign Permit is sought, and the location and type of any other Sign or Signs existing on the same lot.
- (5) For any Permanent Free-standing Sign, a drawing, photograph, or digital image that shows the graphics, the dimensions, and the height above grade -- measured from the ground to the top of the Sign -- of the Sign, for which the Sign Permit is sought.
- (6) For any Wall Sign, a drawing, photograph, or digital image that shows the wall, the area of the wall, and the elevation of the wall on which the Sign, for which the Sign Permit is sought, is or will be affixed.
- (7) For any Temporary Sign or Signs, the number of Temporary Signs, for which a Sign Permit is sought, and the proposed duration of the Temporary Sign or Signs.
- (8) Any additional information required by the Code Official that will assist him or her in reviewing the Application for a Sign Permit.
- (9) The Sign Permit Fee as established at Section 5-1806, *infra*.
- (10) The signature of the applicant and the date of the application.

(B) In addition to the foregoing, applications for a Sign Permit for an Electronic Message Center (EMC) Sign shall also include the following:

- (1) Specifications from the manufacturer of the proposed Electronic Message Center (EMC) Sign, providing the maximum Nit (or equivalent) rating for the Sign, for which the Sign Permit is sought.
- (2) Information from the manufacturer of the proposed Electronic Message Center (EMC) Sign, describing the dimming control that will be provided with the Sign, for which the Sign Permit is sought.
- (3) A letter signed by the Person responsible for the Sign, either the applicant or the owner or tenant of the property upon which the Sign is or is

proposed to be located, acknowledging that said Person shall comply with all Sign Code regulations, including those governing Electronic Message Center (EMC) Signs, as set forth in Section 5-1820 of this Article.

- (4) For any Electronic Message Center (EMC) Sign, having a maximum Illuminance rating not exceeding 3,000 Nits or the equivalent thereof, the applicant is excused from providing the items required by subsections (b)(2) and (b)(3) of this Section.
- (C) The City shall also require, for any Internally Illuminated Sign or Externally illuminated Sign, for which a Sign Permit is sought, an Electrical Permit, separate from the Sign Permit. However, no separate Electrical Permit shall be required in those cases where permanent electrical wiring with connection pigtail for the Sign, for which the Sign Permit is sought, has previously been installed under a valid Building Permit or Electrical Permit.

5-1806

SIGN PERMIT FEES.

(Ord. 9391)

- (A) All Persons submitting an Application for a Sign Permit shall pay a Sign Permit Fee in accordance with the following schedule:
 - (1) For any new, relocated, expanded, or structurally altered Permanent Wall Sign, Free-standing Sign, Pedestrian Sign, or Internal Ground Sign: \$75.00.
 - (2) For any Sign Copy or Sign Face replacement, where there is no other alteration to the Sign or the Sign Structure: \$50.00.
 - (3) For any Temporary Sign(s): \$25.00 per application, regardless of the number of Temporary Signs requested.
- (B) The Sign Permit Fee shall be for each separate Sign for which a Sign Permit is sought, except in the case of Temporary Signs where the Sign Permit Fee is per application.
- (C) The purpose of the Sign Permit Fee is to recapture the costs to the City of reviewing and processing the Application for a Sign Permit.

5-1807

ACTION ON SIGN PERMIT APPLICATION.

(Ord. 9391)

- (A) The Code Official shall examine each application for a Sign Permit. Within 28 days of receiving an Application for a Sign Permit, the Code Official shall approve the application unless:
 - (1) The application is incomplete;
 - (2) The application is determined to be fraudulent, to include a material misrepresentation, or to contain a false statement; or
 - (3) The application discloses, on its face, that the proposed Sign or the proposed Sign Alteration does not conform to the Sign Code or other pertinent law.
- (B) If the application is determined to be deficient because it is incomplete under

subsection (a)(1), including the failure to pay the Sign Permit Fee, then the Code Official shall give notice to the applicant and shall allow the applicant 14 days therefrom within which to complete the application.

- (C) If the application is denied under subsection (a)(2) or (a)(3), or the applicant has failed to complete the application within the 14-day period of subsection (a)(1), then the Code Official shall deny the application by giving a Notice of Denial to the applicant. Notice of Denial shall be in writing, shall be transmitted to the applicant, shall inform the applicant of the reason for denial with specificity, including all documentation supporting any allegation of fraud or material misrepresentation, and shall state that the applicant has 14 days from the date of the Notice of Denial in which to file with the Director any written Notice of Appeal in accordance with Section 5-1827 of this Article.

5-1808 **SIGN PERMIT DURATION.**

Each Sign Permit shall be valid for a period of 180 days after issuance. If the proposed Sign or alteration of an existing Sign is not completed and Final Approval of the Sign is not obtained within that 180-day period, then the Sign Permit shall expire and shall be null and void. Upon a showing of good cause, the Code Official may grant to the applicant an additional 180 days within which to complete the work and to obtain Final Approval of the Code Official. (Ord. 9391)

5-1809 **SIGN PERMIT SUSPENSION OR REVOCATION.**

The Code Official shall have the authority to suspend or revoke any Sign Permit issued hereunder if the Code Official finds that the Sign Permit was issued in error, was issued on incorrect, inaccurate, or incomplete information, or the applicant's work is undertaken or performed in violation of the Sign Code or any other pertinent law. Any Notice of Suspension or Notice of Revocation shall be in writing, shall be transmitted to the applicant, shall inform the applicant of the reason for suspension or revocation, and shall state that the applicant has 14 days from the Notice of Suspension or Notice of Revocation in which to file with the Department of Planning and Development Services any written Notice of Appeal in accordance with Section 5-1827 of this Article. (Ord. 9391)

5-1810 **INSPECTIONS.**

The Code Official may, from time to time, as he or she deems it necessary, inspect any Sign subject to the Sign Code to determine whether the Sign is in good repair, in a proper state of preservation, and otherwise in compliance with the Sign Code. If the Sign is in disrepair or is in violation of the Sign Code or other pertinent law, then the Code Official shall issue a Notice and Order pursuant to Section 5-1824(a) of this Article. (Ord. 9391)

5-1811 **FINAL INSPECTION.**

Upon completion of any Sign or alteration of any Sign, for which a Sign Permit was issued, the applicant shall inform the Code Official, who shall make a final inspection. If the Sign is following the Sign Code and other pertinent laws, the Code Official shall issue Final Approval of the Sign. If the Sign is not in compliance with the Sign Code or other pertinent law, then the Code Official shall issue a Notice and Order pursuant to Section 5-1824(a) of this Article. (Ord. 9391)

5-1812 **SIGN PERMIT EXEMPTIONS.**
(Ord. 9391, Ord. 9439)

- (A) The following Signs are exempt from the Sign Permit requirement:

- (1) **Address Numbers.** In accordance with Section 16-113 of the City Code, as amended, all buildings within the City shall be numbered. Each address

may have a maximum of two Signs, one Wall Sign and one Free-standing Sign, displaying Address Numbers that are exempt from the Sign Permit requirement, subject to the following:

- (A) Wall Signs shall be mounted between 4 feet and 10 feet above grade to enhance visibility.
 - (B) Free-standing Signs shall be located at the primary access point to the property and, for visibility purposes, shall be no more than 3 feet in height.
- (2) **Governmental Signs.**
 - (3) **Government Flags.**
 - (4) **Decorative Flags.** To the extent that they are limited to 3 in number and do not exceed 24 square feet in size, Decorative Flags are exempt from the Sign Permit requirement.
 - (5) **Corporate Flags.** To the extent that they are limited to 1 in number, do not exceed 24 square feet in size, are mounted on a flag pole, and set back 25 feet from a Public Right of Way, Corporate Flags are exempt from the Sign Permit requirement.
 - (6) **Window Signs.**
 - (A) In any non-residential Zoning District, non-illuminated Window Signs that are mounted in the interior of a structure or applied directly to the interior or exterior of first-floor windows, between 2 feet and 12 feet above grade, are exempt from the Sign Permit requirement.
 - (B) In any non-residential Zoning District, Internally Illuminated Window Signs that are mounted in the interior of a structure or applied directly to the interior or exterior of first-floor windows, between 2 feet and 12 feet above grade and do not exceed 12 square feet in size, are exempt from the Sign Permit requirement.
 - (7) **Small, Non-illuminated Wall Signs.** To the extent that they are limited to 1 per Wall, are not illuminated, and do not exceed 3 square feet in area, small Wall Signs are exempt from the Sign Permit requirement.
 - (8) **Temporary Signs.** To the extent that they meet the standards, established at Section 5-1818(e) and Section 5-1819(d) of this Article, Temporary Signs are exempt from the Sign Permit requirement.
 - (9) **Minor Signs.**
 - (10) **Portable Pedestrian Signs.** To the extent that they meet the standards established at Section 5-1819(b) of this Article, Portable Pedestrian Sign are exempt from the Sign Permit requirement.
 - (11) **Automated Teller Machine (ATM) Signs.**
 - (12) **Fuel Pump Signs.**

(13) **Fuel Pump Topper Signs.**

(14) **Memorial Signs or Tablets.**

- (B) Unless specifically stated otherwise, Signs that are exempt from the Sign Permit requirement do not count toward any size allocation standard established in the Sign Code.
- (C) All Signs, including those that are exempt from the Sign Permit requirement, must, unless granted a variance under Section 5-1828 of this Article, comply with all provisions of the Sign Code.

5-1813

SIGN CONTRACTOR LICENSING.

(Ord. 9391)

- (A) No Person shall engage in the business of installing, erecting, constructing, hanging, or altering any Sign within the City without first obtaining from the City a Sign Contractor License.
- (B) To obtain a Sign Contractor License, a Person must submit to the Code Official written application, upon a form provided for that purpose, a Contractor License Fee of \$100.00 and proof of insurance.
- (C) Each Sign Contractor License shall be valid for a period of one year. The renewal fee shall be \$50.00 for each subsequent year.
- (D) Each Person holding a Sign Contractor License shall maintain in force, at all times, a policy of commercial general liability insurance, including completed operations/products coverage, in an amount not less than \$500,000.00 per occurrence, single limit for bodily injury and property damage. Such insurance shall be written by an insurance company authorized to do business in the state of Kansas. The City shall be named on any such policy as a "Certificate Holder" to be notified of any changes or cancellation in coverage.
- (E) Each Person holding a Sign Contractor License and employing others shall maintain workers' compensation insurance, as required by law.
- (F) No Sign Contractor License shall be required of any Person employed by a Person holding a Sign Contractor License, or by any Person installing, erecting, constructing, hanging, or altering any Temporary Sign or any Sign exempt from the Sign Permit requirement.
- (G) Failure to comply with any of the foregoing requirements shall be grounds for the Department to deny an application for a Sign Contractor License or to revoke a Sign Contractor License.
- (H) Any Person aggrieved by a denial or revocation of a Sign Contractor License may appeal such decision to the Sign Code Board of Appeals by filing with the Director, within 14 days of the decision, written Notice of Appeal in accordance with Section 5-1827 of this Article.

5-1814

DESIGN AND CONSTRUCTION.

All Signs shall be installed, erected, constructed, hung, or altered in accordance with this Sign Code and all other pertinent laws in effect and enforced by the City and other regulatory

agencies. (Ord. 9391)

5-1815 **MAINTENANCE OF SIGNS.**

All Signs, together with all supports, braces, guys, and anchors, shall be maintained in good repair and in a proper state of preservation. (Ord. 9391)

5-1816 **DIMENSIONAL STANDARDS**

The following shall be used in interpreting dimensional standards for all Signs: (Ord. 9391)

- (A) **General Area Calculation.** The areas of Signs mounted on or displayed as a standard geometrical shape shall be measured by the standard mathematical formula for that shape. Signs mounted on or displayed as an irregular shape shall be measured by the smallest area of up to two standard geometrical shapes that can encompass the entire Sign mounting. See *Figure 5-1816.1*.

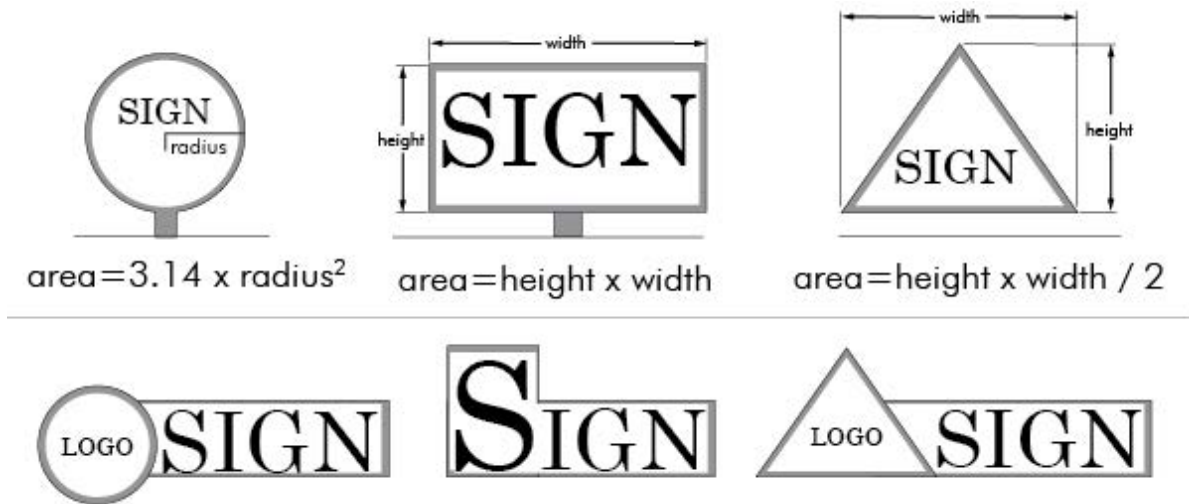


Figure 5-1816.1 General Area Calculations

Typical method for measuring typical Sign shapes; irregular Signs are measured within the smallest area of up to two geometric shapes that contains the entire Sign.

- (B) **Detached Signs.** The area of the Sign shall be computed by the entire area of the Sign Face of the Sign Structure, Sign Cabinet, or module, enclosed by the border of the frame.
- (C) **Wall, Window, or Other Building-Mounted Signs.** Any building-mounted Sign, mounted on a background, shall be measured by the area of the background. When the Sign is mounted directly on a Wall, the area shall be computed by means of the smallest single and continuous perimeter of up to two standard geometric shapes that enclose the outer limits of the Sign Copy, Logo, or other display. Gaps in Sign Copy, Logos, or other display that exceed more than two times the height of the Sign area, when using the same single continuous perimeter above, may be subtracted from the calculation of the Sign area, but shall be considered to be two separate Signs. See *Figure 5-1816.2*. The area of the Wall or window area for the purposes of determining an allowed percentage shall be the total surface of the Wall or window visible in an elevation view.

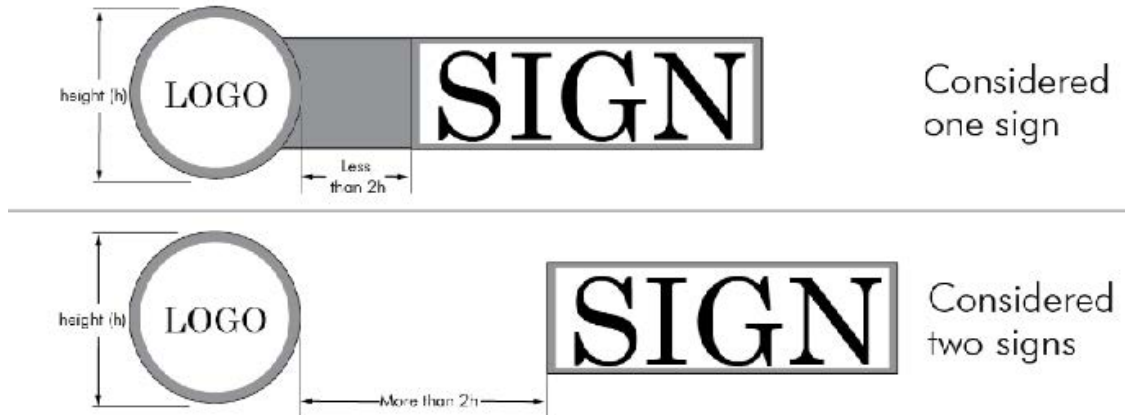


Figure 5-1816.2 Gaps Between Signs. Larger gaps may be subtracted from Sign area calculations, but is considered two separate Signs.

- (D) **Decorative Elements.** Embellishments such as Cladding, Pole Covers, Pylon Covers, framing, decorative roofing, and support structures shall not be included in the Sign area measurement when such contains no Sign Copy, Logo, or other display.
- (E) **Double-Faced Signs.** Where the Sign Faces of a double-faced Sign are no more than 3 feet apart at any location, only one Sign Face will be measured in computing Sign area. Where the Sign Faces of a double-faced Sign are of unequal area, the Sign area will be the area of the larger Sign Face. In all other cases, the areas of all Sign Faces of a multi-faced Sign or the surface area of objects will be added together to compute the Sign area. See Figure 5-1816.3.

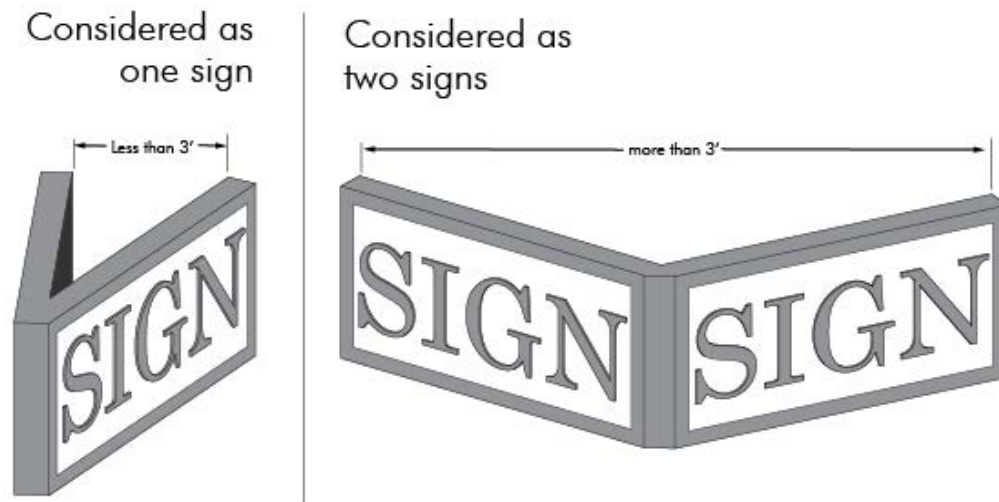


Figure 5-1816.3 Double-face Signs. When opposing faces are within three feet,

a double-faced Sign is considered one Sign and the area of one-face is the size; when separated by more than three feet, each profile is considered a Sign and counts to the total Sign area.

- (F) **Height.** Sign height is measured from the lowest grade directly below the Sign to the highest point on the Sign or Sign Structure.
- (G) **Clearance.** Sign clearance is measured from the highest point of the ground directly below the Sign to the lowest point on the Sign Structure enclosing the Sign Face.

5-1817

RESTRICTIONS APPLICABLE TO ALL SIGNS.

(Ord. 9391)

- (A) No person shall install, erect, construct, or hang any Sign within a Public Right of Way.
 - (1) The foregoing prohibition shall not apply to Governmental Signs, or to similar Signs required by applicable federal, state, or local law, or where specifically exempt hereunder.
- (B) No Sign shall imitate or resemble any Governmental Sign providing traffic directions or providing public safety information.
- (C) No Sign, located in the triangle formed by two curb lines at the intersection of two streets, a street and an alley, two internal access streets, an internal access street and a street, or a driveway and a street, extending for a distance of 50 feet each way from the intersection of the curb lines, shall exceed a height of more than 36 inches above the road level of the adjoining street, alley, or driveway, so that it does not impede or obstruct the view of a driver of a motor vehicle approaching the intersection.
- (D) No Sign shall be installed, constructed, hung, or placed on any vehicle or trailer, when such Sign is visible from a Public Right of Way and where the effect is to circumvent the Sign Code. The foregoing prohibition shall not apply to taxi cabs, pedicabs, buses, or Mobile Food Units, unless it is clear that the intent is to evade the restrictions of the Sign Code.
- (E) No Sign attached to a building, including Wall Signs, shall extend vertically above the highest proportion of any roof-line or parapet, whichever is less.
- (F) All Signs projecting over walkways, sidewalks, or other areas in front of a building, or other active area where pedestrians have access, shall maintain at least 8 feet of vertical clearance.
- (G) No person shall install, erect, construct, or hang any Sign within a public utility or drainage easement.
 - (1) The foregoing prohibition shall not apply to Governmental Signs, or to similar Signs required by applicable federal, state, or local law for the location of utilities, or where specifically exempt hereunder.
- (H) No Sign, other than Governmental Signs, shall be installed, erected, constructed, hung or placed nearer than 5 feet to the side or rear lot line (as those lot lines are defined in the City's Land Development Code, Chapter 20 of the City Code, as amended) of the lot on which the Sign is located.

- (I) No Sign shall include balloons, Pennant Streamers, pennants, or other air activated elements, or any Animated Sign elements, whether animated by mechanical, electrical, or environmental means. The foregoing prohibition shall not apply to Flags, Corporate Flags, Decorative Flags, Government Flags, or Feather Signs, as those terms are defined in this Article.
- (J) All Internally Illuminated Signs and Externally Illuminated Signs shall be designed to eliminate negative effects on surrounding Public Rights of Way and adjacent properties. The light from an Internally Illuminated Sign or Externally Illuminated Sign shall not flash or oscillate, or create a negative effect on residential uses in direct line-of-sight of the Sign.
- (K) External light sources illuminating any Externally Illuminated Sign or other Sign shall be directed and shielded to limit direct illumination of any object other than the Sign.
- (L) Except as may otherwise be permitted in any Planned Development, any Sign bearing a commercial message shall be an On-Premises Sign.

5-1818

RESTRICTIONS BY ZONING DISTRICT

(Ord. 9391, Ord. 9439)

- (A) **Sign Types.** The following Sign types are distinguished for the purposes of this Article. See *Figure 5-1818.1* and *Table 5-1818.2*.



Figure 5-1818.1. Sign Types. This figure depicts examples of various Sign types listed in Table 5-1818.2.

Table 5-1818.2: Sign Types

Type	Description
A Permanent Wall Sign	A Sign painted, printed, or attached to the Wall of a building, including Marquees, Canopies, Awnings, or other fixed building surface, in a permanent manner, with a scale and design intended to be legible to vehicles or pedestrians from a Public Right of Way or from a private sidewalk, walkway, or parking lot that serves or supports the building or the development in which the building is located.
B Permanent Free-standing Sign	A detached Sign that is mounted to the ground in a permanent manner independent from any building with a scale and design legible primarily to vehicles or pedestrians in the Public Right of Way. Permanent free-standing Signs encompass two specific Sign types: <i>Monument Sign:</i> A type of permanent free-standing Sign mounted on an enclosed, solid base, or ornamental surface structure, or on poles, pylons, or similar structures that are concealed with a Pole Cover, Pylon Cover, or Cladding. <i>Pole Sign:</i> A type of permanent free-standing Sign constructed on one or more poles, pylons, or similar structures so that the bottom edge of the Sign surface is elevated above the ground, and the poles, pylons, or similar structures are not concealed with a Pole Cover, Pylon Cover, or Cladding.
C Permanent Pedestrian Sign	A Sign with a design and scale to be legible to pedestrians in front of or immediately adjacent to the building, or to be legible to individuals internal to a site containing multiple buildings. Permanent Pedestrian Signs may be located hanging below a Canopy or Awning, Projecting from a Wall, mounted on a Wall, door, or window, or may be free-standing.
D Temporary Sign	A Portable Sign that is not permanently embedded in the ground or permanently affixed to a building or structure, and that is designed or intended to be displayed for a limited time. Typically, a Temporary Sign is constructed of cloth, canvas, light fabric, cardboard, wallboard, aluminum or other similar light materials, with or without frames. A Temporary Sign does not include a Permanent Sign with temporary or changeable Sign Copy or a Portable Pedestrian Sign, as defined herein.
E Permanent Internal Ground Sign	A Sign with a design and scale to be legible to pedestrians or vehicles navigating or using the internal roads, sidewalks, walkways, or parking lots of a site, and, except for Signs placed at entrance or exit driveways to direct vehicular traffic safely onto or from the interior portions of a site, generally not legible to vehicles or pedestrians from the Public Rights of Way. Internal ground Signs may be free-standing Signs.

(b) **Permanent Wall Signs.**

<i>RS, RSO, RM, RMG, RMO, PUD, PRD, POD, CO, UR and OS Zoning Districts</i>	<i>H, CN1, CN2, CS, CD, IBP, IL, PCD, and PID Zoning Districts</i>	<i>CC, CR, IM and IG Zoning Districts</i>
<p>For permitted principal non-residential land uses or multi-dwelling structure land uses (not including duplexes and attached 2- to 4-unit dwelling structure land uses):</p> <ul style="list-style-type: none"> ▪ Number of Signs: 1 Sign per tenant on Wall with exterior public entrance to tenant space (multi-tenant building) that fronts a street right of way or shared parking area; or 1 Sign per public street frontage (single tenant building), regardless of the number of buildings having Street Frontage. ▪ Sign Area: 5% of building Wall area to which the Sign is attached, maximum. ▪ Sign Size: 32 sq. ft. per Sign maximum. ▪ Sign Illumination: Internally illuminated Wall Signs are not allowed; Externally Illuminated Wall Signs are allowed, provided they are indirectly lighted with white light only and are not constructed of reflective or luminous materials. Reverse channel letter Wall Signs are considered to be Externally Illuminated Signs provided they are Illuminated with white light only. 	<ul style="list-style-type: none"> ▪ Number of Signs: 1 Sign per tenant on Wall with exterior public entrance to tenant space that fronts a shared parking area (multi-tenant building). Otherwise, unlimited number of Signs on Walls where Signs are allowed. ▪ Sign Area: 10% of the building Wall area maximum, or 150 sq. ft., whichever is less. For each 100-foot increment the building Wall is set back from a Public Right of Way, the base maximum area may be increased by 50%, provided the total area of building Wall Signs shall not exceed 10% of the Wall area or 450 sq. ft., whichever is less. ▪ Sign Location: Allowed on building Walls facing or fronting a Public Right of Way or a parking lot or other open space under the same ownership with at least fifty lineal feet between the building wall and the nearest building. No Wall Sign shall be allowed on any building Wall that fronts or faces any directly abutting residentially zoned lot or parcel. In no case shall Wall Signs be constructed on more than 3 building Walls of a building. ▪ Sign Illumination: Internally Illuminated Signs and Externally Illuminated Signs are allowed. 	<ul style="list-style-type: none"> ▪ Number of Signs: 2 Signs per tenant on Wall with public exterior entrance to tenant space that fronts a shared parking area (multi-tenant building). Otherwise, unlimited number of Signs on Walls where Signs are allowed. ▪ Sign Area: 10% of the building Wall area maximum, or 150 sq. ft., whichever is less. For each 100-foot increment the building wall is set back from a Public Right of Way, the base maximum area may be increased by 50%, provided the total area of Wall Signs shall not exceed 10% of the building wall area or 450 sq. ft., whichever is less. ▪ Sign Location: Allowed on building Walls facing or fronting a Public Right of Way or a parking lot or other open space under the same ownership with at least 50' between the building wall and the nearest building. No Wall Sign shall be allowed on any building Wall that fronts or faces any directly abutting residentially zoned lot or parcel. In no case shall Wall Signs be constructed on more than 3 building Walls of a building. ▪ Sign Illumination: Internally Illuminated Signs and Externally Illuminated Signs are allowed.

(c) **Permanent Pedestrian Signs.**

<i>RS, RSO, RM, RMG, RMO, PUD, PRD, POD, CO, UR and OS Zoning Districts</i>	<i>H, CN1, CN2, CS, CD, IBP, IL, PCD, CC, CR, IM and IG Zoning Districts and PID Zoning Districts</i>
<p>For permitted non-residential land uses.</p> <ul style="list-style-type: none">▪ <i>Number of Signs:</i> 1 per public entrance to building or tenant space.▪ <i>Sign Height:</i> 4' maximum height, when mounted on the ground.▪ <i>Sign Location:</i> Within 20' of entrance, when mounted on the ground.▪ <i>Sign Area:</i> 6 sq. ft. maximum.	<ul style="list-style-type: none">▪ <i>Number of Signs, Size and Location:</i> 1 Sign for each public entrance to a building or tenant space, maximum of 8 sq. ft. and within 20' of entrance.▪ <i>Sign Height:</i> 6' high maximum, when mounted on the ground. <p>OR</p> <ul style="list-style-type: none">▪ <i>Sign Number & Size:</i> 1 Sign for each 25' of building public street frontage; 6 sq. ft. maximum.▪ <i>Sign Height:</i> 6' high maximum, when mounted on the ground. <p><i>Exemption:</i> Portable Pedestrian Signs or any Pedestrian Sign mounted on a building that Projects into a Public Right of Way in the CD Zoning District are exempt from Public Right of Way prohibitions of Section 5-1817.</p>

(d) **Permanent Free-standing Signs.**

<i>RS, RSO, RM, RMG, RMO, PUD, PRD, POD, CO, UR and OS Zoning Districts</i>	<i>H, CN1, CN2, CS, CD, IBP, IL, PCD, and PID Zoning Districts</i>	<i>CC, CR, IM and IG Zoning Districts</i>
<p>For permitted non-residential land uses, regardless of lot size, or any residential subdivision project or multi-dwelling project (excluding duplexes and attached 2- to 4-unit dwellings) on lots or parcels of 2 acres or more:</p> <ul style="list-style-type: none">▪ <i>Number of Signs:</i> 1 Monument Sign per public street frontage for non-residential uses OR per entrance for residential projects of two acres or more.▪ <i>Sign Area Allowance:</i> For non-residential land uses on less than 2 acres, 1 sq. ft. for each 5' of lot public street frontage.▪ <i>Sign Area:</i> 32 s.f. maximum per Sign. For each 5' of setback from the Public Right of Way property line, maximum Sign area may be increased by 8 sq. ft. to a maximum of 48 sq. ft.▪ <i>Sign Height:</i> Monument design required for permanent Signs; 6' high maximum (height includes monument base). For	<ul style="list-style-type: none">▪ <i>Number of Signs:</i> 1 Monument Sign per lot. For lots of 3 or more acres, 1 additional Monument Sign may be allowed at a secondary entrance facing or fronting a different Public Right of Way than the first Sign.▪ <i>Sign Area:</i> 60 sq. ft. maximum. For each 5' of setback from the Public Right of Way property line, maximum Sign area may be increased by 6 sq. ft. to a maximum of 72 sq. ft. For lots of 3 or more acres, additional square footage of 20 sq. ft. is allowed. As an alternative to additional square footage of 20 sq. ft. for 1 Sign on lots of 3 or more acres, 1 additional Sign is allowed with a maximum area of 40 sq. ft.▪ <i>Sign Height:</i> Monument design required; 12' high maximum. For each 5' feet of setback from a Public Right of Way property line, height may be increased by 2' to a	<ul style="list-style-type: none">▪ <i>Number of Signs:</i> 1 Monument Sign per lot. For lots of 3 or more acres, 1 additional Monument Sign may be allowed at a secondary entrance facing or fronting a different Public Right of Way than the first Sign.▪ <i>Sign Area:</i> 72 sq. ft. maximum. For each 5' of setback from the Public Right of Way property line, maximum Sign area may be increased by 6 sq. ft. to a maximum of 84 sq. ft. For lots of 3 or more acres, additional square footage of 20 sq. ft. is allowed. As an alternative to additional square footage of 20 sq. ft. for 1 Sign on lots of 3 or more acres, 1 additional Sign is allowed with a maximum area of 48 sq. ft.▪ <i>Sign Height:</i> Monument design required for permanent Signs; 16' high maximum (height includes monument base). For each 5' feet of setback from a Public Right of Way property line,

<i>RS, RSO, RM, RMG, RMO, PUD, PRD, POD, CO, UR and OS Zoning Districts</i>	<i>H, CN1, CN2, CS, CD, IBP, IL, PCD, and PID Zoning Districts</i>	<i>CC, CR, IM and IG Zoning Districts</i>
<p>each 5' of setback from the Public Right of Way property line, maximum Sign height may be increased by 1' to a maximum of 8'.</p> <ul style="list-style-type: none"> ▪ <i>Sign Illumination:</i> Externally Illuminated Signs are allowed, provided they are indirectly lighted with white light only and are not constructed of reflective or luminous materials. Internally Illuminated Signs are not allowed, except in the CO Zoning District and for allowed <i>Community Facilities, Religious Assembly or Medical Facilities</i> land uses, as defined in the City's Land Development Code, Chapter 20 of the City Code, as amended, in all other Zoning Districts. 	<p>maximum of 16' (height includes monument base).</p> <ul style="list-style-type: none"> ▪ <i>Sign Illumination:</i> Internally Illuminated Signs and Externally Illuminated Signs are allowed. 	<p>height may be increased by 2' to a maximum of 20' (height includes monument base).</p> <ul style="list-style-type: none"> ▪ <i>Sign Illumination:</i> Internally Illuminated Signs and Externally Illuminated Signs are allowed.

(e) Temporary Signs.

RS, RSO, RM, RMG, RMO, PUD, PRD, POD, CO, UR and OS Zoning Districts

H, CN1, CN2, CS, CD, IBP, IL, PCD, CC, CR, IM and IG Zoning Districts and PID Zoning Districts

- *Free-standing (also includes Signs attached to fences, guardrails or retaining walls):*
 - *Sign Area:* Total area of all Free-standing Signs shall not exceed 16 sq. ft. per lot with a maximum Sign size of 8 sq. ft., except for allowed principal non-residential land uses for which the total area of all Free-standing Signs shall not exceed 32 sq. ft. per lot, with a maximum Sign size of 32 sq. ft.
 - *Sign Height:* 4' maximum above ground on which Sign is placed, except for allowed principal non-residential land uses where Sign can be 6' maximum above ground on which Sign is placed.
 - *Number of Signs:* Maximum of 3 Signs at the same time for lots with a single street frontage; maximum of 4 Signs at the same time for lots with multiple Street Frontages, with a maximum of 3 Signs at the same time on any street frontage.
 - *Prohibitions:* Feather Signs are prohibited.
- *Attached to building Wall:* Allowed for permitted principal non-residential land uses or multi-family land uses only (excludes duplexes and attached 2- to 4-unit dwellings):
 - *Number of Signs:* 1 per building with 2 maximum per public street frontage, regardless of number of buildings with frontage.
 - *Sign Area:* 12 sq. ft. maximum per Sign.

Exceptions to maximum Sign area and height.

(1) Residential subdivisions two or more acres in size and zoned RS, PRD or PUD: One Temporary Sign not exceeding 64 sq. ft. and 8' in height above adjoining grade that is installed near a main public street entrance to the subdivision. Such Sign shall be located a minimum of 15' from any Public Right of Way and shall be removed within 30 days after completion of construction of the last attached or detached dwelling in the subdivision. (2) Lots greater than one acre in size and zoned RM, POD or CO: One Temporary Sign not exceeding 64 sq. ft. in combined total area installed on a lot that is greater than one acre in size that is under construction and development. Such Sign shall not exceed 10' in height above adjoining grade.

Exception to maximum number of Signs.

Temporary Signs installed on a lot for not more than 50 days prior to and 10 days after the date of a political election, referendum, or ballot measure.

Exemption from Sign Permit requirement.

Temporary Signs, as allowed above, are exempt from permit.

- *Free-standing (includes Signs attached to fences, guardrails or retaining walls):*
 - *Sign Area:* 32 sq. ft. total for lots with less than 160 feet of public Street Frontage, or 1 sq. ft. for each 5' of lot public Street Frontage for lots with 160 feet or more of public Street Frontage, not to exceed 64 sq. ft. total for all Signs on a single-tenant lot or 96 sq. ft. total for all Signs on a multi-tenant lot.
 - *Sign Size:* 32 sq. ft. maximum per Sign.
 - *Sign Height:* 9' maximum above ground on which Sign is placed.
 - *Spacing:* At least 50' from any other Temporary Sign.
 - *Number of Signs:*
 - For single tenant lots: Maximum of 2 Signs at the same time for lots with a single Street Frontage; maximum of 3 Signs at the same time for lots with multiple Street Frontages, with a maximum of 2 Signs at the same time on any Street Frontage.
 - For multi-tenant lots: Maximum of 1 Sign at a time for each tenant space; maximum of 4 Signs at the same time for lots with a single Street Frontage; maximum of 6 Signs at the same time for lots with multiple Street Frontages, with a maximum of 4 Signs at the same time on any Street Frontage.
 - Feather Signs are allowed. See Section 5-1819(d) for additional standards applicable to Feather Signs.
- *Attached to building wall:*
 - *Number of Signs:*
 - For single tenant lots: Maximum of 2 Signs at the same time for each building Wall fronting a public street.
 - For multi-tenant lots: Maximum of 1 Sign at a time for each tenant space.
 - *Sign Area:* 5% maximum of Wall area facing a public street.
 - *Sign Size:* 32 sq. ft. maximum per Sign.
- Total maximum display time of 45 days per calendar year per business or tenant space, which may be divided into separate display time periods throughout the calendar year.

Exemptions from permit. (1) One Temporary Sign per lot street frontage that does not exceed the maximum individual Sign area allowance or the maximum Free-standing Temporary Sign height allowance of 9 ft. and located on a lot where the property or a portion thereof is for sale, lease or rent, as set forth in Sec. 5-1819(d)(4) of this Article. Such Signs shall not count against the total Temporary Sign area allowances for temporary free-standing or wall signs, and shall not be subject to the 50-ft. minimum spacing requirement from other Temporary Signs. (2) Temporary Signs not exceeding 8 sq. ft. in area that are installed on a lot for not more than 50 days prior to and 10 days after the date of a political election, referendum, or ballot measure. (3) Temporary Signs that meet the definition of Minor Signs. (4) Portable Pedestrian Signs meeting the standards of Section 5-1819(b).

Exceptions to the maximum allowed display time per calendar year. (1) Up to two Temporary Signs not exceeding 64 sq. ft. in combined total area installed on a lot where a new building, addition, or tenant space is under construction for the interim period of new construction or new tenant space finish. (2) One Temporary Sign per lot street frontage that does not exceed the maximum individual Sign area allowance or the maximum Free-standing Temporary Sign height allowance of 9 ft., located on a lot where the property or a portion thereof is for sale, lease or rent, as set forth in Sec. 5-1819(d)(4) of this Article. (3) Temporary Signs not exceeding 8 sq. ft. in area that are installed on a lot for not more than 50 days prior to and 10 days after the date of a political election, referendum, or ballot measure. (4) Temporary Signs that meet the definition of Minor Signs. (5) Portable Pedestrian Signs meeting the standards of Section 5-1819(b).

Exception to maximum number of Signs. (1) One Temporary Sign per lot street frontage that does not exceed the maximum individual Sign area allowance or the maximum Free-standing Temporary Sign height allowance of 9 ft., located on a lot where the property or a portion thereof is for sale, lease or rent, as set forth in Sec. 5-1819(d)(4) of this Article. (2) Temporary Signs not exceeding 8 sq. ft. in area that are installed on a lot for not more than 50 days prior to and 10 days after the date of a political election, referendum, or ballot measure.

(f) **Permanent Internal Ground Signs.**

RS, RSO, RM, RMG, RMO, PUD, PRD, POD, CO, UR and OS Zoning Districts	H, CN1, CN2, CS, CD, IBP, IL, PCD, and PID Zoning Districts	CC, CR, IM and IG Zoning Districts
<p>For permitted principal non-residential land uses or multi-dwelling structure land uses (not including duplexes and attached 2- to 4-unit dwelling structure land uses):</p> <ul style="list-style-type: none"> ▪ <i>Number of Signs:</i> 1 for each 10,000 sq. ft. of a lot or parcel. ▪ <i>Sign Size:</i> 4 sq. ft. maximum on lots or parcels less than 2 acres; up to 8 sq. ft. for lots or parcels of 2 acres or more, and when set back at least 50' from the Public Right of Way or lot or parcel lines. ▪ <i>Sign Height:</i> 4' maximum when set back less than 50' from the Public Right of Way or lot or parcel lines, and 6' maximum when set back at least 50' from the Public Right of Way or lot or parcel lines. ▪ <i>Sign Illumination:</i> Internally Illuminated Signs are not allowed; Externally Illuminated Signs are allowed, provided they are indirectly lighted with white light only and are not constructed of reflective or luminous materials. 	<ul style="list-style-type: none"> ▪ <i>Number of Signs:</i> 1 for each 5,000 sq. ft. of a lot or parcel up to and including 20,000 sq. ft., plus 1 for each 10,000 sq. ft. of a lot or parcel greater than 20,000 sq. ft. ▪ <i>Sign Size:</i> 4 sq. ft. maximum when located within 15' of a Public Right of Way; 6 sq. ft. maximum when located more than 15' but not more than 50' from a Public Right of Way; 16 sq. ft. maximum when located more than 50' from a Public Right of Way. Signs serving drive-through facilities may be 32 sq. ft. maximum when set back at least 50' from a Public Right of Way and located further back from the Public Right of Way than the Wall of the primary use building that faces a Public Right of Way. ▪ <i>Sign Height:</i> 3' maximum height when located within 15' of a Public Right of Way; 4' maximum height when located more than 15' but not more than 50' from a Public Right of Way; 6' maximum height when located more than 50' from a Public Right of Way. Signs serving drive-through facilities may be 8' maximum height when set back at least 50' from a Public Right of Way and located further back from a Public Right of Way than the Wall of the primary use building that faces a Public Right of Way. ▪ <i>Sign Illumination:</i> Internally Illuminated Signs and Externally Illuminated Signs are allowed. 	<ul style="list-style-type: none"> ▪ <i>Number of Signs:</i> 1 for each 5,000 sq. ft. of a lot or parcel up to and including 20,000 sq. ft., plus 1 for each 10,000 sq. ft. of a lot or parcel greater than 20,000 sq. ft. ▪ <i>Sign Size:</i> 6 sq. ft. maximum when located within 15' of a Public Right of Way; 8 sq. ft. maximum when located more than 15' but not more than 25' from a Public Right of Way; 16 sq. ft. maximum when located more than 25' from a Public Right of Way. Signs serving drive-through facilities may be 32 sq. ft. maximum when set back at least 50' from a Public Right of Way and located further back from a Public Right of Way than the Wall of the primary use building that faces a Public Right of Way. ▪ <i>Sign Height:</i> 4' maximum height when located within 15' of a Public Right of Way; 6' maximum height when located more than 15' but not more than 25' from a Public Right of Way; 8' maximum height when located more than 25' from a Public Right of Way. Signs serving drive-through facilities may be 8' maximum height when set back at least 50' from a Public Right of Way and located further back from a Public Right of Way than the Wall of the primary use building that faces a Public Right of Way. ▪ <i>Sign Illumination:</i> Internally Illuminated Signs and Externally Illuminated Signs are allowed.

(g) **Legend.** For the purposes of the foregoing tables, the abbreviations used therein shall, when referencing the various Zoning Districts, mean as follows:

- (1) **RS.** Single-Dwelling Residential Districts.
- (2) **RSO.** Single-Dwelling Residential-Office District.
- (3) **RM.** Multi-Dwelling Residential Districts.
- (4) **RMG.** Multi-Dwelling Residential - Greek Housing District.
- (5) **RMO.** Multi-Dwelling Residential-Office District.
- (6) **PUD.** Planned Unit District.
- (7) **PRD.** Planned Residential District.
- (8) **POD.** Planned Office District.
- (9) **CO.** Office Commercial District.
- (10) **UR.** Urban Reserve District.
- (11) **OS.** Open Space District.
- (12) **H.** Hospital District.
- (13) **CN1.** Inner Neighborhood Commercial Center District.
- (14) **CN2.** Neighborhood Commercial Center District.
- (15) **CS.** Commercial Strip District.
- (16) **CD.** Downtown Commercial District.
- (17) **IBP.** Industrial/Business Park District.
- (18) **IL.** Limited Industrial District.
- (19) **PCD.** Planned Commercial District.
- (20) **PID.** Planned Industrial District.
- (21) **CC.** Community Commercial District.
- (22) **CR.** Regional Commercial District.
- (23) **IM.** Medium Industrial District.
- (24) **IG.** General Industrial District.

5-1819

RESTRICTIONS BY SIGN TYPE.

(Ord. 9391, Ord. 9439)

(A) **Wall Signs.**

- (1) **Projecting Wall Signs.** No Projecting Wall Sign shall project more than 6 feet from the face of the Wall, Marquee, Canopy, or Awning to which it is attached, and shall not extend over any public driveway, alley, road, street, or thoroughfare accessible to motor vehicles.
- (2) **Awning or Canopy Wall Signs.** Awnings, Canopies, Awning Signs, and Canopy Signs shall comply with the following:
 - (a) Awnings and Canopies shall be constructed of cloth or metal, provided that all frames and supports shall be made of metal.
 - (b) Awnings and Canopies shall be constructed in compliance with the City's Building Code, Chapter V, Article 2 of the City Code, as amended, and the City's Fire Code, Chapter VIII, Article 2 of the City Code, as amended.
 - (c) No Awning or Canopy shall extend beyond a point two feet inside a street curb-line.
 - (d) Every Awning shall be securely attached to and supported by the building to which it is attached and shall properly be maintained in such manner.
 - (e) To determine the allowable Sign area on an Awning or Canopy, the surface area of the Awning or Canopy behind any lettering, Logo, or insignia shall be measured by establishing the square footage covered by the perimeter of the Sign. No Awning Sign or Canopy Sign, or any portion of an Awning Sign or Canopy Sign, shall contain a Changeable Message Sign.
 - (i) The combined Sign area on an Awning or Canopy, supported by attachment to a building, and other wall Signs on the same building facade shall not exceed the allowances for wall Signs pursuant to this Article. When more than 50% of the total square footage of an Awning or Canopy, supported by attachment to a building, 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.
 - (ii) The combined Sign area on any Canopy that is structurally independent from another building shall not exceed 20% of the area of the Canopy face, except that Signs on a Canopy face with an area not greater than 25 square feet shall not exceed 50% of the area of the Canopy face.
- (3) All Wall Signs for which a Sign Permit is required under this Article shall have a facing surface made of Noncombustible Materials. However, the surface or facing and structural trim of a Wall Sign, that is attached to a stone, brick, or masonry Wall, may be of exterior grade plywood, having a thickness of not less than one inch. No plywood Wall Sign shall be illuminated or in any manner be operated or serviced by electricity.

- (B) **Portable Pedestrian Signs.** Portable Pedestrian Signs shall be located on private property, where allowed, except in the CD Zoning District, where such Signs may be located in the Public Right of Way, subject to the following:
- (1) Not more than one Portable Pedestrian Sign shall be located within close proximity to the main public entrance of any building or structure.
 - (2) All Portable Pedestrian Sign shall be located within 12 inches of the building which the Portable Pedestrian Sign serves.
 - (3) All Portable Pedestrian Signs shall be located on or near a sidewalk with at least 6 feet clear passage maintained for pedestrians on the sidewalk, and any Sign shall not otherwise be placed in any location that creates visual obstructions or safety hazards for users of the Public Rights of Way.
 - (4) Portable Pedestrian Signs shall not exceed 32 inches in width and 48 inches in height above the adjacent sidewalk.
 - (5) Portable Pedestrian Signs shall neither be illuminated nor contain any digital display, and shall not contain Banner Signs, Flags, pennants, Pennant Streamers, balloons, or other moving parts.
 - (6) Portable Pedestrian Signs shall not be displayed during non-business hours.
 - (7) Portable Pedestrian Signs shall be constructed of durable materials and shall be designed with quality aesthetics for use on a recurring basis (no Banner Signs, Flags, pennants, Pennant Streamers, balloons, or other moving parts).
 - (8) Portable Pedestrian Signs may include changeable copy as part of the Sign design, such as chalkboards, or the like.
 - (9) Temporary Signs may not be used as Portable Pedestrian Signs.
- (C) **Free-Standing Signs.**
- (1) Monument Signs shall be located within a landscape area as may be required by Site Plan approval under the City's Land Development Code, Chapter 20 of the City Code, as amended.
 - (2) Monument Signs shall have a base at least 65% of the width of the widest part of the Sign and not more than 125% of the width of the widest part of the Sign. **Exception:** Monument Signs, having a base at least 33% of the width of the widest part of the Sign and not more than 150% of the width of the widest part of the Sign, approved by the Monument Sign Design Review Committee in accordance with Section 5-1829 of this Article.
 - (3) Monument Signs, including their bases, shall include ornamental architectural details and materials that complement the overall design of the site and building.
 - (4) Monument Signs shall be no closer than 10 feet to any other Sign, building, or structure, unless constructed entirely of Noncombustible Material.

- (5) Monument Signs shall have a surface or facing constructed of Noncombustible Materials or other material approved by the Code Official, or his or her designee.

(D) **Temporary Signs.** Temporary Signs are subject to the following additional restrictions:

- (1) It shall be the duty of the Person, who causes the Temporary Sign to be installed, erected, or hung, to remove the Temporary Sign when the authorized display time has expired.
- (2) Temporary Signs shall neither be illuminated nor painted with light-reflecting paint.
- (3) Temporary Signs may be constructed of either rigid or non-rigid material and shall be securely anchored so as not to pose a distraction or hazard to drivers, bicyclists, or pedestrians. Non-rigid materials (such as banners) that are secured by a support or frame to avoid distracting movements, may be used as a free-standing Temporary Sign when set back at least 10 feet from the pavement edge of any fronting roadway.
- (4) In Zoning Districts where Temporary Signs typically are limited to 45 days in a calendar year, a Temporary Sign will be permitted to remain on a lot or parcel for longer than 45 days in a calendar year, provided the following conditions are met:
 - (a) The property owner consents and the real property is being offered for sale through a licensed real estate agent or for lease or rent through a leasing agent; or
 - (b) The real property is offered for sale, lease or rent by the owner through advertising in a local newspaper of general circulation or on the Internet; and
 - (c) The Temporary Sign is removed within 15 days after completion of the sale of the real property, or within 15 days after a contract for lease or rent of the real property has been executed with a person leasing or renting the property.
- (5) The Code Official is authorized to require the removal of any Temporary Sign that pertains to an expired event.
- (6) Not more than 2 Temporary Signs shall be allowed on any property that has an approved, operating Electronic Message Center (EMC) Sign, excluding Temporary Signs placed on a lot for not more than 50 days prior to and 10 days after the date of a political election, referendum, or ballot measure.
- (7) Temporary Feather Signs are not allowed in RS, RSO, RM, RMG, RMO, PUD, PRD, POD, CO, UR, and OS Zoning Districts and are limited to not more than one (1) Feather Sign per lot street frontage in all other Zoning Districts. Temporary Feather Signs may not exceed nine (9) feet in height above the ground on which they are placed and 16 square feet in area, must be at least 50 feet from any other free-standing Temporary Sign on the same lot, and must be set back from the Public Right of Way by a distance that is at least equal to the height of the Temporary Feather Sign.

- (8) The Code Official is authorized to remove and to dispose of any Temporary Signs found on Public Property or in a Public Right of Way.

5-1820

RESTRICTIONS FOR ELECTRONIC MESSAGE CENTER SIGNS.

(Ord. 9391)

- (A) Electronic Message Center (EMC) Signs, as defined in this Article, are subject to the following additional restrictions:
- (1) EMC Signs shall be limited to CN2, MU, CO, CC, CR, CS, PCD, PID, IL, IM, IG, GPI, and H Zoning Districts, or for permitted principal Office, Community Facilities, Religious Assembly, or Medical Facilities uses as defined in Chapter 20 of the City Code, as amended, in all other Zoning Districts, except CN1 and CD Zoning Districts.
 - (2) EMC Signs in RS, RSO, RM, RMG, RM, PUD, PRD, POD, CO, UR, and OS Zoning Districts shall not be operated or illuminated between the hours of 10:00 p.m. and 7:00 a.m.
 - (3) EMC Signs shall be limited to permanent Free-standing Monument Signs, permanent Wall Signs, interior Window Signs, not exceeding a total of 12 square feet, and permanent Internal Ground Signs serving drive-through facilities.
 - (4) EMC Signs shall be limited to not more than 50% of the total allowed Sign area of Permanent Free-standing Signs.
 - (5) EMC Signs shall be limited to not more than 20% of the total allowed Sign area of Permanent Wall Signs.
 - (6) EMC Signs shall be limited to not more than 1 per lot street frontage, excluding EMC window Signs not exceeding a total of 12 square feet and Permanent Internal Ground Signs serving drive-through facilities.
 - (7) EMC Sign Faces shall be set back at least 200 feet from any adjacent residentially zoned lot or parcel as measured perpendicularly from the Sign Face, and at least 100 feet from any adjacent residentially zoned lot or parcel as measured parallel to the closest edge of the Sign Face.
 - (8) On all EMC Signs, automatic dimming controls shall limit the illumination to no more than 0.3 Foot Candle relative to ambient light, as measured using a Foot Candle (lux) meter calibrated within the past 36 months and in conformance with the following process:
 - (a) Light measurements shall be taken with the meter aimed perpendicular to the Sign Face or at the area of the sign emitting the brightest light when that area is not the Sign Face, at a preset distance depending on Sign size. Distance shall be determined by taking the square root of the product of the Sign area and 100. For example, using a 12-square-foot Sign: $\sqrt{12 \times 100} = 34.6$ feet measuring distance. *Table 5-1820.1* below provides a sample of distances from which to measure the brightness of an automatic changeable electronic message center.

Table 5-1820.1

Area of EMC	Measurement Distance from Sign
10	32
16	40
20	45
24	49
30	55
40	63
50	71

- (b) An ambient light measurement shall be taken using a Foot Candle (lux) meter at some point between the period of time between 30 minutes past sunset and 30 minutes before sunrise with the Sign turned off to a black screen.
 - (c) Immediately following the ambient light measurement taken in the manner required by this subsection, an operating Sign light measurement shall be taken with the Sign turned on to full white copy.
 - (d) The brightness of an EMC Sign shall be compliant with the brightness requirements of this subsection when the difference between the ambient light measurement and the operating Sign light measurement is 0.3 Foot Candle or less.
- (9) On all EMC Signs, only the static display of messages is permitted with at least 3 seconds between changes in display and no more than 1 second for transitions. Messages shall be changed only through dissolving or fading Transition Methods. No scrolling, travelling, flashing, or animated transitions are allowed.
- (10) Not more than two 2 Temporary Signs shall be allowed on any property that has an approved, operating EMC Sign, excluding Temporary Signs placed on a lot for not more than 50 days prior to and 10 days after the date of a political election, referendum, or ballot measure.

5-1821

ADDITIONAL RESTRICTIONS.

(Ord. 9391)

- (A) **Signs on Historic Landmark Structures or in Historic Districts or their Environs.** Signs located on designated historic landmark structures or within historic districts or their environs, as defined by Chapter 22 of the City Code, as amended, must comply with the provisions and requirements of Chapter 22 of the City Code, as amended, in addition to those restrictions for the underlying Zoning District, as set forth at Section 5-1818 of this Article.
- (B) **Signs in Urban Conservation Districts.** Signs located in an Urban Conservation Overlay District, as established at Section 20-308(h) of the City Code, as amended, must comply with the designated Urban Conservation Overlay District Standards and Administrative Policies established therein, in addition to those restrictions for the underlying Zoning District, as set forth at Section 5-1818 of this Article.

- (C) **Signs in Mixed-use (MU) Zoning Districts.** For any Sign or Signs proposed to be installed, erected, constructed, hung, or placed on a lot or structure located in a Mixed-use (MU) Zoning District, the Director shall review the existing and/or approved land use or uses on that lot and on adjacent lots, and shall make his or her determination regarding the Sign under the most appropriate zoning classification for the lot or building on which the Sign or Signs are proposed. Any person aggrieved by the decision of the Director may appeal said administrative decision to the Sign Code Board of Appeals in accordance with Section 5-1827 of this Article.
- (D) **Signs in General Public and Institutional Use (GPI) Zoning Districts.** For any Sign or Signs proposed to be installed, erected, constructed, hung, or placed on a lot or structure located in a General Public and Institutional Use (GPI) Zoning District, the Director shall review the existing and/or approved land use or uses on that lot and on adjacent lots, and shall make his or her determination regarding the Sign under the most appropriate zoning classification for the lot or building on which the Sign or Signs are proposed. Any person aggrieved by the decision of the Director may appeal said administrative decision to the Sign Code Board of Appeals in accordance with Section 5-1827 of this Article.

5-1822

PROHIBITED SIGNS.
(Ord. 9391)

- (A) The following Signs are prohibited in the City:
- (1) Signs that are not otherwise authorized or allowed under the Sign Code.
 - (2) Signs, that are required by this Code to have a Sign Permit, that are installed, erected, constructed, hung, or altered (including changes in Sign Copy or Sign Face) without a valid Sign Permit.
 - (3) Permanent Free-standing Pole Signs, unless such are Government Signs or Permanent Internal Ground Signs.
 - (4) Billboards.
 - (5) Mobile Signs.
 - (6) Roof Signs.
 - (7) Snipe Signs.
 - (8) Manually Activated Changeable Message Signs.
 - (9) Pennant Streamers Signs.
 - (10) Animated Signs.
 - (11) Flashing Signs.
 - (12) Scrolling Message Signs.
 - (13) Travelling Message Signs.

- (14) Any Sign installed, erected, constructed, hung, altered, relocated, or maintained so as to prevent ingress or egress at any emergency egress door, egress window, or fire escape.
- (15) Any Sign that obstructs free and clear vision at the intersection of two streets, a street and an alley, two internal access streets, an internal access street and a street, or a driveway and a street.
- (16) Any Sign that, due to its intensity, position, shape, or color, impedes or obstructs the view of any user of the Public Right of Way or may be confused by any user of the Public Right of Way with any authorized traffic Sign, signal, or device.
- (17) Any Sign that makes use of any work, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic on a Public Right of Way.
- (18) Any Sign located in a Public Right of Way, excluding Governmental Signs or Portable Pedestrian Signs in the CD Zoning District.
- (19) Any Sign displaying any material, be it words, scenes, or graphics, that are obscene, indecent, immoral, or harmful to minors within the meaning of K.S.A. 21-6401, as amended.

5-1823

NONCONFORMING SIGNS.

(Ord. 9391)

- (A) Nothing in this Code shall prohibit the ordinary maintenance or repair of a Nonconforming Sign. For the purposes hereof, replacement of Sign Copy, content, or message is considered ordinary maintenance. It shall, however, be unlawful to:
 - (1) Change a Nonconforming Sign to another type or shape of Nonconforming Sign or other Prohibited Sign.
 - (2) Physically change or structurally alter a Sign or Sign Structure to enlarge a Nonconforming Sign, or to replace significant portions of a Nonconforming Sign or Sign Structure.
 - (3) Allow a Nonconforming Sign to become an Abandoned Sign.
 - (4) Re-establish use of a Nonconforming Sign after removal, abandonment, or vacancy of the Nonconforming Sign.
- (B) Any Nonconforming Sign that is damaged by fire, explosion, collision, other casualty, or an Act of God by more than 50% of its present value, shall not be repaired or replaced. Any Nonconforming Sign that topples because its supports have been broken, have buckled, or are exhausted shall be considered to be damaged by more than 50% of its present value.
- (C) When a substantial portion of real property or a building is redeveloped such that is deemed a Major Development Project and Site Plan review and approval is required under Section 20-1305 of the City's Land Development Code, Chapter 20 of the City Code, as amended, no such Site Plan shall be approved unless it notes that all Nonconforming Signs are to be removed from the real property prior to occupancy

for the use for which Site Plan approval is being sought. Any Nonconforming Sign in such cases shall be removed prior to lawful occupancy of the approved use.

5-1824

HAZARDOUS, DANGEROUS, ABANDONED, AND VACANT SIGNS; SIGNS INSTALLED OR ALTERED WITHOUT A SIGN PERMIT.

(Ord. 9439)

(A) Notice and Order.

(1) **Permanent Signs.** If the Code Official, or his or her designee, finds that a Permanent Sign or Sign Structure is unsafe and insecure, is hazardous, presents a danger to the public, has been abandoned, or has been installed, constructed, erected, hung, or maintained in violation of the Sign Code, then he or she shall give written Notice and Order to the owner of the real property to remove the offending Permanent Sign or Sign Structure, or to correct any deficiency therein, within 30 days in order to come into compliance with the Sign Code. The Notice and Order shall specifically list the violation cited, shall give the owner 30 days to come into compliance, and shall notify the owner that he or she may appeal the Notice and Order to the Sign Code Board of Appeals, in accordance with Section 5-1827 of this Article.

(2) **Temporary Signs.** If the Code Official, or his or her designee, finds that a Temporary Sign is unsafe and insecure, is hazardous, presents a danger to the public, has been abandoned, or has been installed, constructed, erected, hung, or maintained in violation of the Sign Code, then he or she shall give written Notice and Order to the owner of the real property or the person responsible for placing the Temporary Sign to remove the offending Temporary Sign immediately in order to come into compliance with the Sign Code. The Notice and Order shall specifically list the violation cited, shall give the owner 1 business day to come into compliance, and shall notify the owner that he or she may appeal the Notice and Order to the Sign Code Board of Appeals, in accordance with Section 5-1827 of this Article. The automatic stay provisions of Section 5-1827(d) of this Article shall not apply to appeals of Notices and Orders issued under this subsection.

(B) **Abatement.** If the owner does not comply with the Code Official's Notice and Order and has not appealed the Notice and Order in timely fashion, then the Code Official shall present the issue to the City Commission, who may find by Resolution that the Sign is a public nuisance, may order the owner to remove the Sign within 30 days thereof, and may order the Code Official to abate the nuisance and remove the Sign thereafter, at the cost of the owner, if the owner fails to remove the Sign in the time allotted. If the Code Official abates the nuisance and removes the Sign, then the Code Official, or his or her designee, shall report the costs to the City Clerk. The City Clerk shall bill the cost of abatement to the owner of the real property upon which the Sign was located and, if not paid, may cause the charge to be placed on the tax rolls as a special assessment on the property.

(C) **Emergency Abatement.** When, in the opinion of the Code Official, there is an actual or immediate danger to the public caused by any hazardous, dangerous, or abandoned Sign, the Code Official is hereby authorized and empowered, without notice and hearing, to order and require that such hazardous and unsafe Sign be removed. The Code Official shall post the Sign warning of dangerous condition and, if the owner does not cooperate, shall abate such hazardous or unsafe condition. The Code Official shall prepare a statement of costs and shall report the costs of

abatement to the City Clerk. The cost of abatement shall be charged against the real property upon which the Sign was located and, if not paid, may be placed on the tax rolls as a special assessment on the property.

- (D) **Abandoned Signs.** The City hereby declares all Abandoned Signs to be a public nuisance. All Abandoned Signs shall be removed by the owner. If the Abandoned Sign is not removed by the owner, then the Code Official shall send the owner a Notice and Order, in accordance with subsection (a) hereof and, if that fails, shall seek abatement of the public nuisance in accordance with subsection (b) or (c) hereof.
- (E) **Vacant Signs.** All Vacant Signs shall have a blank Sign Copy or Sign Face. If any Vacant Sign does not have a blank Sign Copy or Sign Face, then the Code Official shall send the owner a Notice and Order, in accordance with subsection (a) hereof and, if that fails, shall seek abatement of the public nuisance in accordance with subsection (b) hereof.
- (F) **Signs Installed or Altered without a Sign Permit.**
 - (1) **Permanent Signs.** If the Code Official finds that a Permanent Sign has been installed, erected, constructed, hung, or altered (including the change of Sign Copy or Sign Face) without a Sign Permit and that such Permanent Sign required a Sign Permit, then the Code Official shall, in addition to any other penalty that may apply, send to the owner thereof a Notice and Order in accordance with subsection (a)(1) hereof. The Notice and Order shall require the Owner of the unlawful Sign, within 30 days thereof, either to remove the Sign or to apply for an after-the-fact Sign Permit. In cases where the Owner of the unlawful Sign seeks an after-the-fact Sign Permit, the Owner shall comply with the requirements of Section 5-1805 of this Article and shall pay, in addition to the Sign Permit Fee required by Section 5-1806 of this Article, an additional penalty equal to twice the amount of the Sign Permit Fee.
 - (2) **Temporary Signs.** If the Code Official, or his or her designee, finds that a Temporary Sign has been installed, constructed, erected, or hung without first obtaining the required Sign Permit, has been installed, constructed, erected, or hung in violation of Section 5-1818(e) or Section 5-1919(d) of this Article, or is in any other way in violation of this Article, then the Code Official shall issue to the owner of the real property or the person responsible for placing the Temporary Sign a Notice and Order to remove the sign immediately and shall have the authority to issue to the owner of the property or the person responsible for placing the Temporary Sign a citation, together with a complaint and a notice to appear in municipal court. The Code Official shall forthwith file with the Municipal Court a copy of any complaint issued hereunder.

5-1825

SIGN CODE REGULATORY CONSTRUCTION.

The Director is charged with making all regulatory constructions or interpretations of the provisions of the Sign Code. All such constructions or interpretations are to be exercised in light of the City's message neutrality policy. Whenever any Sign Permit or other authorization is subject to discretionary review, that review shall be based on the Sign Code and shall not consider the message content of the Sign. Whenever a particular type of Sign is proposed in an Application for a Sign Permit that is neither expressly allowed nor expressly prohibited by the Sign Code, then the Director shall approve, conditionally approve, or disapprove the

Application for Sign Permit by analogizing the proposed Sign to Signs regulated by the Sign Code. In such situations, the Director shall reduce his decision to writing and a copy of the decision shall be mailed or hand-delivered to the applicant. Any Person aggrieved by the decision of the Director in construing or interpreting the Sign Code may make an appeal to the Sign Code Board of Appeals in accordance with Section 5-1827 of this Article. (Ord. 9391)

5-1826

SIGN CODE BOARD OF APPEALS.
(Ord. 9391)

- (A) There is hereby established the City of Lawrence, Kansas, Sign Code Board of Appeals. The Sign Code Board of Appeals shall consist of 7 members, who shall be at least 18 years of age and shall be residents of the City. Members of the Sign Code Board of Appeals shall be appointed by the Mayor with the consent of the Governing Body. 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 3 years. One full term of service for a Board member shall be 3 years, provided that a Board member shall only be eligible for 2 consecutive full terms. The Sign Code Board of Appeals shall select a member to serve as Chair and shall adopt bylaws governing its procedures.
- (B) The Sign Code Board of Appeals shall hear all appeals permitted herein and shall consider all applications for a variance from the Sign Code.

5-1827

APPEALS.
(Ord. 9391, Ord. 9439, Ord. 9464)

- (A) Any Person aggrieved by a decision of the Code Official, the Director, or the Monument Design Review Committee related to any Sign Contractor License, Sign Permit, Notice and Order, or Regulatory Construction, shall have the right to appeal such decision to the Sign Code Board of Appeals. All such appeals shall be made by filing with the Director a written Notice of Appeal, within 14 days of the decision being appealed. The Notice of Appeal shall state concisely the decision being appealed and why the appellant believes the decision is in error or otherwise in violation of the Sign Code or other pertinent law.
- (B) In accordance with the Department's submittal deadlines, the Director of Planning and Development Services shall schedule all appeals for hearing by the Sign Code Board of Appeals. At such hearing, the appellant shall bear the burden of proof. To prevail on appeal, the appellant must prove that it is more probably true than not true that, under the Sign Code or existing law, the decision of the Code Official, the Director, or the Monument Design Review Committee is erroneous. If it fails to take formal action at the public hearing, the Sign Code Board of Appeals shall, no later than 30 days after the public hearing, issue its final order, which shall be transmitted to the appellant.
- (C) There shall be a \$25.00 non-refundable Docketing Fee due and payable at the time that any Notice of Appeal is filed.
- (D) The filing of a timely Notice of Appeal shall, except in cases of exigent circumstances or for Notices and Orders issued under Section 5-1824(a)(2) or Section 5-1824(f)(2) of this Article, stay any administrative enforcement action under this Article until the Sign Code Board of Appeals has issued its final order.

- (E) The final order of the Sign Code Board of Appeals shall be the final decision of the City. Any appellant aggrieved by a final decision of the Sign Code Board of Appeals shall have the right, in accordance with state law, to appeal that final order to the District Court of Douglas County, Kansas.

5-1828

VARIANCES.

(Ord. 9391)

- (A) Any Person seeking a Sign Permit that cannot meet the restrictions or standards of this Sign Code may seek a Variance from the restrictions and standards of the Sign Code by filing, with the Director, an Application for Variance.
- (B) In accordance with the Department's submittal deadlines the Director shall schedule all variance requests for hearing by the Sign Code Board of Appeals. The Person seeking the variance shall bear the burden of proof. To grant a variance, the Sign Code Board of Appeals must find, by a majority vote of the members present and voting, each of the following has been established by clear and convincing evidence:
 - (1) That the variance request arises from conditions that are unique to the location in question, which are not ordinarily found in the same Zoning District, and that the unique conditions are not caused or created by an action or actions of the property owner or applicant.
 - (2) That granting 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 the neighborhood in which the property is located.
 - (3) That strict application of the Sign Code would result in practical difficulties or unnecessary hardships to the owner or applicant, inconsistent with the general purpose and intent of the Sign Code. Such practical difficulties or unnecessary hardships may include compliance with amended provisions of the Sign Code that were not in effect at the time a predecessor Sign was installed.
- (C) There shall be a \$350.00 non-refundable Docketing Fee due and payable at the time that any Request for Variance is filed.
- (D) The final order of the Sign Code Board of Appeals shall be the final decision of the City on any Request for Variance. Any Person aggrieved by a final decision of the Sign Code Board of Appeals shall have the right, in accordance with state law, to appeal that final order to the District Court of Douglas County, Kansas.

5-1829

MONUMENT DESIGN REVIEW COMMITTEE.

A committee shall be established to review written requests for new Permanent Free-standing Monument Signs that do not conform to the minimum or maximum monument Sign base width requirements set forth in Section 5-1819(c) of this Article. The Monument Sign Design Review Committee shall consist of the Director, the Assistant Director of Planning and Development Services, the Code Official, the Historic Resources Administrator, and the Director of Arts & Culture. Determinations made by the Monument Sign Design Review Committee shall be made in light of the City's message neutrality policy, and shall not consider the message content of the proposed Sign in reaching its decision. All requests to vary from the base width requirements set forth in Section 5-1819(c) of this Article must be submitted in writing to the Director. The standards for granting a variance shall be the same as those set forth in Section 5-1828. However, the Monument Sign Design Review

Committee shall not have authority to approve Free-standing Monument Signs having bases that are less than 33% of the width of the widest part of the Sign or more than 150% of the width of the widest part of the Sign. Meetings to review requests may be scheduled as necessary. After reviewing the request, the Monument Design Review Committee shall issue a written decision, approving or disapproving the variance. The written decision shall be transmitted to the applicant. Any Persons aggrieved by the decision of the Monument Sign Design Review Committee may appeal said decision to the Sign Code Board of Appeals in accordance with Section 5-1827 of this Article. (Ord. 9391)

5-1830

SUBSTITUTION OF MESSAGE.

For any Sign authorized in any Zoning District, a non-commercial Sign Copy may be substituted for any commercial Sign Copy or any other non-commercial Sign Copy, without consideration of the content of the Sign Copy, provided that the Sign is otherwise lawful and in compliance with the Sign Code. If the Sign is exempt from the Sign Permit requirement, then the Sign Copy substitution may be made without a Sign Permit; otherwise, a Sign Permit is required. The purpose of this provision is to prevent the inadvertent favoring of commercial speech over non-commercial speech or the favoring of one type of non-commercial speech over another. This provision, however, does not permit, through the substitution of Sign Copy, the conversion of an On-Premises Sign into an Off-Premises Sign. (Ord. 9391)

5-1831

UNLAWFUL ACTS.

(Ord. 9391, Ord. 9439, Ord. 9464)

- (A) It shall be unlawful for any person to install, erect, construct, hang, or alter (including the change of any Sign Copy or Sign Face) any Permanent Sign within the City, unless otherwise exempt under this Article, without first obtaining from the City a Sign Permit as required by Section 5-1804 of this Article.
- (B) It shall be unlawful for any person to install, erect, construct, or hang any Temporary Sign within the City, unless otherwise exempt under this Article, without first obtaining from the City a Sign Permit as required by Section 5-1804 of this Article. It shall also be unlawful for any person to install, erect, construct, or hang any Temporary Sign in violation of Section 5-1818(e) or Section 5-1919(d) of this Article or any other provision of this Article.
- (C) It shall be unlawful for any person to install, erect, construct, hang, or alter (including the change of any Sign Copy or Sign Face) any Sign in behalf of another person, unless otherwise exempt under this Article, without first obtaining from the City a Sign Contractor License as required by Section 5-1813 of this Article.
- (D) It shall be unlawful for any Person to knowingly violate any other provision of this Article.

5-1832

MUNICIPAL OFFENSE.

(Ord. 9391, Ord. 9439)

- (A) Engaging in any of the unlawful acts set forth at Section 5-1831(b) shall be a separate municipal offense. Any person violating a provision of Section 5-1831(b) of this Article shall, upon an adjudication of guilt or the entry of a plea of no contest, be subject to a minimum fine of \$100.00 and a maximum fine of \$250.00.
- (B) Engaging in any of the unlawful acts set forth at Section 5-1831(a), (c), or (d) shall be a separate municipal offense. Any person violating a provision of Section 5-

1831(a), (c), or (d) of this Article shall, upon an adjudication of guilt or the entry of a plea of no contest, be subject to a minimum fine of \$500.00 and a maximum fine of \$1,000.00 for each unlawful act.

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, Ord. 6991, Ord. 8239)

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/REVOCATION 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)

ARTICLE 22. TEMPORARY SHELTER CODE

5-2201

SHORT TITLE; PURPOSE.

- (a) This Article shall be known as the City's "Temporary Shelter Code."
- (b) The Governing Body finds that, in order to advance the health, safety and welfare of residents experiencing homelessness within the City of Lawrence, Kansas, it is necessary to regulate certain activities, including the use of real property for the location of Temporary Shelter Units within the City.

5-2202

DEFINITIONS.

The following words, terms, and phrases, when used in this Article, shall, except where the context clearly indicates otherwise, have the following meanings:

- (a) **"Accessible Route"** shall mean a continuous, unobstructed path that provides access to bathrooms and ADA-accessible Temporary Shelter Units.
- (b) **"Bathroom"** shall mean a room or space, containing plumbing fixtures consisting of a water closet, lavatory, and a bathtub or shower.
- (c) **"Code Official"** shall mean the Code Compliance Officer, anyone fulfilling the duties of the Code Compliance Officer on either a temporary or permanent basis, or any designee of the City Manager, the Director of the Department of Planning and Development Services, or the Code Official
- (d) **"Person"** shall mean any natural person, business association, or business entity, including but not limited to corporation, partnership, limited liability company, sole proprietorship, political subdivision of the State or other governmental entity, public or private agency, utility, or any other legal entity, or any successor or assign of any of the foregoing.
- (e) **"Premises"** shall mean a lot together with all structures and appurtenances existing thereon.
- (f) **"Structure"** shall mean that which is built or constructed.
- (g) **"Temporary Shelter Unit"** shall mean a fully-enclosed, weather-tight structure, with a minimum area of sixty square feet, that provides only sleeping and living facilities for people experiencing houselessness.

5-2203

TEMPORARY SHELTER UNITS PERMITTED.

Subject to compliance with this Article and Chapter 20 of the City Code, as amended, Temporary Shelter Units are permitted within the City.

5-2204

REQUIREMENTS.

Each Temporary Shelter Unit shall meet the following:

- (a) **Structure Size.** The habitable floor area shall be a minimum of 60 square feet with a minimum width of 7 feet.
- (b) **Doors.** Egress doors shall be a minimum of 80 inches in height, 32 inches in width, and shall be equipped with a keyed doorknob lock to provide security for the occupant.
- (c). **Windows** There shall be a minimum of two windows with the minimum openable space of 8 inches in height by 16 inches in width. The windows shall be located on opposite walls to permit natural cross ventilation.
- (d) **Emergency Egress.** A second egress is required, shall be located on the wall opposite the door, shall be a minimum of 22 inches in height and 36 inches in width, and shall be easily openable without a key or special knowledge.
- (e) **Foundation** The Temporary Shelter Unit shall be located on a level surface and properly secured to the ground by a method that is submitted and approved by the Code Official prior to occupancy.
- (f) **Ground Snow Load and Wind Design** The roof snow load of the Temporary Shelter Unit shall be 20 pounds per square foot. The Temporary Shelter Unit shall be designed and constructed to withstand wind speed of 110 miles per hour.
- (g) **Spacing.** There shall be a minimum of 10-foot separation between each Temporary Shelter Unit, measured from any exterior wall of all Structures located on the Premises.
- (h) **Ceiling Height** The minimum ceiling height shall be 84 inches.
- (i) **Smoke Alarms and Carbon Monoxide Alarms.** Each Temporary Shelter Unit shall be equipped with a working smoke alarm and a working carbon monoxide alarm. Combination smoke and carbon monoxide alarms shall be permitted to be used in lieu of smoke alarms. Such alarms shall receive their primary power from the structure wiring and when power is interrupted, shall receive power from a battery.
- (j) **Fire Extinguishers.** Each Temporary Shelter Unit shall be equipped with one portable fire extinguisher having a minimum rating of 1-A:10-B:C. Such fire extinguisher shall be serviced annually by qualified service personnel, who shall possess a valid certificate issued by an approved governmental agency or other approved organization for the type of the work performed.

5-2205

FIRE APPARATUS ACCESS ROADS.

Fire apparatus access roads shall be provided and maintained for every Premises that contains Temporary Shelter Units. Each fire apparatus access road shall, at a minimum, extend to within 150 feet of all portions of the Premises and to within 150 feet of all exterior walls of all Structures on the Premises.

5-2206

RECEPTACLE OUTLETS.

Each Temporary Shelter Unit shall be equipped with at least two separate and remote receptacle outlets. All receptacle outlets shall be ground-fault circuit-interrupter protected.

- 5-2207 **HEATING AND COOLING FACILITIES.**
Each Temporary Shelter Unit shall be equipped with a permanent heating and cooling system that has a thermostat to adequately provide comfort to the occupant. Portable heating devices are prohibited.
- 5-2208 **COOKING EQUIPMENT.**
Portable cooking equipment, such as portable stoves, hot plates, or other similar cooking appliances, are strictly prohibited in all Temporary Shelter Units.
- 5-2209 **PLUMBING FIXTURES.**
The minimum required plumbing fixtures for a Premises containing Temporary Shelter Units shall one be one water closet and one shower or bathtub per 10 occupants. At least 4% of the total number of Bathrooms, but not less than one, shall be ADA accessible and shall be located on an Accessible Route. Fractional numbers shall first be totaled and then rounded up to the next whole number. Every Temporary Shelter Unit on a Premises shall be located within 150 feet of the Bathroom facilities.
- 5-2210 **ACCESSIBLE TEMPORARY SHELTER UNITS; ACCESSIBLE ROUTES.**
At least 5% of all Temporary Shelter Units shall be ADA accessible and located on an Accessible Route to Bathroom facilities located within the Premises.
- 5-2211 **INSPECTIONS.**
The Code Official shall inspect each and every Temporary Shelter Unit prior to initial occupancy to verify compliance with the provisions of this Article.
- 5-2212 **PERMITS.**
All work performed on the Premises shall require a building permit obtained from the City prior to the commencement of such work, unless such work is identified in Chapter 5, Article 1, of City Code, as amended, as being exempt from the building permit requirement.
- 5-2213 **RIGHT OF ENTRY.**
Absent exigent circumstances, whenever it is necessary to make an inspection or to enforce any provisions of this Article, or whenever the Code Official has reasonable suspicion that there exists any condition or violation that makes such Temporary Shelter Unit unsafe, dangerous, hazardous, or a public nuisance, the Code Official shall have the right, to enter the Premises, at all reasonable times, to inspect the same or to perform any duty imposed by this Article, provided that such entry is made in accordance with the law.
- 5-2214 **VIOLATIONS.**
It shall be deemed a violation of this Article for any Premises to be in violation of any provision of the City's Temporary Shelter Code, codified at Chapter 5, Article 22 of the City Code, and all other applicable City Codes.
- 5-2215 **NOTICE OF VIOLATION.**
Any Person determined by the Code Official to be the cause of a violation of ANY provision of this Article shall be sent a Notice of Violation. The Notice of Violation shall be served on the Person by hand-delivery or by first class mail addressed to the Person. The Notice of Violation shall, at a minimum, include:
- (a) The condition that has caused the alleged violation(s); and
 - (b) That the Person has 14 days from the date of the Notice of Violation to appeal the Notice of Violation by filing with the Department of Planning and Development Services a Written Notice of Appeal in accordance with Section

5-2216

APPEAL.

- (a) Any Person aggrieved by the action of the Code Official in issuing a Notice of Violation shall have the right to appeal that action to the Building Code Board of Appeals. Such appeal shall be taken by filing with the Department of Planning and Development Services a Notice of Appeal within fourteen days of the date of the Notice of Violation. The Notice of Appeal shall be in writing and shall set forth in sufficient detail why the Person believes that the Notice of Violation was issued in error or why the proposed penalty is excessive, inappropriate, or unreasonable. After the Notice of Appeal is filed, the Building Code Board of Appeals shall set a time and place for a public hearing. Notice of Hearing shall be given to the Person in the same manner as the Notice of Violation. To prevail on appeal, the Person must prove that it is more probably true than not true that the Notice of Violation was issued in error or that the proposed penalty is excessive, inappropriate, or unreasonable. If it fails to take formal action at the public hearing, the Building Code Board of Appeals shall, no later than thirty days after the public hearing, issue its final order, which shall be transmitted to the Person in the same manner as the Notice of Violation.
- (b) There shall be a \$50.00 Docketing Fee due and payable at the time that any Notice of Appeal is filed.
- (c) The filing of a timely Notice of Appeal under Section 5-2216(a) shall, absent exigent circumstances, stay any administrative enforcement action under this Article until the Building Code Board of Appeals has issued its final order.
- (d) The final order of the Building Code Board of Appeals shall be the final decision of the City. Any Person aggrieved by a final decision of the Building Code Board of Appeals shall have the right, in accordance with state law, to appeal that final order to the District Court of Douglas County, Kansas.

5-2217

MUNICIPAL OFFENSE.

Any violation of a provision of this Article for any Premises, as amended, shall be a separate municipal offense. Any Person violating a provision of this Article, as amended, shall, upon an adjudication of guilt or the entry of a plea of no contest, be subject to a minimum fine of \$100.00 and a maximum fine of \$500.00 for each unlawful act. The municipal court judge shall have no authority to suspend all or any portion of the minimum fine for any such conviction. The municipal court judge shall also have the authority to order any Person, upon adjudication of guilt or the entry of a plea of no contest hereunder, to comply with the terms of this Article, as amended.