

ORDINANCE NO. 9625

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, REPEALING EXISTING CHAPTER 5, ARTICLE 1 AND ENACTING, IN ITS PLACE, CHAPTER 5, ARTICLE 1 OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2018 EDITION, AND AMENDMENTS THERETO, PERTAINING TO BUILDING AND CONSTRUCTION.

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

SECTION 1. Existing Chapter 5, Article 1, of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby repealed in its entirety, it being the intent of the Governing Body that Section 2 of this Ordinance supersede it.

SECTION 2. The Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby amended by adding Chapter 5, Article 1, which reads as follows:

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.
- 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.

5-107 **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)

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 Community Development 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)	\$47.00 per hour ²
Re-inspection fees when assessed by the building official under the provisions of Section 5-196	\$47.00 per hour ²
Inspections for which no fee is specifically indicated (minimum charge - one-half hour)	\$47.00 per hour ²
Additional plan review required by changes, additions, or revisions to approved plans (minimum charge - one-half hour)	\$47.00 per hour ²
Permits for Residential Furnaces and Air Conditioners	\$65.00 ³
Permits for Solar, Thermal, and Photovoltaic Systems (requiring no structural change to the building)	\$65.00 ³
Demolition Permits	\$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

REVOCACTION.

The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this Article 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.

SECTION 3. If any section, sentence, clause, 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.

SECTION 4. After passage and publication as provided by law, this ordinance shall be in full force and effect commencing July 1, 2019.

PASSED by the Governing Body of the City of Lawrence, Kansas, this ____ day of _____, 2019.

APPROVED:

 Lisa Larsen
 Mayor

ATTEST:

 Sherri Riedemann
 City Clerk

APPROVED AS TO FORM:

 Toni R. Wheeler
 City Attorney