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January 3, 2001

Ms. Kathy Greenlee
Kansas Insurance Department
420 SW 9th Street
Topeka, KS 66612

Dear Ms. Greenlee:

This letter will serve as notice that the City of Overland Park has enacted changes to sections of Ordinance No. NU-1382 and NU-1382A pursuant to the authority of K.S.A. 40-3901 et seq., concerning payment of insurance proceeds to the City arising out of claims due to fire or explosion.

Enclosed is a copy of City of Overland Park Ordinance No. BC-2237. Section 16.190.108.7 (page 54) refers to the Nuisance and Unsafe Structure Enforcement (NUSE) Act relative to damages created by fire, explosion or windstorm, and establishes procedures. This ordinance was adopted November 6, 2000, to be effective January 1, 2001.

Please acknowledge that the Ordinance has been received and is on file with your office.

Sincerely,

Marian Cook
Marian Cook
City Clerk

K. Greenlee
1/8/01

ORDINANCE NO. BC-2237

AN ORDINANCE INCORPORATING BY REFERENCE THE 2000 INTERNATIONAL BUILDING CODE AND REFERENCED STANDARDS AND SPECIFIED APPENDICES, SPECIFICALLY DESCRIBING AND DECLARING CERTAIN PORTIONS OF THAT CODE DELETED, REVISED, AMENDED, OR CHANGED AS INCORPORATED; ADDING NEW OVERLAND PARK MUNICIPAL CODE CHAPTERS 16.100, 16.110, 16.120, 16.130, 16.140, 16.150, 16.160, 16.170, 16.180, AND 16.190; REPEALING EXISTING SECTIONS 7.04.210, 7.04.240, 7.04.250, 7.04.260, 7.04.270, 7.48.010, 7.48.020, 7.48.030, 7.48.040, 7.48.050, 7.48.060, 7.48.070, 7.52.010, 7.52.020, 7.52.030, 7.52.032, 7.52.035, 7.52.040, 16.02.010, 16.02.050, 16.04.300, 16.04.320, 16.04.335, 16.04.340, 16.04.345, 16.04.346, 16.04.350, 16.04.351, 16.04.355, 16.04.360, 16.04.365, 16.04.370, 16.04.375, 16.04.380, 16.04.385, 16.04.390, 16.04.400, 16.04.405, 16.04.410, 16.04.412, 16.04.414, 16.04.415, 16.04.418, 16.04.420, 16.04.422, 16.04.424, 16.04.430, 16.04.460, 16.04.462, 16.04.464, 16.04.466, 16.04.468, 16.04.469, 16.04.470, 16.04.480, 16.04.490, 16.04.500, 16.04.510, 16.04.511, 16.04.514, 16.04.515, 16.04.517, 16.04.521, 16.04.525, 16.04.530, 16.04.540, 16.04.580, 16.04.620, 16.04.630, 16.04.640, 16.04.650, 16.05.110, 16.05.120, 16.05.130, 16.05.140, 16.05.150, 16.05.160, 16.05.170, 16.05.175, 16.05.177.100, 16.05.177.110, 16.05.177.200, 16.05.177.210, 16.05.177.220, 16.05.177.230, 16.05.177.240, 16.05.177.250, 16.05.177.300, 16.05.177.310, 16.05.177.320, 16.05.177.330, 16.05.177.400, 16.05.177.410, 16.05.177.420, 16.05.177.430, 16.05.177.440, 16.05.177.450, 16.05.177.460, 16.05.177.500, 16.05.177.610, 16.05.177.620, 16.05.177.800, 16.05.180, 16.05.190, 16.06.130, 16.06.140, 16.06.150, 16.06.160, 16.06.170, 16.07.101, 16.07.105, 16.07.106, 16.07.107.3, 16.07.107.4, 16.07.108, 16.07.111, 16.07.304.2, 16.07.304.3, 16.07.304.3.1 BEGINNING ON THE BOTTOM OF PAGE 268-7, 16.07.304.3.1 ON PAGE 268-8, 16.07.304.15, 16.07.306.2.1, 16.07.602.2.1, 16.07.602.3, 16.07.800, 16.08.015, 16.08.110, 16.08.120, 16.08.130, 16.08.140, 16.08.160, 16.08.165, 16.08.170, 16.08.180, 16.08.185, 16.08.190, 16.08.200, 16.09.200, 16.09.210, 16.09.220, 16.09.230, 16.09.240, 16.09.250, 16.09.260, 16.09.270, 16.09.280, 16.09.290, 16.09.300, 16.09.310, 16.09.320, 16.09.330, 16.09.340, 16.09.350, 16.09.360, 16.09.370, 16.09.380, 16.09.390, 16.09.400, 16.09.410, 16.09.420, 16.09.430, 16.09.440, 16.12.031, 16.12.110, 16.12.120, 16.12.125, 16.12.135, 16.12.145, 16.12.150, 16.14.200, 16.14.210, 16.14.211, 16.14.213, 16.14.220, 16.14.223, 16.14.230, 16.14.240, 16.14.250, 16.14.260, 16.14.270, 16.14.280, 16.14.290, 16.14.300, 16.14.302, 16.14.304, 16.14.310, 16.14.320, 16.14.330, 16.14.340, 16.14.350, 16.14.360, 16.14.370, 16.14.372, 16.14.373, 16.14.375, 16.14.376, 16.14.377, 16.14.378, 16.14.379, 16.14.380, 16.14.390, 16.14.400, 16.14.420, 16.14.430, 16.14.440, 16.14.450, 16.14.460, 16.16.013, 16.16.027, 16.16.030, 16.24.010, 16.24.020, 16.24.030, 16.24.040, 16.24.050, 16.24.060, 16.24.070, 16.24.080, 16.24.090, 16.24.100, 16.24.110, 16.24.120, 16.28.100, 16.30.010, 16.30.020 AND SECTION 2 OF ORDINANCE NO. BC-2167.

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

SECTION 1. Overland Park Municipal Code Chapter 16.100 is hereby added to read as follows:

Chapter 16.100 **BUILDING CODE**

16.100.100 Building Code – Incorporation

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2000 International Building Code, dated March, 2000, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said 2000 International Building Code shall be marked Official Copy as Adopted by Ordinance No. BC-2237, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

16.100.101.1

Subsection 101.1 of the 2000 International Building Code is hereby amended to read as follows:

101.1 Title. The 2000 International Building Code, as published by the International Code Council, Inc., and the deletions, changes, and additions contained in the Overland Park Municipal Code, Chapter 16.100 through 16.190, shall be known as the Building Code of the City of Overland Park, Kansas, hereinafter referred to as "this code" or "the Building Code."

16.100.101.4.1

Subsection 101.4.1 of the 2000 International Building Code is hereby amended to read as follows:

101.4.1 Electrical. The provisions of the NFPA 70 National Electrical Code, 1999 Edition, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

16.100.103.1

Subsection 103.1 of the 2000 International Building Code is hereby amended to read as follows:

103.1 Code Official. The Department of Building Safety is hereby created and the official in charge thereof shall be known as the "Building Official." The term "Code Official," "authority having jurisdiction," and/or "Code Administrator" shall be used synonymously with the term "Building Official" and the term "Building Safety Division" shall be used synonymously with the term "Department of Building Safety."

16.100.103.2

Subsection 103.2 of the 2000 International Building Code is hereby deleted.

16.100.105.2

Subsections 105.2, 105.2.1, 105.2.2, 105.2.3, 105.2.4 and 105.2.5 of the 2000 International Building Code are hereby amended to read as follows:

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

105.2.1 Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet.
2. Re-roofing and re-siding.
3. Temporary structures 900 square feet or less in area with an occupant load of 50 or less (IBC Section 3103).
4. Retaining walls, which are not over four feet (4') in height, measured from grade on the low side to the top of the wall, unless supporting a surcharge or impounding Class I, II, III-A liquids.
5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
6. Sidewalks and driveways not more than 30 inches above grade and not over any basement or story below and which are not part of an accessible route. Note: right-of-way work permits are required for sidewalk or driveway installation or replacement in the public right-of-way.
7. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy, as applicable in Subsection 101.2, which are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground (Section 3109).
10. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
11. Swings and other playground equipment accessory to one- and two-family dwellings.
12. Window awnings supported by an exterior wall of Group R-3, as applicable to Subsection 101.2, and Group U occupancies.
13. Movable cases, counters and partitions not over 5 feet 9 inches in height.
14. Arbors or shade structures a minimum 50 percent open at the top with no member wider than 2 inches in a horizontal plane and incapable of accumulating ice or snow.

105.2.2 Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps and receptacles, or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but does apply to equipment and wiring for power supply, the installations of towers and antennas.

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.

105.2.3 Gas:

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

105.2.4 Mechanical:

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

105.2.5 Plumbing:

The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drain-pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures. The removal and reinstallation of water closets, sinks, and lavatories in the same location.

16.100.105.3

Subsection 105.3 of the 2000 International Building Code is hereby amended to read as follows:

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the Department of Building Safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. 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.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Subsection 106.3.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the Code Official including requirements of Subsections 105.3.1 through 105.3.6.

16.100.105.3.3

Subsection 105.3.3 of the 2000 International Building Code is hereby added to read as follows:

105.3.3 One- and two-family dwellings – contractor registration. Each applicant seeking to obtain a permit for work on one- and two-family residential structures shall:

- A. Have on file with the Code Official a current Contractor Registration Form. The Code Official shall, by administrative regulation, prepare the required form, which shall contain such information that the Code Official deems necessary to implement this requirement; and
- B. Provide to the City a Certificate of Insurance on a form approved by the Code Official verifying that the applicant has minimum commercial general liability insurance coverage of \$1,000,000 per occurrence and \$2,000,000 annual aggregate, bodily injury and property damage, including completed operations. That certificate shall provide that if, at any time, prior to issuance of the final Certificate of Occupancy for any permits issued pursuant to such certification the applicant loses that insurance coverage, the City would be notified at least ten days prior to the expiration of the insurance coverage.

Exception: Owner-occupants who are not building contractors and who apply for a permit for work on one- or two-family residential structures that they occupy, and who will perform all work covered by the permit themselves without a building contractor, are not subject to the contractor registration and insurance requirements set forth in this code.

16.100.105.3.4

Subsection 105.3.4 of the 2000 International Building Code is hereby added to read as follows:

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

16.100.105.3.5

Subsection 105.3.5 of the 2000 International Building Code is hereby added to read as follows:

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

Applicants for areas within the corporate limits of the City, that are also within areas under the jurisdiction of a duly constituted water district, shall submit a statement from the district certifying that the proposed fire protection system conforms to the regulations of the district. The water supply and hydrants shall also comply with the requirements of Section 508 and Appendices B and C of the 2000 International Fire Code.

16.100.105.3.6

Subsections 105.3.6, 105.3.6.1, and 105.3.6.2 of the 2000 International Building Code are hereby added to read as follows:

105.3.6 Connection to public sewer. No building permit shall hereafter be issued for any structure requiring or providing a sanitary drainage system regulated by the 2000 International Plumbing Code until a public sanitary sewer system is available to serve the premises and is in operation except as provided in Subsections 105.3.6.1 and 105.3.6.2.

105.3.6.1 Private sewage disposal facilities. Private sewage disposal systems as permitted by the 2000 International Private Sewage Disposal Code.

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

1. The system is installed for a period of time not to exceed two years. Sufficient documentation, acceptable to the Code Official, shall be submitted to substantiate the temporary nature of the facility to ensure the facility will be removed or connected to the public sewer system within two years.
2. The design and construction of the system conforms to the Holding Tank requirements of the 2000 International Private Sewage Disposal Code.
3. Public sewers are not available as defined in the 2000 International Plumbing Code.
4. The use of the building shall not utilize commercial cooking operations or any material that would be detrimental to the system.

16.100.105.3.7

Subsection 105.3.7 of the 2000 International Building Code is hereby added to read as follows:

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

16.100.105.3.8

Subsection 105.3.8 of the 2000 International Building Code is hereby added to read as follows:

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

16.100.105.3.9

Subsections 105.3.9, 105.3.9.1, 105.3.9.2, and 105.9.3 of the 2000 International Building Code are hereby added to read as follows:

105.3.9 Moving buildings – moving permits. No person shall move any building or structure having a floor area of 200 or more square feet, upon, across, or over any highway, street, alley, or sidewalk in the City without first obtaining a permit to do so, issued by the Code Official.

105.3.9.1 Moving permit applications. All applications for permits to move buildings or other structures described in Subsection 16.100.105.3.9 shall be made to the Code Official, and such application shall state and be in compliance with the following procedures prior to issuance of the permit:

1. The dimensions of the building or structure as to length, height at its highest point when loaded for moving, width;
2. The definite description of the building or structure proposed to be moved giving street number, construction materials, dimensions in square feet, number of rooms and condition of exterior and interior;
3. The plot plan to scale with legal description of the lot from which the building is to be moved, giving the lot number, block number and subdivision, if located within the City;
4. The plot plan to scale with the legal description of the lot to which it is proposed such building be moved, giving the lot number, block number and subdivision, if located within the City;
5. Provide evidence that all utilities have been disconnected;
6. The day and hour when the moving is to commence and length of time of the move. In no event will a moving be allowed on a Saturday or Sunday or a holiday unless specifically allowed by the Code Official;
7. The highways, streets, alleys or sidewalks over, along, or across which the building or structure is proposed to be moved;
8. The application shall be made not less than 14 calendar days prior to the commencement of the moving and shall be accompanied by a fee as established by resolution of the Governing Body;
9. The application must include copies of written notice that have been given by the applicant to the owners of adjacent lots and to the owners of wired or other facilities, whenever same will affect the public utilities located within the City limits, should a permit be granted for the removal of building or structure;

10. The applicant of the building or structure to be moved shall file with the application sufficient evidence that the building or structure and lot from which it is to be moved are free of any entanglements and that all taxes and any City charges against the owner are paid in full.

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

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

- a) General Liability (Comprehensive Form) including Products/Completed Operations and Independent Contractors protection:

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

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

Or

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

- b) Automobile Liability (Comprehensive Form) - including Hired and Non-Owned:

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

Property Damage: each occurrence \$250,000

Or

Bodily Injury and Property Damage, Combined Single Limit:

each occurrence \$500,000

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

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

or

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

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

11. The applicant, if other than the owner, shall file with the application a written statement or bill of sale signed by the owner, or other sufficient evidence, that he is entitled to move the building or structure;
12. The applicant shall file with the application written permission from the private property owner to trim any trees on private property necessary to provide clearance for movement of the building or structure.
13. The applicant shall file with the application written permission from the Parks Department and adjacent contiguous private property owners to trim trees in the public right of way necessary to provide clearance for movement of the building or structure.

105.3.9.2 Bond required. It shall be the duty of any person at the time of making application for a permit as provided in Subsection 16.100.105.3.9.1 to execute in favor of this City a good and sufficient bond to the City in the sum of \$5,000, with good and sufficient security, conditioned, among other things, that the principal shall pay any and all damages which may be caused to any property, public or private, within the City when such injury or damage shall be inflicted by the principal or his agent, servant, employee, workman, contractor, or subcontractor, and such bond shall be conditioned also that the principal will serve, indemnify, and protect the City from any and all liability, and that he will, in all respects, comply with all ordinances of the City and comply with the terms of his permit and be conditional upon his faithful performance of the move. The form of such bond must be approved by the City Attorney.

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

1. Move a building or structure only over streets approved by the Department of Public Works and the Chief of Police and designated for such use in the written application.
2. Notify the Code Official within 48 hours of move in writing of a desired change in moving date and hour and route of move as proposed in the application and such change must be approved by the Code Official;
3. Notify the Code Official in writing of any and all damages done to property belonging to the public and private property within 24 hours after the damage or injury has occurred;
4. It shall be the duty of any persons moving any building or structure to display red lanterns or other warning devices used in compliance with City traffic ordinances or state statutes thereon in such a manner as to show the extreme height and width thereof from 30 minutes after sunset to 30 minutes before sunrise, and shall have sufficient escort as provided by City ordinance, state statutes, or as determined as necessary for the public safety by the Chief of Police;
5. No building or structure or any part of any building or structure being moved shall be left in the parkway, street, or on the dedicated right-of-way line between the curb and the front property line of any lot;
6. Remove all rubbish and materials and fill in excavations to existing grade at the original building or structure site so that the premises are left in a safe and sanitary condition within 30 days from the date of the move; or obtain a separate permit covering demolition of the site prior to issuance of the moving permit.

16.100.105.5

Subsection 105.5 of the 2000 International Building Code is hereby amended to read as follows:

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Commencement of work shall be documented by an inspection. Failure to request an inspection of newly completed work for any period of 180 days or more shall constitute suspension or abandonment of work.

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

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

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

16.100.108.2

Subsection 108.2 of the 2000 International Building Code is hereby amended to read as follows:

108.2 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 resolution of the Governing Body.

16.100.110.4

Subsection 110.4 of the 2000 International Building Code is hereby amended to read as follows:

110.4 Temporary occupancy. The Code 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 Code Official shall set a time period during which the Temporary Certificate of Occupancy is valid. The Code Official is authorized to grant one or more extensions of time.

16.100.112.1.1

Subsection 112.1.1 of the 2000 International Building Code is hereby added to read as follows:

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

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

16.100.112.1.2

Subsection 112.1.2 of the 2000 International Building Code is hereby added to read as follows:

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

16.100.112.1.3

Subsection 112.1.3 of the 2000 International Building Code is hereby added to read as follows:

112.1.3 Compensation of Board of Appeals. All members shall serve without compensation.

16.100.112.2.1

Subsection 112.2.1 of the 2000 International Building Code is hereby added to read as follows:

112.2.1 Application for appeal. The owner of a building or structure or any other person may appeal to the Board of Appeals from a decision of the Code Official refusing to grant a modification to the provisions of this code covering the manner of construction or materials to be used in the erection, alteration, or repair of a building or structure. Application for appeal may be made when it is claimed that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction can be used. The Code Official shall prepare an application form for the filing of appeals and shall be responsible for notifying the board of such filings. Application fees for the filing of appeals shall be established by the Governing Body in resolution form and shall be collected by the Code Official at the time that an application is filed.

16.100.112.3.1

Subsection 112.3.1 of the 2000 International Building Code is hereby added to read as follows:

112.3.1 Member qualifications. Each member shall be a licensed professional engineer or architect; or a builder, superintendent of building construction, or an individual licensed in a trade with at least ten years' experience, five of which shall have been in responsible charge of work. Not more than two members shall be from the same profession or occupation, and at least one professional engineer shall be a structural or civil engineer with architectural engineering experience.

16.100.113.3

Subsection 113.3 of the 2000 International Building Code is hereby amended to read as follows:

113.3 Prosecution of violation. Any person failing to comply with a notice of violation or order shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with the Code Official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to

restrain, correct or abate such violation, or to require the removal or termination of the occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

16.100.113.4

Subsection 113.4 of the 2000 International Building Code is hereby amended to read as follows:

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

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

16.100.113.5

Subsection 113.5 of the 2000 International Building Code is hereby added to read as follows:

113.5 Abatement of violations. Should any person fail to comply with a notice of violation or order as specified in Subsection 113.2, the Code Official is authorized to correct or abate such violation, or to require the removal or termination of the occupancy of the structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure, or premises. This action can be taken in lieu of or in conjunction with any action taken under Subsection 113.3.

16.100.903.3.7

Subsection 903.3.7 of the 2000 International Building Code is hereby amended to read as follows:

903.3.7 Fire department connections. The location of fire department connections shall be approved by the Code Official. A fire department connection for each standpipe system or water-based fire-extinguishing system shall be located not more than 100 feet from the nearest fire hydrant connection to an approved water supply.

16.100.903.4.3.1

Subsection 903.4.3.1 of the 2000 International Building Code is hereby added to read as follows:

903.4.3.1 Main control valve access. The main control valve shall be accessible. To be considered accessible, an unobstructed aisle not less than 3 feet wide and 7 feet high shall be provided to the valves. The valves shall be operable from the floor of the aisle.

16.100.907.9.1.4

Subsection 907.9.1.4 of the 2000 International Building Code is hereby added to read as follows:

907.9.1.4 Multiple building complexes. Use Groups R-1 and R-2 buildings in multiple-building complexes which are provided with a required fire suppression or fire alarm system shall be provided with an exterior visual signaling device. The device shall be equivalent to a visible signaling appliance identified in ICC/ANSI 117.1. The device shall be located such that it is clearly visible from a street or fire lane near the building. The device shall activate upon activation of the building fire alarm system or suppression system.

16.100.1003.3.1.8

Subsection 1003.3.1.8 of the 2000 International Building Code is hereby amended to read as follows:

1003.3.1.8 Locks and latches. Egress doors shall be readily openable from the egress side without the use of key or special knowledge or effort.

Exceptions:

1. Places of detention or restraint.
2. In buildings in occupancy Group B, F, M, and S, the main exterior door or doors is permitted to be equipped with key operated locking devices from the egress side provided:
 - 2.1 The locking device is readily distinguishable as locked,
 - 2.2 A readily visible durable sign is posted on the egress side on or adjacent to the door stating: THIS DOOR TO REMAIN UNLOCKED WHEN BUILDING IS OCCUPIED. The sign shall be in letters one inch (1") high on a contrasting background,
 - 2.3 The use of the key-operated locking device is revocable by the Code Official for due cause.
3. Where egress doors are used in pairs, approved automatic flush bolts shall be permitted to be used, provided that the door leaf having the automatic flush bolts has no doorknob or surface-mounted hardware. The unlatching of any leaf shall not require more than one operation.
4. Doors from individual dwelling units or guestrooms of Group R occupancies having an occupant load of 10 or less are permitted to be equipped with a night latch, dead bolt or security chain, provided such devices are openable from the inside without the use of a key or tool.

16.100.1005.3.2.4

Subsection 1005.3.2.4 of the 2000 International Building Code is hereby amended to read as follows:

1005.3.2.4 Stairway floor number signs. A sign shall be provided at each floor landing in interior vertical exit enclosures connecting more than three stories designating the floor level, the terminus of the top and bottom of the stair enclosure, and the identification of the stair. The signage shall also state the story of, and the direction to the exit discharge and the availability of, roof access from the stairway for the fire department. The signs shall be color coded, or have colored borders that are identified as follows. Red shall be used for the primary exit enclosure with roof access, yellow for the secondary stairwell, blue for the third stairwell, white for the fourth, and green for the fifth. The sign shall be located five feet above the floor landing in a position which is readily visible when the doors are in the open and closed positions.

16.100.1106.7

Subsection 1106.7 of the 2000 International Building Code is hereby added to read as follows:

1106.7 Physically disabled parking signage. Required accessible parking spaces shall be designated as reserved for the physically disabled by a sign showing the universal symbol of accessibility. The sign face shall be a minimum of 96 square inches. A vertically mounted sign shall be provided in the front center of each parking space with the bottom of the sign located between 36 and 60 inches above the parking surface.

16.100.3103.1.1

Subsection 3103.1.1 of the 2000 International Building Code is hereby amended to read as follows:

3103.1.1 Permit required. Temporary structures that cover an area in excess of 900 square feet, including connecting areas or spaces with a common means of egress or entrance which are used or intended to be used for the gathering together of fifty or more persons, shall not be erected, operated or maintained for any purpose without obtaining a permit from the Code Official.

SECTION 2. Overland Park Municipal Code Chapter 16.110 is hereby added to read as follows:

Chapter 16.110

RESIDENTIAL CODE FOR ONE- & TWO-FAMILY DWELLINGS

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

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.110 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2000 International Residential Code for One- and Two-Family Dwellings, dated January, 2000, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically

deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190 . Not less than three (3) copies of said 2000 International Residential Code for One- and Two-Family Dwellings shall be marked Official Copy as Adopted by Ordinance No. BC-2237 to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available

to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

16.110.102.5.1

Subsection R102.5.1 of the 2000 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

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

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

16.110.103

Sections R103 through R114 of the 2000 International Residential Code for One- and Two-Family Dwellings are hereby deleted.

16.110.120

Section R120 of the 2000 International Residential Code is hereby added to read as follows:

R120 Disclosure requirements.

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

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

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

3. That copies of the Master Plan are available in the Planning and Development Services Department at City Hall for a nominal cost. The Master Plan contains information about projected planned land uses, existing zoning districts, the location of bike/hike trails, existing and future streets, and private streets.
4. That the City of Overland Park has adopted an Official Building Code (O.P.M.C. Section 16.100.100, the 2000 International Building Code, which includes the 2000 International Residential Code) covering the construction of one- and two-family residential structures. The purpose of the Official Building Code is to provide minimum requirements to safeguard health, safety, and public welfare and the protection of property by regulating and controlling the design and construction of one- and two- family residential structures. The builder is responsible for compliance with the Official Building Code.
5. That the City of Overland Park provides a program of required inspections of one- and two-family dwelling structures on a regularly scheduled basis during construction. That these inspections are conducted to review the construction compliance with adopted minimum life safety codes and are not intended to serve as a quality assurance program or to protect the consumer from poor workmanship. Further, that due to the extensive nature of all the adopted codes, which regulate the built environment in Overland Park, it is an unreasonable expectation that the City of Overland Park will review all aspects of construction regulated by the adopted Building Codes. Ultimately, compliance is the responsibility of the contractor and/or permit applicant.
6. That a compilation of information, including the Future Development Plan Map, Official Street Map, Greenway Linkage Map, Minimum Standards for Residential Basement Foundations, and other publications prepared by the City of Overland Park, is available for purchase at City Hall for a nominal cost.
7. That Purchasers of covered housing have a responsibility to:
 - a) Obtain and examine the compilation of information available from the City, including the Master Plan, and be familiar with the relevant information contained therein, including the proposed future development of the surrounding neighborhood.
 - b) Reasonably inspect and examine the covered housing and the various separate components thereof to evaluate the general condition and quality of construction, and to take reasonable action to determine if the covered housing has been constructed in substantial compliance with the Official Building Code; provided, however, that any such duties of the purchasers do not, in any manner, relieve the builder of primary responsibility.
 - c) Make reasonable inquiry into the builder's reputation in the community for quality construction and customer service.
 - d) Review the real estate records to determine the existence of recorded deed restrictions and covenants, notices of current or future tax assessments, and other matters which might impact or affect the covered housing and adjacent property.

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

3. That copies of the Master Plan are available in the Planning and Development Services Department at City Hall for a nominal cost. The Master Plan contains information about projected planned land uses, existing zoning districts, the location of bike/hike trails, existing and future streets, and private streets.
4. That the City of Overland Park has adopted an Official Building Code (O.P.M.C. Section 16.100.100, the 2000 International Building Code, which includes the 2000 International Residential Code) covering the construction of one- and two-family residential structures. The purpose of the Official Building Code is to provide minimum requirements to safeguard health, safety, and public welfare and the protection of property by regulating and controlling the design and construction of one- and two- family residential structures. The builder is responsible for compliance with the Official Building Code.
5. That the City of Overland Park provides a program of required inspections of one- and two-family dwelling structures on a regularly scheduled basis during construction. That these inspections are conducted to review the construction compliance with adopted minimum life safety codes and are not intended to serve as a quality assurance program or to protect the consumer from poor workmanship. Further, that due to the extensive nature of all the adopted codes, which regulate the built environment in Overland Park, it is an unreasonable expectation that the City of Overland Park will review all aspects of construction regulated by the adopted Building Codes. Ultimately, compliance is the responsibility of the contractor and/or permit applicant.
6. That a compilation of information, including the Future Development Plan Map, Official Street Map, Greenway Linkage Map, Minimum Standards for Residential Basement Foundations, and other publications prepared by the City of Overland Park, is available for purchase at City Hall for a nominal cost.
7. That Purchasers of covered housing have a responsibility to:
 - a) Obtain and examine the compilation of information available from the City, including the Master Plan, and be familiar with the relevant information contained therein, including the proposed future development of the surrounding neighborhood.
 - b) Reasonably inspect and examine the covered housing and the various separate components thereof to evaluate the general condition and quality of construction, and to take reasonable action to determine if the covered housing has been constructed in substantial compliance with the Official Building Code; provided, however, that any such duties of the purchasers do not, in any manner, relieve the builder of primary responsibility.
 - c) Make reasonable inquiry into the builder's reputation in the community for quality construction and customer service.
 - d) Review the real estate records to determine the existence of recorded deed restrictions and covenants, notices of current or future tax assessments, and other matters which might impact or affect the covered housing and adjacent property.

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

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

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

16.110.301

Table No. R301.2(1) of Section 301 of the 2000 International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

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

ROOF SNOW LOAD (PSF)	WIND Speed (mph)	SEISMIC CONDITION BY ZONE	SUBJECT TO DAMAGE FROM				WINTER DESIGN TEMPERATURE FOR HEATING FACILITIES
			Weathering	Frost line depth	Termite	Decay	
20	90	B	Severe	36"	Moderate- Heavy	Slight- Moderate	6° F

For SI: 1 pound per square foot = 0.0479 kN/m.², 1 mile per hour = 1.609 km/h.

16.110.301.8

Subsection R301.8 of the 2000 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R301.8 Automatic fire suppression. Allowable height and area provisions for R-3 dwellings in Chapter 5 of the 2000 International Building Code shall be modified as follows:

1. New dwellings in excess of 4,800 square feet per floor shall be suppressed by a system complying with NFPA 13R or 13D as listed in Chapter 35 of the 2000 International Building Code.
2. Existing structures and their additions shall be suppressed by a system complying with Subsection 326.1 when additions to structures cumulatively exceed 25 percent of the original floor area of any floor, and the floor exceeds 4,800 square feet.

16.110.306.5

Subsection R306.5 of the 2000 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R306.5 New single family dwellings toilet facilities. Toilet facilities shall be provided within 500 feet (measured from the property line adjacent to the street for platted subdivisions along the public way) for all new single family dwellings starting from the time of the first footing inspection until facilities are available in the dwelling. If the facilities are not located on the job

site, the location of the required facilities shall be posted on the job site or other certification provided to the Code Official to verify the availability of toilet facilities. The facilities on the site shall be removed prior to issuance of a Temporary Certificate of Occupancy.

16.110.309.6

Subsection R309.6 of the 2000 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R309.6 Residential driveways. Residential concrete and asphalt driveway slabs shall be a minimum of 4-inches thick. The driveway shall have a constant slope so as to avoid ponding of water. The slope shall be away from the house or building or drain by means approved by the Code Official.

16.110.315.1

Subsection R315.1 of the 2000 International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

R315.1 Handrails. Handrails having minimum and maximum heights of 34 inches (34") and 38 inches (38"), respectively, measured vertically from the nosing of the treads, shall be provided on at least one side of stairways. All required handrails shall be continuous the full length of the stairs with three or more risers from a point directly above the top riser of a flight to a point directly above the lowest riser of the flight. Ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than 1.5 inches (1.5") between the wall and the handrail.

Exceptions:

1. Handrails shall be permitted to be interrupted by a newel post at a turn.
2. The use of a volute, turnout or starting easing shall be allowed over the lowest tread.

16.110.325.1

Subsection R325.1 of the 2000 International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

R325.1 Premises identification. Approved numbers or addresses shall be provided for all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property and located not more than 50 feet from the property line. Address characters shall have a contrasting background and have a minimum height of 4 inches in Use Groups R-3 and R-4; 6 inches in USE GROUP R-3 Child Care Facilities.

16.110.325.2

Subsection R325.2 of the 2000 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R325.2 Illumination. Single family dwellings shall have the ability to illuminate the address and numbers during the hours of darkness with a power source connected to the house electrical system or other approved source of illumination.

16.110.328

Section R328 of the 2000 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

SECTION R328 PHYSICAL SECURITY

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

R328.1.1 Scope. The provisions of this article shall apply to all new structures and to alterations, additions, and repairs as stipulated in Chapter 34 of the 2000 International Building Code.

R328.2 Doors. Except for vehicular access doors, all exterior swinging doors of residential buildings and attached garages, including the doors leading from the garage area into the dwelling unit, shall comply with Subsections R327.2.1 through R327.2.4 for the type of door installed.

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

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

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

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

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

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

R328.3 Door frames. The exterior door frames shall be installed prior to a rough-in inspection. Door frames shall comply with Subsections 328.3.1 through 328.3.4 for the type of assembly installed.

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

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

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

R328.3.3 Door jambs.

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

R328.4 Door hardware. Exterior door hardware shall comply with Subsections 328.4.1 through 328.4.3.

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

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

R328.4.2 Strike plates. Exterior door strike plates shall be a minimum of 18 gauge metal with four offset screw holes. Strike plates shall be attached to wood with not less than three inch (3") screws, which shall have a minimum of one inch (1") penetration into the nearest stud. Note: For side lighted units, refer to Subsection 327.4.6.

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

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

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

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

R328.4.6 Side lighted entry doors. Side light door units shall have framing of double stud construction or equivalent construction complying with Subsections 327.3.1, 327.3.2 and 327.3.3. The doorframe that separates the door opening from the side light, whether on the latch side or the hinge side, shall be double stud construction or equivalent construction complying with Subsections 327.3.1 and 327.3.2. Double stud construction or construction of equivalent strength shall exist between the glazing unit of the side light and wall structure of the dwelling.

R328.5 Street numbers. Street numbers shall comply with Subsection R325.1.

R328.6 Exterior Lighting. Exterior lighting shall comply with Subsections 328.6.1 through 328.6.2.

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

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

R328.8 Alternate materials and methods of construction. The provisions of this chapter are not intended to prevent the use of any material or method of construction not specifically prescribed by this chapter, provided any such alternate has been approved by the enforcing authority, nor is it the intention of this chapter to exclude any sound method of structural design

or analysis not specifically provided for in this chapter. The materials, methods of construction, and structural design limitations provided for in this chapter shall be used, unless the enforcing authority grants an exception.

The enforcing authority is authorized to approve any such alternate provided they find the proposed design, materials, and methods of work to be at least equivalent to those prescribed in this chapter in quality, strength, effectiveness, burglary resistance, durability, and safety.

16.110.401.4.2

Subsection R401.4.2 of the 2000 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R401.4.2 Soils report required. Foundation designs for new dwellings using the Tables referenced in Subsection R404.1.2 shall submit a report from a registered design professional specifying the properties of the soil based on Table 405.1 prior the inspection of footings.

16.110.403.1.1.1

Subsection R403.1.1.1 of the 2000 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R403.1.1.1 Continuous footing reinforcement. Continuous footings for basement foundation walls shall have minimum reinforcement consisting of not less than two No. 4 bars, uniformly spaced, located a minimum 3 inches (3") clear from the bottom of the footing.

16.110.403.1.1.2

Subsection R403.1.1.2 of the 2000 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R403.1.1.2 Column pads. Column pads shall be a minimum of 24 inches by 24 inches and 8 inches deep (24" x 24" x 8"). Reinforcement shall consist of a minimum of three No. 4 bars each way, uniformly spaced.

16.110.403.1.6.2

Subsection R403.1.6.2 of the 2000 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R403.1.6.2 Foundation anchorage – basement walls. The spacing of anchor bolts or foundation anchor straps required by Subsection R403.1.6 shall be reduced to a maximum of 3 feet (3') for basement foundation walls.

16.110.404.1.3

Subsection R404.1.3 of the 2000 International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

R404.1.3 Design required. A design in accordance with accepted engineering practice shall be provided for concrete or masonry foundation walls when any of the conditions listed below exist.

Where applicable, a standard design approved by the City may be used in lieu of a design from the design professional. For new single family dwellings where standard designs approved by the City are used, the design professional sealing the plans shall specify the use of those designs on the approved plans or through a separate report.

1. Walls are subject to hydrostatic pressure from ground water.
2. Walls supporting more than 48 inches (48") of unbalanced backfill that do not have permanent lateral support at the top and bottom.
3. Sites containing CH, MH, OL, or OH soils as identified in Table R405.1
4. Foundation walls exceeding nine feet (9') in height, measured from the top of the wall to the bottom of the slab.
5. Lots identified on the subdivision grading plan as having more than six feet (6') of fill or having a finished slope steeper than 4 horizontal to 1 vertical before grading.
6. Footings and foundations with existing fill soils below the footing level.
7. Sloping lots steeper than 4 to 1 before grading.
8. Lots where some footings will bear on soil and others will bear on rock.
9. Areas where problems have historically occurred.
10. Stepped footing and foundation walls.
11. Garage floor slabs supported on more than 24 inches (24") of clean sand or gravel or eight inches (8") of earth.

16.110.506.2.4

Subsection R506.2.4 of the 2000 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

R506.2.4 Basement floor slab isolation. Basement floor slabs shall be isolated from column pads, interior columns and interior bearing walls to facilitate differential movement. Nonbearing walls supported on basement floor slabs shall be provided with a minimum one inch (1") expansion joint to facilitate differential movement between the floor slab and the floor framing above. Isolation and/or an expansion joint is not required within six inches (6") of the exterior walls.

16.110.801.3

Subsection R801.3 of the 2000 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

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

16.110.901.2

Subsection R901.2 of the 2000 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

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

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

16.110.901.3

Subsection R901.3 of the 2000 International Residential Code for One- and Two-Family Dwellings is hereby added to read as follows:

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

16.110.1102.1.5.1

Subsection N1102.1.5.1 of the 2000 International Residential Code is hereby added to read as follows:

N1102.1.5.1 Concrete and masonry basement walls. Insulation is not required for concrete or masonry portions of basement walls of one- and two-family dwellings, which are not adjacent to finished space and are more than 50 percent below grade. Walls shall be insulated whenever the adjacent interior space is finished.

16.110.3103.1

Subsection P3103.1 of the 2000 International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

P3103.1 Roof extension. All open vent pipes which extend through a roof shall be terminated at least six inches (6") above the roof except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least seven feet (7') above the roof.

SECTION 3. Overland Park Municipal Code Chapter 16.120 is hereby added to read as follows:

Chapter 16.120 **FIRE CODE**

16.120.100 Fire Code -- Incorporation.

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2000 International

Fire Code, dated December, 1999, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said 2000 International Fire Code shall be marked Official Copy as Adopted by Ordinance No. BC-2237, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

16.120.101.2.1.1

Subsection 101.2.1.1 of the 2000 International Fire Code is hereby added to read as follows:

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

Appendix B – Fire Flow Requirements for Buildings.

Appendix C – Fire Hydrant Locations and Distribution.

Appendix D – Fire Apparatus Access Roads.

16.120.101.6

Subsection 101.6 of the 2000 International Fire Code is hereby added to read as follows:

101.6 Code Official. The executive official in charge of the Building Safety Division for the City of Overland Park shall be the designated enforcement officer of this code and is herein referred to as the Code Official. The Code Official shall be permitted to delegate the administration of this code to the Director, Fire Chief, or other designated members of a duly constituted Fire Protection District or the Overland Park Fire Department, Inc., for the area of the City within said district or contractual boundaries, and he or she may accept reports and findings resulting from such activities as provided in Section 106, 107, 109, 110, and 111.

16.120.102.6.1

Subsection 102.6.1 of the 2000 International Fire Code is hereby added to read as follows:

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

16.120.103

Section 103 of the 2000 International Fire Code is hereby deleted.

16.120.105.1

Subsection 105.1 of the 2000 International Fire Code is hereby amended to read as follows:

105.1 General. Permits shall be in accordance with Section 105. Where permits are required elsewhere in this code, the Code Official shall be permitted to waive the requirements for issuance of a permit provided public safety and welfare is maintained. Permits are specifically required for the following:

Operational permits.

1. Explosives – (105.6.15) – (includes explosives, blasting and fireworks).
2. Hazardous materials – (105.6.21).
3. Open burning – (105.6.31).
4. Pyrotechnic special effects materials – (105.6.36).
5. Pyroxylin Plastics. – (105.6.37).

Construction permits.

1. Temporary membrane structures, tents, and canopies (105.7.12).

16.120.105.1.1

Subsection 105.1.1 of the 2000 International Fire Code is hereby amended to read as follows:

105.1.1 Permits required. Permits required by this code shall be obtained from the Code Official. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the Code Official. When not included in permits required by Section 105 of the 2000 International Building Code permits specifically required in Subsection 105.1 shall be submitted to and approved by the Overland Park Fire Department, Inc.

Exceptions:

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

16.120.105.6.15

Subsection 105.6.15 of the 2000 International Fire Code is hereby amended to read as follows:

105.6.15 Explosives, fireworks, and blasting. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosive, explosive material, fireworks, or pyrotechnic special effects within the scope of Chapter 33.

16.120.105.6.21

Subsection 16.120.105.6.21 of the 2000 International Fire Code is hereby amended to read as follows:

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

storing, dispensing, using, or handling of listed chemicals in excess of their threshold planning quantities (TPQ).

16.120.105.6.31

Subsection 105.6.31 of the 2000 International Fire Code is hereby amended to read as follows:

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

16.120.108

Section 108 of the 2000 International Fire Code is hereby deleted.

16.120.109.3

Subsection 109.3 of the 2000 International Fire Code is amended to read as follows:

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

16.120.111.4

Subsection 111.4 of the 2000 International Fire Code is hereby deleted.

16.120.307.2

Subsection 307.2 of the 2000 International Fire Code is hereby amended to read as follows:

307.2 Permit required. A permit shall be obtained from the Code Official in accordance with Subsection 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, bonfire, or a recreational fire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

16.120.307.2.2

Subsection 307.2.2 of the 2000 International Fire Code is hereby amended to read as follows:

307.2.2 Prohibited open burning. Open burning that will be offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. The Code Official is authorized to order the extinguishment by the permit holder or the fire department of open burning which creates or adds to the hazardous or objectionable situation. Open burning of vegetation, leaves, and rubbish is prohibited except as provided in this section.

16.120.307.3

Subsection 307.3 of the 2000 International Fire Code is hereby amended to read as follows:

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

Exceptions:

1. Fires in approved containers that are not less than 15 feet from a structure.
2. The minimum required distance from a structure shall be 25 feet where the pile size is three feet (3') or less in diameter and two feet (2') or less in height.
3. Open burning for land clearing purposes shall not be less than 1,000 feet from any structure or public roadway and at least one mile from any airport. The Code Official may set the location as deemed necessary when it is determined that a closer location is not hazardous.

16.120.307.3.3

Subsection 307.3.3 of the 2000 International Fire Code is hereby added to read as follows:

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

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

Exceptions:

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

16.120.307.5

Subsection 307.5 of the 2000 International Fire Code is hereby amended to read as follows:

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

Exceptions:

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

16.120.310.2

Subsection 310.2 of the 2000 International Fire Code is hereby amended to read as follows:

310.2 Prohibited areas. Smoking shall be prohibited where conditions are such as to make smoking a hazard, including areas of piers, wharves, warehouses, stores, industrial plants, institutions, schools, assembly occupancies and in spaces where combustible materials are stored or handled, except in approved designated smoking areas. Smoking is permitted as provided in O.P.M.C. Chapter 11.52.

16.120.407.2.1

Subsection 407.2.1 of the 2000 International Fire Code is added to read as follows:

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

16.120.503.3.1

Subsection 503.3.1 of the 2000 International Fire Code is hereby added to read as follows:

503.3.1 Marking requirements. Each separate fire lane signage, which may consist of one sign or a combination of signs, shall have a cumulative minimum size of 96 square inches and contain the "No Parking" words or symbol with the words "Fire Lane" located directly beneath the "No Parking" words or symbol. Each sign or combination of signs are required to be uniformly mounted between two feet eight inches (2'8") to seven feet zero inches (7'0") above grade to the bottom of the sign, and so located not to obstruct pedestrian traffic. The sign or combination of signs shall be mounted within six feet (6') of the curb or striped pavement and are required to face or run parallel with oncoming vehicular traffic. The sign or combination of signs may be mounted on the building, pole base, or any other structure provided the signage meets the setback and minimum and maximum height requirements indicated above. The sign,

or combination of signs, are required to be spaced no more than 200 feet (200') apart. In addition, the curb, or pavement if a curb is absent, is required to be marked with a yellow stripe that shall run not less than six feet (6') of each thirty-foot length of fire lane. Each separate yellow striped area shall contain 3-inch black lettering indicating "Fire Lane"; provided, however, that the presence of such lettering is not a prerequisite to the enforcement of fire lane parking violations. Furthermore, the exceeding of any standards intended to inform the public of the location of a fire lane shall not affect the enforcement of this section.

16.120.505.1

Subsection 505.1 of the 2000 International Fire Code is hereby amended to read as follows:

505.1 Address numbers. New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four inches (4") high with a minimum stroke width of 0.5 inches (1/2") . Numbers shall be a minimum height of: four inches (4") in Use Groups R-3 and R-4; six inches (6") in Use Group R-3 Child Care Facilities; and eight inches (8") in all other Use Groups. When required by the Code Official, the identifying numbers shall be lighted by an approved light source.

16.120.505.1.1

Subsection 505.1.1 of the 2000 International Fire Code are hereby added to read as follows:

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

Exceptions:

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

16.120.506.2

Subsection 506.2 of the 2000 International Fire Code is hereby amended to read as follows:

506.2 Key box maintenance. The operator of the building shall immediately notify the Code Official and provide the new key when a lock is changed or rekeyed. The key to such lock shall be secured in the key box. The key box shall also be maintained in working order by the operator/owner/occupant of the building.

16.120.508.1.1

Subsection 508.1.1 of the 2000 International Fire Code is hereby added to read as follows:

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

16.120.508.4.1

Subsection 508.4.1 of the 2000 International Fire Code is hereby added to read as follows:

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

16.120.508.5.1

Subsection 508.5.1 of the 2000 International Fire Code is hereby amended to read as follows:

508.5.1 Where required. Where a portion of the facility or building is more than 300 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the Code Official.

Exceptions:

1. For Group R-3, R-4, and Group U occupancies, the hydrant distance requirement shall be 600 feet (600') along fire apparatus access roads and a distance no further than 400 feet (400') from a fire hydrant to the dwelling or other structure.
2. During construction and prior to occupancy of structures 40 feet (40') in height or less, spacing of hydrants shall not exceed 600 feet (600') from all exterior portions of the structure provided fire apparatus access roads from the hydrants extend to within 300 feet (300') of all portions of the building.

16.120.508.5.2.1

Subsection 508.5.2.1 of the 2000 International Fire Code is hereby added to read as follows:

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

16.120.508.5.2.2

Subsection 508.5.2.2 of the 2000 International Fire Code is hereby added to read as follows:

508.5.2.2 Hydrants – color. All hydrants shall be painted and highly visible. Private hydrants shall be painted red in color.

16.120.510.1.1

Subsection 510.1.1 of the 2000 International Fire Code is hereby added to read as follows:

510.1.1 Identification standard. Rooms containing the equipment identified in Subsection 510.1 shall be identified by minimum 4-inch (4") letters with a minimum 0.5-inch (0.5") stroke on contrasting background. All private fire hydrants shall be painted red.

16.120.804.1

Subsection 804.1 of the 2000 International Fire Code is hereby amended to read as follows:

804.1 Natural cut trees. Natural cut trees, other than needle bearing trees, where permitted by this section, shall have the trunk bottoms cut off at least 0.5 inch (1/2") above the original cut and shall be placed in a support device complying with Subsection 804.1.2. Needle bearing trees are prohibited in all occupancies except for individual dwelling units in Groups R-2, R-3 and R-4 occupancies.

16.120.901.4.5

Subsection 901.4.5 of the 2000 International Fire Code is hereby added to read as follows:

901.4.5 Existing installations - supervision. All existing required fire suppression and fire alarm systems shall be supervised in conformance with Subsections 903.4 and 907.15 respectively.

16.120.903.3.7

Subsection 903.3.7 of the 2000 International Fire Code is hereby amended to read as follows:

903.3.7 Fire department connections. The location of fire department connections shall be approved by the Code Official. The connection shall be a 30 degree elbow fitted with a four-inch (4") Storz quick coupling connector.

16.120.903.4.1

Subsection 903.4.1 of the 2000 International Fire Code is hereby amended to read as follows:

903.4.1 Signals. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remove supervising station or proprietary supervising station as defined in NFPA 7 or, when approved by the Code Official, shall sound an audible signal at a constantly attended location.

Exceptions:

1. Underground key or hub valves in roadway boxes provided by the municipality or public utility are not required to be monitored.
2. Backflow prevention device test valves located in limited area sprinkler system supply piping, shall be locked in the open position. In occupancies required to be equipped with a fire alarm system, the backflow preventer valves shall be electrically supervised by a tamper switch installed in accordance with NFPA 72 and separately annunciated.
3. Backflow prevention control valves located in pits shall be chained and locked in the open position.

16.120.906.1

Subsection 906.1 of the 2000 International Fire Code is hereby amended to read as follows:

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

1. In Group A, B, E, F, H, I, M, R-1, R-4 and S occupancies.
2. Within 30 feet of commercial cooking equipment.
3. In areas where flammable or combustible liquids are stored, used or dispensed.
4. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Subsection 1414.1.
5. Where required by the sections indicated in Table 906.1.
6. Special-hazard areas, including but not limited to laboratories, computer rooms, and generator rooms, where required by the Code Official.

Exception: In Group A, B and E occupancies equipped throughout with quick-response sprinklers, fire extinguishers shall be required only in special-hazard areas.

16.120.913.4

Subsection 913.4 of the 2000 International Fire Code is hereby amended to read as follows:

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

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

16.120.1003.2.2.11

Subsection 1003.2.2.11 of the 2000 International Fire Code is hereby added to read as follows:

1003.2.2.11 Overcrowding. A person shall not permit overcrowding or admittance of any person beyond the approved occupant load. The Code Official, upon finding overcrowded conditions or obscuration in aisles, passageways or other means of egress, or upon finding any condition which constitutes a hazard to life and safety, shall cause the occupancy, performance, presentation, spectacle or entertainment to be stopped until such a condition or construction is corrected and the addition of any further occupants prohibited until the approved occupant load is reestablished.

16.120.1005.3.2.4

Subsection 1005.3.2.4 of the 2000 International Fire Code is amended to read as follows:

1005.3.2.4 Stairway floor number signs. A sign shall be provided at each floor landing in interior vertical exit enclosures connecting more than three stories designating the floor level, the terminus of the top and bottom of the stair enclosure, and the identification of the stair. The signage shall also state the story of, and the direction to the exit discharge and the availability of, roof access from the stairway for the fire department. The signs shall be color coded, or have colored borders that are identified as follows. Red shall be used for the primary exit enclosure with roof access, yellow for the secondary stairwell, blue for the third stairwell, white for the

fourth, and green for the fifth. The sign shall be located five feet above the floor landing in a position which is readily visible when the doors are in the open and closed positions.

16.120.2401.2

Subsection 2401.2 of the 2000 International Fire Code is hereby amended to read as follows:

2401.2 Approval required. Tents and membrane structures having an area in excess of 900 square feet and canopies in excess of 900 square feet shall not be erected, operated or maintained for any purpose without first obtaining a permit from the Code Official.

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Fabric canopies and awnings open on all sides which comply with all of the following:
 - 2.1. Individual canopies having a maximum size of 900 square feet.
 - 2.2. The aggregate area of multiple canopies placed side by side without a fire break clearance of 12 feet not exceeding 900 square feet total.
 - 2.3. A minimum clearance of 12 feet to all structures and other tents.

16.120.2703.5

Subsection 2703.5 of the 2000 International Building Code is amended to read as follows:

2703.5 Hazard identification signs. Unless otherwise exempted by the Code Official, visible hazard identification signs as specified in NFPA 704 for the specific material contained shall be placed on stationary containers and above-ground tanks and at entrances to locations where extremely hazardous materials are present and where hazardous materials are stored, dispensed, used or handled in quantities exceeding the maximum quantities per control area and locations designated by the Code Official.

16.120.3301.1.3

Subsection 3301.1.3 of the 2000 International Building Code is amended to read as follows:

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

Exceptions:

1. Wholesale, storage, sale, and/or handling of fireworks as permitted in Section 3303, and OPMC 5.40.020 and 5.40.120.
2. Activities complying with OPMC 5.40.120.
3. The user of fireworks for display as permitted in Section 3308.
4. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable local or state laws, ordinances and regulations provided such fireworks comply with CPSC 16 CFR, Parts 1500-1507, and DOTn 49 CFR, Parts 100-178, for consumer fireworks.

16.120.3304.1

Subsection 3304.1 of the 2000 International Fire Code is amended to read as follows:

3304.1 General. Storage of explosives and explosive materials, other than Division 1.4G

fireworks, small arms ammunition, small arms primers, propellant-actuated cartridges, and smokeless propellants in magazines, shall conform to the provisions of this section and O.P.M.C Chapters 5.36 and 5.38.

16.120.3305

Section 3305 of the 2000 International Fire Code is hereby deleted.

16.120.3403.6.3.2

Subsection 3403.6.3.2 of the 2000 International Fire Code is hereby added to read as follows:

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

16.120.3404.2.11.5.2

Subsection 3404.2.11.5.2 of the 2000 International Fire Code is hereby deleted.

16.120.3404.2.12.3

Subsection 3404.2.12.3 of the 2000 International Fire Code is hereby added to read as follows:

3404.2.12.3 Tanks in service - storage tank testing. All underground flammable liquid storage tanks which have been buried for five years or more shall be tested for tightness to the standards set forth in NFPA 30 1996 and NFPA 30A 1996. The test shall be conducted using an approved testing system or method approved by the Code Official. In the event that such approved testing system or method is required on any buried storage tank prior to the expiration of the five years, a later test will not be required without cause until the expiration of five years from the date of the last test. After the fifth year, such approved tests shall be repeated on all such tanks at intervals no greater than five years without cause. The date of the test, the model and the type of tester, the name of the operator of the equipment, the operator's certification number, the duration, and results thereof shall be recorded and maintained until the date of the next test. A copy of the test results shall be sent to the City Code Official.

All steel tanks which are coated shall have an approved test every two years. The date of the test, the model and the type of tester, the name of the operator of the equipment, the operator's certification number, the duration, and results thereof shall be recorded and maintained until the date of the next test.

A copy of the test results shall be sent to the City Code Official.

16.120.3404.2.13.1.3

Subsection 3404.2.13.1.3 of the 2000 International Fire Code is hereby amended to read as follows:

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

16.120.3404.2.13.1.4

Subsection 3404.2.13.1.4 of the 2000 International Fire Code is hereby deleted.

SECTION 4. Overland Park Municipal Code Chapter 16.130 is hereby added to read as follows:

Chapter 16.130
PLUMBING CODE

16.130.100 Plumbing Code - Incorporation.

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2000 International Plumbing Code, dated January, 2000, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said 2000 International Plumbing Code shall be marked Official Copy as Adopted by Ordinance No. BC-2237, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

16.130.101.2.1

Subsection 101.2.1 of the 2000 International Plumbing Code is hereby added to read as follows:

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically referenced in the adopting ordinance.

16.130.103

Sections 103 through 106 of the 2000 International Plumbing Code are hereby deleted.

16.130.108

Sections 108 and 109 of the 2000 International Plumbing Code are hereby deleted.

16.130.305.6.1

Subsection 305.6.1 of the 2000 International Plumbing Code is hereby amended to read as follows:

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

16.130.305.6.2

Subsection 305.6.2 of the 2000 International Plumbing Code is hereby added to read as follows:

305.6.2 Frost depth. The frost depth is 36 inches (36").

16.130.312.6

Subsections 312.6 and 312.7 of the 2000 International Plumbing Code are hereby deleted.

16.130.312.9

Subsection 312.9 of the 2000 International Plumbing Code is hereby deleted.

16.130.403.2

Subsection 403.2 of the 2000 International Plumbing Code is hereby amended to read as follows:

403.2 Separate facilities. Where plumbing fixtures are required, separate facilities shall be provided for each sex.

Exceptions:

1. Separate facilities shall not be required for private facilities.
2. Separate employee facilities shall not be required in occupancies in which 15 or less people are employed.
3. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 15 or less.
4. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 50 or less.

16.130.504.3

Subsection 504.3 of the 2000 International Plumbing Code is hereby amended to read as follows:

504.3 Shutdown. A means for disconnecting an electric hot water supply system from its energy supply shall be provided in accordance with the NFPA 70 National Electrical Code, 1999 Edition. A separate valve shall be provided to shut off the energy fuel supply to all other types of hot water supply systems.

16.130.701.2.1

Subsection 701.2.1 of the 2000 International Plumbing Code is hereby added to read as follows:

701.2.1 Public systems available. A public water main or public sewer system shall be considered available when the lot or tract is located within 400 feet (400') of the public water main or sewer and public water main or sewer is considered available for connection by the Johnson County Water District or the Johnson County Wastewater District.

16.130.715.1

Subsection 715.1 of the 2000 International Plumbing Code is hereby amended as follows:

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

16.130.904.1

Subsection 904.1 of the 2000 International Plumbing Code is hereby amended as follows:

904.1 Roof extension. All open vent pipes that extend through a roof shall be terminated at least six inches (6") above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least seven feet (7') above the roof.

16.130.1101.1

Subsection 1101.1 of the 2000 International Plumbing Code is hereby amended to read as follows:

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

16.130.1301

Chapter 13 – Referenced Standard **NFPA** Standard Reference Number 70-93 titled National Electric Code, of the 2000 International Plumbing Code is hereby amended to read as follows:

REFERENCED STANDARDS. Chapter 13 – Referenced Standards of the 2000 International Mechanical Code, is hereby amended to read as follows:

NFPA 70-99 – National Electric Code, 1999 Edition

SECTION 5. Overland Park Municipal Code Chapter 16.140 is hereby added to read as follows:

Chapter 16.140
MECHANICAL CODE

16.140.100 Mechanical Code – Incorporation.

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2000 International Mechanical Code, dated December, 1999, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said 2000 International Mechanical Code shall be marked Official Copy as Adopted by Ordinance No. BC-2237, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

16.140.101.5

Subsection 101.5 of the 2000 International Mechanical Code is hereby added to read as follows:

101.5 General. In this code the term “Department of Mechanical Inspection” shall be used synonymously with the term “Code Official.”

16.140.102.10

Subsection 102.10 of the 2000 International Mechanical Code is hereby added to read as follows:

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

Exceptions:

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

16.140.103

Sections 103 and 104 of the 2000 International Mechanical Code are hereby deleted.

16.140.106.3

Subsections 106.3 through 106.5.3 of the 2000 International Mechanical Code are hereby deleted.

16.140.107

Sections 107, 108, and 109 of the 2000 International Mechanical Code are hereby deleted.

SECTION 6. Overland Park Municipal Code Chapter 16.150 is hereby added to read as follows:

**Chapter 16.150
FUEL GAS CODE**

16.150.100 Fuel Gas Code – Incorporation.

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2000 International Fuel Gas Code, dated January, 2000, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said 2000 International Fuel Gas Code shall be marked Official Copy as Adopted by Ordinance No. BC-2237, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

16.150.101.6

Subsection 101.6 of the 2000 International Fuel Gas Code is hereby added to read as follows:

101.6 General. In the mechanical code term “Department of Inspection” shall be used synonymously with the term “Code Official.”

16.150.101.3.1

Subsection 101.3.1 of the 2000 International Fuel Gas Code is hereby added to read as follows:

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

1. Appendix A – Sizing and Capacities of Gas Piping.
2. Appendix B – Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances Listed for Use and Type B Vents.
3. Appendix C – Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems.
4. Appendix D – Recommended Procedure for Safety Inspection of an Existing Appliance Installation.

16.150.103

Section 103 of the 2000 International Fuel Gas Code is hereby deleted.

16.150.106

Subsections 106.3 through 106.5.3 of the 2000 International Fuel Gas Code are hereby deleted.

16.150.107

Sections 107, 108, and 109 of the 2000 International Fuel Gas Code are hereby deleted.

SECTION 7. Overland Park Municipal Code Chapter 16.160 is hereby added to read as follows:

**Chapter 16.160
ELECTRICAL CODE**

16.160.100 Electrical Code -- Incorporation.

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the NFPA 70 National Electrical Code, 1999 Edition, approved as an American National Standard on August 6, 1998, as published by National Fire Protection Association, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said NFPA 70 National Electrical Code, 1999 Edition, approved as an American National Standard on August 6, 1998, shall be marked Official Copy as Adopted by Ordinance No. BC-2237, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

16.160.310.14

Article 310, Section 310-14 of the NFPA 70 National Electrical Code, 1999 Edition, is hereby amended to read as follows:

310-14 Aluminum conductor material. Solid aluminum conductors No. 8, 10, and 12 shall be made of AA-8000 series electrical grade aluminum alloy conductor material. Stranded aluminum conductors No. 8 through 1000 kcmil marked as Type XHHW, THW, THHW, THWN, THHN, service-entrance Type SE Style U and SE Style R shall be made of an AA-8000 series electrical grade aluminum alloy conductor material. Solid aluminum conductors No. 8, 10, and 12 shall not be used as conductors for general wiring. The use of aluminum or copper clad aluminum conductors may be used only for service and feeder conductors.

SECTION 8. Overland Park Municipal Code Chapter 16.170 is hereby added to read as follows:

Chapter 16.170
ENERGY CONSERVATION CODE

16.170.100 Energy Conservation Code – Incorporation.

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2000 International Energy Conservation Code, dated December, 1999, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said 2000 International Energy Conservation Code shall be marked Official Copy as Adopted by Ordinance No. BC-2237, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

16.170.101.3.1.3

Subsection 101.3.1.3 of the 2000 International Energy Conservation Code is hereby added to read as follows:

101.3.1.3 Energy Compliance Certification Form – one- and two-family dwellings. A copy of the Kansas Energy Efficiency Disclosure Form required by K.S.A. 66-1228 signed by the seller and showing compliance with the 1993 or later edition of the CABO Model Energy Code, or this code, shall be submitted prior to the issuance of a Certificate of Occupancy for any one- or two-family dwelling.

Exception: Compliance may also be demonstrated by submitted data using the software for *MECcheck*, *COMcheck-EZ* or *COMcheck-Plus*.

16.170.130

Table 302.1 of the 2000 International Energy Conservation Code is hereby amended to read as follows:

TABLE 302.1
EXTERIOR DESIGN CONDITIONS

CONDITION	VALUE
Winter ^a , Design Dry-bulb (°F)	6 °F
Summer ^a , Design Dry-bulb (°F)	96 °F
Summer ^a , Design Wet-bulb (°F)	74 °F
Degree days heating ^b	5029
Degree days cooling ^b	1308
Climate zone ^c	11B

For SI: $^{\circ}\text{C} = [(^{\circ}\text{F}) - 32] / 1.8$.

- a. The outdoor design temperature shall be selected from the columns of 97 ½ percent values for winter and 2 ½ percent values for summer from tables in the ASHRAE *Handbook of Fundamentals*. Adjustments shall be permitted to reflect local climates which differ from the tabulated temperatures, or local weather experience determined by the Code Official.
- b. The degree days heating (base 65°F) and cooling (base 65°F) shall be selected from NOAA "Annual Degree Days to Selected Bases Derived from the 1961-1990 Normals," the ASHRAE *Handbook of Fundamentals*, data available from adjacent military installations, or other source of local weather data acceptable to the Code Official.
- c. The climate zone shall be selected from the applicable map provided in Figures 302.1(1) through 302.1(51) on the following pages.

SECTION 9. Overland Park Municipal Code Chapter 16.180 is hereby added to read as follows:

Chapter 16.180 **PRIVATE SEWAGE DISPOSAL CODE**

16.180.100 Private Sewage Disposal Code – Incorporation.

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2000 International Private Sewage Disposal Code, dated January, 2000, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said 2000 International Private Sewage Disposal Code shall be marked Official Copy as Adopted by Ordinance No. BC-2237, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be opened to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

16.180.101.2

Subsection 101.2 of the 2000 International Private Sewage Disposal Code is hereby amended to read as follows:

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

1. Public sewers are not available as defined in the 2000 International Plumbing Code; and
2. The building being served is a single-family dwelling located either on a lot of at least five (5) acres in area unless a preliminary plat has been approved prior to September 13, 1976, or on a lot zoned RE, Residential Estates, of at least one (1) acre in area.

Exception:

The Governing Body, upon good cause being shown and after public hearing, may grant exceptions from the provisions of Items 1 and 2 above if two-thirds (2/3) or more of the votes cast by Councilmembers are affirmative votes in favor of the exception. The applicant shall serve notice of public hearing. A copy of the plat map with the 200-foot (200') radius shown must be submitted. Any information or plans concerning improvements on this property must also be submitted. This information must be filed with the Code Official at least ten (10) days prior to the hearing.

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

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

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

In no event shall a building requiring a private sewage disposal system be constructed until such time as a private sewage disposal system permit has been secured from the Code Official or his designee upon compliance with all applicable codes and regulations of the City of Overland Park.

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

16.180.101.3

Subsection 101.3 of the 2000 International Private Sewage Disposal Code is hereby amended to read as follows:

101.3 Public sewer connection. Where public sewers become available to the premises served, the use of the private sewage disposal system shall be discontinued within that period of time required by the Code Official. The building sewer shall be disconnected from the private sewage disposal system and connected to the public sewer. Sewers shall be deemed available in accordance with the 2000 International Plumbing Code. A public sewer system shall be considered available when the lot or tract is located within 400 feet of the public sewer and public sewer is considered available for connection by the Johnson County Wastewater District.

16.180.102.2

Subsection 102.2 of the 2000 International Private Sewage Disposal Code is hereby amended to read as follows:

102.2 Existing installations. The legal use and occupancy of any structure existing on the date of adoption of this code or for which it has been heretofore approved may be continued without change except as may be specifically covered in this code or deemed necessary by the Code Official for the general safety and welfare of the occupants and the public.

16.180.102.4

Subsection 102.4 of the 2000 International Private Sewage Disposal Code is hereby amended to read as follows:

102.4 Additions, alterations or repairs. Additions, alterations, renovations or repairs to any private sewage disposal system shall conform to that required for a new system without requiring the existing system to comply with all the requirements of this code. Additions, alterations, or repairs shall not cause an existing system to become unsafe, unsanitary or overloaded, provided the usage of the system is not more demanding or stringent than the system required for the existing or previous use and public sewers are not available as defined in this code.

Minor additions, alterations, renovations and repairs to existing systems shall be permitted in the same manner and arrangement as in the existing system, provided that such repairs or replacement are not hazardous and are approved.

16.180.103

Sections 103 through 104 of the 2000 International Private Sewage Disposal Code are hereby deleted.

16.180.106.3

Subsections 106.3 through 106.4.3 of the 2000 International Private Sewage Disposal Code are hereby deleted.

16.180.107

Sections 107.0, 108.0 and 109.0 of the 2000 International Private Sewage Disposal Code are hereby deleted.

16.180.302.2

Subsection 302.2 of the 2000 International Private Sewage Disposal Code is hereby amended to read as follows:

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

16.180.403.1

Subsection 403.1 of the 2000 International Private Sewage Disposal Code is hereby amended to read as follows:

403.1 Soil borings and profile descriptions. Soil borings shall be conducted on all sites, regardless of the type of private sewage system planned to serve the parcel. Borings shall extend at least three feet (3') below the bottom of the proposed system. Borings shall be of sufficient size and extent to determine the soil characteristics important to an on-site liquid waste disposal system. Bore hole data shall be used to determine the suitability of soils at the site with respect to zones of seasonal or permanent soil saturation and the depth to bedrock. Borings shall be conducted prior to percolation tests to determine whether the soils are suitable to warrant percolation tests and, if suitable, at what depth percolation tests shall be conducted. The use of power augers for soil borings shall be prohibited. Soil borings shall be conducted and reported in accordance with Subsections 403.1.1 through 403.1.5. Where it is not practical to have borings made with a backhoe, such borings shall be augered or dug by hand. All borings, trenches, and other excavations shall be protected by fences or other means to prevent injury by parties entering the property.

16.180.403.1.6

Subsection 403.1.6 of the 2000 International Private Sewage Disposal Code is hereby added to read as follows:

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

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

16.180.404

Section 404 of the 2000 International Private Sewage Disposal Code is hereby deleted.

16.180.405.2.5

Subsection 405.2.5 of the 2000 International Private Sewage Disposal Code is hereby amended to read as follows:

405.2.5 Observations. The first observation shall be made on or before March 1. Observations shall be made thereafter every seven days or less until November 30 or until the site is determined to be unacceptable, whichever occurs first. Where water is observed above the critical depth at any time, an observation shall be made one week later. Where water is present above the critical depth at both observations, monitoring shall cease and the site shall be considered unacceptable. Where water is not present above the critical depth at the second observation, monitoring shall continue until November 30. Where any two observations seven days apart show the presence of water above the critical depth, the site shall be considered unacceptable and the Code Official shall be notified in writing. When rainfall of 0.5 inch (1/2") or more occurs in a 24-hour period during monitoring, observations shall be made at more frequent intervals, where necessary.

16.180.405.2.6

Subsection 405.2.6 of the 2000 International Private Sewage Disposal Code is hereby amended to read as follows:

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

Where monitoring discloses that the site is acceptable, the following data shall be submitted in writing: location and depth of test holes; ground elevations at the wells and soil profile descriptions; soil series if available from soil maps; dates observed; results of observations; information on artificial drainage; and local precipitation data—monthly from at least one year prior to monitoring, and daily during monitoring. A request to install a soil absorption system shall be made in accordance with Section 106.

16.180.406.1

Table 406.1 of the 2000 International Private Sewage Disposal Code is hereby amended to read as follows:

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

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

For SI: 1 foot = 304.8 mm.

16.180.505.11

Subsection 505.11 of the 2000 International Private Sewage Disposal Code is hereby amended to read as follows:

505.11 Vitrified clay pipe. The use of vitrified clay pipe is prohibited. Any additional references to vitrified clay pipe, to include Tables 505.1 and 703.3, will be deleted.

16.180.603.1

Subsection 603.1 of the 2000 International Private Sewage Disposal Code is hereby amended to read as follows:

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

Exception: The only percolation class permitted in the City of Overland Park is Class 4.

16.180.605.1

Subsection 605.1 of the 2000 International Private Sewage Disposal Code is hereby amended to read as follows:

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

16.180.605.3

Subsection 605.3 of the 2000 International Private Sewage Disposal Code is hereby amended to read as follows:

605.3 Seepage pits. Seepage pits shall be prohibited.

16.180.605.5

Subsection 605.5 of the 2000 International Private Sewage Disposal Code is hereby amended to read as follows:

605.5 Aggregate and backfill. A minimum of six inches (6") of aggregate ranging in size from one-half (½) to two and one-half (2 ½) inches (1/2-2 ½") shall be laid into the trench or bed below the distribution pipe elevation. The aggregate shall be evenly distributed a minimum of two inches (2") over the top of the distribution pipe. The aggregate shall be covered with approved synthetic materials or nine inches (9") of uncompacted marsh hay or straw. Building paper shall not be used to cover the aggregate. A minimum of 18 inches (18") of soil backfill shall be provided above the covering.

Exception:

Shallow-in-ground System: On sites where conventional in-ground systems are unsuitable due to conditions such as high water table, shallow bedrock or slowly

permeable soil layer, it may be possible to install a shallow-in-ground system. Essentially shallow-in-ground systems are identical to conventional systems in terms of design and construction with the following modifications:

- A. The trench excavation can be as shallow as six inches (6"). The actual excavation will be dependent upon the depth to the limiting factor. There must be two-to-four foot (2'-4') separation between the bottom of the trench and the limiting factor.
- B. The backfill material must be of the same textural class as the excavated soil. This material must be inspected and accepted by the local authority. A minimum of 10-12 inches (10"-12") of backfill cover needs to be provided, and it should extend at least 20 feet (20') beyond the perimeter of the absorption field.
- C. It is recommended that the site be prepared by cutting grass as short as possible or even chisel plowing the area as is done prior to installation of a mound.

16.180.605.10

Subsection 605.10 of the 2000 International Private Sewage Disposal Code is hereby added to read as follows:

605.10 New construction. Where a private sewage system is installed where new home construction is not completed, distribution piping shall be protected with barriers to prevent construction traffic from crossing over the lateral field, trunk lines, and manifold piping.

16.180.702.2.1

Subsection 702.2.1 of the 2000 International Private Sewage Disposal Code is hereby added to read as follows:

702.2.1 Percolation rate. The only percolation rate permitted in the City of Overland Park for Table 702.2 is 45 to 60.

16.180.802.2

Subsection 802.2 of the 2000 International Private Sewage Disposal Code is hereby amended to read as follows:

802.2 Design of septic tanks. Septic tanks shall have a minimum of two (2) compartments. The inlet compartment shall not be less than two-thirds ($2/3$) of the total capacity of the tank or less than a 670-gallon liquid capacity and shall be a minimum of three feet (3') wide and five feet (5') long. The secondary compartment of a septic tank shall have a minimum capacity of 330 gallons and a maximum capacity of one-third ($1/3$) of the total capacity. The secondary compartment of septic tanks having a capacity greater than 1,500 gallons shall not be less than five feet (5') long.

The liquid depth shall be a minimum of 30 inches (30") and a maximum average of six feet (6') . The total depth shall be at least eight inches (8") greater than the liquid depth.

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

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

16.180.802.7.1

Subsection 802.7.1 of the 2000 International Private Sewage Disposal Code is hereby amended to read as follows:

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

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

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

For SI: 1 gallon = 3.785 L.

16.180.805.1

Subsection 805.1 of the 2000 International Private Sewage Disposal Code is hereby amended to read as follows:

805.1 Approval. The installation of a holding tank shall not be approved where the site can accommodate the installation of any other private sewage disposal system specified in this code. A pumping and maintenance schedule for each holding tank installation shall be submitted to the Code Official.

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

1. The system is installed for a period of time not to exceed two (2) years. Sufficient documentation, acceptable to the Code Official, shall be submitted to substantiate the temporary nature of the facility to ensure the facility will be removed or connected to the public sewer system within two (2) years.
2. The design and construction of the system conforms to the Holding Tank requirements of the 2000 International Private Sewage Disposal Code.
3. Public sewers are not available as defined in the 2000 International Plumbing Code.
4. The use of the building shall not utilize commercial cooking operations or any material that would be detrimental to the system.

16.180.903.6.4

Subsection 903.6.4 of the 2000 International Private Sewage Disposal Code is hereby added to read as follows:

903.6.4 Percolation rate. The only percolation rate permitted in the City of Overland Park for

Table 903.6 is greater than 60 to 120.

16.180.1001

Chapter 10, Cesspools of the 2000 International Private Sewage Disposal Code is hereby deleted.

16.180.1202.7

Subsection 1202.7 of the 2000 International Private Sewage Disposal Code is hereby added to read as follows:

1202.7 Certification. Prior to occupancy, a certified engineer registered in the State of Kansas, which designed the sewage system, is required to certify the installation of the complete sewage system.

SECTION 10. Overland Park Municipal Code Section Chapter 16.190 is hereby added to read as follows:

Chapter 16.190
PROPERTY MAINTENANCE CODE

16.190.100 Property Maintenance Code – Incorporation.

There is incorporated by reference, for the purpose of adopting regulations, provisions, conditions, terms, and specifications, for the control of buildings and structures within the City; the issuing, suspension, and revocation of permits; the collection of fees; the making of inspections; the execution of plan reviews; the enforcement of Chapter 16.100 of the Overland Park Municipal Code and the fixing of penalties for violations thereof, the 2000 International Property Maintenance Code, dated November, 1999, as published by the International Code Council, Inc., excepting only such parts or portions thereof as are specifically deleted or amended in Overland Park Municipal Code Chapters 16.100 through and including 16.190 and including such new and additional provisions added to said code by Overland Park Municipal Code Chapters 16.100 through and including 16.190. Not less than three (3) copies of said 2000 International Property Maintenance Code shall be marked Official Copy as Adopted by Ordinance No. BC-2237, to which shall be attached a copy of the ordinance codified herein, and filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the ordinance shall be supplied at the cost of the City such number of official copies of such ordinance as may be deemed expedient.

16.190.101.1

Subsection 101.1 of the 2000 International Property Maintenance Code is hereby amended to read as follows:

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

16.190.101.5

Subsection 101.5 of the 2000 International Property Maintenance Code is hereby added to read as follows:

101.5 General. The Code Official, or, where appropriate, the Governing Body, is authorized, subject to any adopted policies or administrative rules or regulations, to take the following actions to bring the subject property into compliance with this code or other ordinances of the City. Those actions include, without being limited to, abatement of the violation; vacation of the premises until the violation is corrected; prohibition of occupancy of the premises until the violation is corrected; issuance of a Notice to Appear in Municipal Court; injunctive or other relief in the District Court of Johnson County; suspension or revocation of any City licenses pertaining to the premises that remain in violation, and any other necessary or appropriate actions authorized by any applicable law, ordinance, statute, rule or regulation. If no public necessity is found for the immediate demolition of the structure or premises, the Code Official or Governing Body may take such other action, including, without limitation, causing the property to be cleaned, cleared, vacated, secured or otherwise repaired or any other action deemed necessary to promote the public health, safety or general welfare. The provisions of Section 7.26.230 shall be made applicable to this section and pursuant to those provisions and any other applicable laws, statutes, ordinances, rules or regulations, the property owner may be charged for the costs incurred by the City in taking any actions to abate or correct such unlawful conditions, including administrative fees, and a lien may be placed on the property for any such unpaid costs and fees. The City Manager shall designate the department, division, employee or agency of the City to enforce this code, and such designee shall, for the purposes of this code, be known as the "Code Official" or "Code Administrator." In this code the term "Department of Property Maintenance Inspection" shall be used synonymously with the term "Code Official" or "Code Administrator."

16.190.102.3

Subsection 102.3 of the 2000 International Property Maintenance Code is hereby amended to read as follows:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the 2000 International Building Code, 2000 International Plumbing Code, 2000 International Mechanical Code, 2000 International Fuel Gas Code, and the NFPA 70 National Electrical Code, 1999 Edition. Where the term ICC Electrical Code is used in other portions of this code, the term shall be used synonymously with the term "NFPA 70 National Electrical Code, 1999 Edition." Nothing in this code shall be construed to cancel, modify or set aside any provisions of Title 18 of the Overland Park Municipal Code also known as the "Unified Development Ordinance."

16.190.103

Sections 103, 104, 105, and 106 of the 2000 International Property Maintenance Code are hereby deleted.

16.190.107.4

Subsection 107.4 of the 2000 International Property Maintenance Code is hereby amended to read as follows:

107.4 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Subsection 1103.4 of the 2000 International Building Code.

16.190.108.1.4

Subsection 108.1.4 of the 2000 International Property Maintenance Code is hereby amended to read as follows:

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered, or occupied or is being maintained in violation of the Municipal Code or any other applicable laws, statutes, rules or regulations.

16.190.108.7

Subsections 108.7 through 108.7.11 of the 2000 International Property Maintenance Code are hereby added to read as follows:

108.7 Fire, explosion, or windstorm. Damage created by fire, explosion, or windstorm shall comply with the provisions of Subsections 108.7.1 through 108.7.11.

108.7.1 Scope and application. The City of Overland Park, Kansas, is hereby authorized to utilize the procedures established by K.S.A. 40-3901 et seq., whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or structure located within the City, arising out of any fire, explosion or windstorm, where the amount recoverable for the loss or damage to the building or structure under all policies covering such building or structure is in excess of 75 percent (75%) of the face value of the policy covering such building or structure, unless there is compliance with the procedures set out in this ordinance.

108.7.2 Lien created. The Governing Body of the City hereby creates a lien in favor of the City on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the City, caused by or arising out of any fire, explosion or windstorm, where the amount recoverable for all the loss or damage to the building or other structure under all policies is in excess of 75 percent (75%) of the face value of the policy(s) covering such building or other insured structure. The lien arises upon any unpaid tax, special ad valorem levy, or any other charge imposed upon real property by or on behalf of the City which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss.

108.7.3 Same, encumbrances. Prior to final settlement on any claim covered by subsection 108.7.2, the insurer or insurers shall contact the County Treasurer, Johnson County, Kansas, to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer or insurers shall execute and transmit in an amount equal to the owing under the encumbrances a draft payable to the County Treasurer, Johnson County, Kansas.

108.7.4 Same; pro rata basis. Such transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the building or other structure.

108.7.5 Procedure:

1. When final settlement on a covered claim has been agreed to or arrived at between the named insured or insureds and the company or companies, and the final settlement exceeds 75 percent (75%) of the face value of the policy covering the building or other structure, and when all amounts due the holder of a first mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company or companies shall execute a draft payable to the City Treasurer in an amount equal to the sum of 15 percent (15%) of the covered claim payment unless the Code Official of the City has issued a certificate to the insurance company or companies that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt, or otherwise made the premises safe and secure.
2. Such transfer of funds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the City shall be disbursed in accordance with the policy terms.
3. Upon the transfer of funds as required by subsection 108.7.1 of this section, the insurance company shall provide the City with the name and address of the named insured or insureds, the total insurance coverage applicable to said building or other structure, and the amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured or insureds, whereupon the Code Official shall contact the named insured or insureds by registered mail, informing them that said insurance proceeds have been received by the City and apprise them of the procedures to be followed under this ordinance.

108.7.6 Fund created; deposit of moneys. The City Treasurer is hereby authorized and shall create a fund to be known as the "Insurance Proceeds Fund." All moneys received by the City Treasurer as provided for by this ordinance, shall be placed in said fund and deposited in an interest-bearing account.

108.7.7 Building Inspector; investigation, removal of structure.

1. Upon receipt of moneys provided for by this ordinance, the City Treasurer shall immediately notify the Code Official of said receipt, and transmit all documentation received from the insurance company or companies to the Code Official.
2. Within 20 days of the receipt of said moneys, the Code Official shall determine, after prior investigation, whether the City shall instigate proceedings under the provisions of K.S.A. 12-1750 et seq., as amended.
3. Prior to the expiration of the 20 days established by subsection 108.7.7(2) of this section, the Code Official shall notify the City Treasurer whether he or she intends to initiate proceedings under K.S.A. 12-1750 et seq., as amended.
4. If the Code Official has determined that proceedings under K.S.A. 12-1750 et seq., as amended shall be initiated, he or she will do so immediately but no later than 30 days after receipt of the moneys by the City Treasurer.
5. Upon notification to the City Treasurer by the Code Official that no proceedings shall be initiated under K.S.A. 12-1750 et seq., as amended, the City Treasurer shall return all such moneys received, plus accrued interest, to the insured or insureds as identified in the communication from the insurance company or companies. Such return shall be accomplished within 30 days of the receipt of the moneys from the insurance company or companies.

108.7.8 Removal of structure excess moneys. If the Code Official has proceeded under the provisions of K.S.A. 12-1750 et seq., as amended, all moneys in excess of that which is ultimately necessary to comply with the provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured.

108.7.9 Same; disposition of funds. If the Code Official, with regard to a building or other structure damaged by fire, explosion, or windstorm, determines that it is necessary to act under K.S.A. 12-1756, any proceeds received by the City Treasurer under the authority of subsection 108.7.5(1) relating to that building or other structure shall be used to reimburse the City for any expenses incurred by the City in proceeding under K.S.A. 12-1756. Upon reimbursement from the insurance proceeds, the Code Official shall immediately effect the release of the lien resulting therefrom. Should the expenses incurred by the City exceed the insurance proceeds paid over to the City Treasurer under subsection 108.7.5(1), the Code Official shall publish a new lien as authorized by K.S.A. 12-1756, in an amount equal to such excess expenses incurred.

108.7.10 Effect upon insurance policies. This ordinance shall not make the City a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

108.7.11 Insurers; liability. Insurers complying with this ordinance or attempting in good faith to comply with this ordinance shall be immune from civil and criminal liability and such action shall not be deemed in violation of K.S.A. 40-2404 and any amendments thereto, including withholding payment of any insurance proceeds pursuant to this ordinance, or releasing or disclosing any information pursuant to this ordinance.

16.190.110.1.1

Subsection 110.1.1 of the 2000 International Property Maintenance Code is hereby added to read as follows:

110.1.1 Enforcement against unsafe structure. The following procedures shall be used to process actions regarding unsafe structures:

1. The Code Official shall cause a written report to be filed with the Governing Body of the City describing the situation, its location, and the circumstances that support the determination that the structure is unsafe; and,
2. The Governing Body shall fix a time and place at which the owner, representative, tenant, or lien holders of record may appear and show cause why such structure should not be condemned and ordered repaired or demolished; and,
 - 2.1 A resolution, including the findings of the Governing Body and the time and place for the hearing, shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail, return receipt requested, within three days after its first publication to each such owner, representative, tenant or lien holder of record, as can reasonably be determined, at the last known address and shall be marked, "deliver to addressee only."
3. On the hearing date fixed by the Governing Body's resolution all relevant parties, interest holders, and relevant City officials shall be allowed to present evidence concerning the status of the property. The Governing Body shall subsequently make findings by

- resolution; and,
4. If the Governing Body finds that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired or removed and the premises made safe and secure; and,
 - 4.1 Such resolution shall be published once in the official city newspaper and a copy mailed to the owners, representatives, tenants, or lien holders of record by certified mail, return receipt requested.
 - 4.2 The resolution shall fix a reasonable time within which the repair or removal of the structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated, or fails to diligently commence such action until the work is completed, the Governing Body will cause the structure to be razed and removed.
 5. If the Code Official determines that a violation of this Act exists, he or she may issue a Notice to Appear in Municipal Court for such violation. No other procedures are required as a prerequisite to the issuance of a Notice to Appear.

16.190.111

Section 111 of the 2000 International Property Maintenance Code is hereby deleted.

16.190.112

Section 112 of the 2000 International Property Maintenance Code is hereby added to read as follows:

112 Appeals. Any person directly affected by a decision of the Code Official or a notice or order issued under this code directly pertaining to the interpretation or application of technical provisions of this code or the City's adopted building codes shall have the right to appeal to the Code Board of Appeals, pursuant to the applicable provisions of the Overland Park Municipal Code pertaining to that board. Any person directly affected by any decision of the Code Official or a notice or order issued under this code not under the jurisdiction of the Code Board of Appeals shall have only such rights of appeal as are specified in any applicable laws, statutes, ordinances, rules or regulations.

16.190.303.2

Subsection 303.2 of the 2000 International Property Maintenance Code is hereby amended to read as follows:

303.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Peeling, flaking and chipped paint areas in excess of 20 percent (20%) of any individual surface area shall be eliminated and such surfaces repainted. The area of peeling, flaking or chipped paint shall be calculated by drawing one rectangle around all occurrences of the peeling, flaking and chipped paint on any individual surface and calculating the area of that rectangle. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be

maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

16.190.303.3.1

Subsection 303.3.1 of the 2000 International Property Maintenance Code is hereby added to read as follows:

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

Exception 1: If more than one entry door is installed on a facade, only one door needs to be marked (entry doors defined as overhead cargo doors and normal passage doors).

Exception 2: The Code Official may grant further exceptions after consultation with the Crime Prevention Unit of the Overland Park Police Department if it can be shown that marking the doors would create a security risk.

16.190.303.7

Subsection 303.7 of the 2000 International Property Maintenance Code is hereby amended to read as follows:

303.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water and water from intermittent sources such as discharges from sump pumps, foundation drains, or other similar sources, excluding lawn sprinklers, shall not be discharged at a point closer than five feet to any adjoining property line nor in a manner that creates a public nuisance.

16.190.303.14

Subsection 303.14 of the 2000 International Property Maintenance Code is hereby amended to read as follows:

303.14 Insect screens. During the period from May 15 to October 15, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

16.190.602.3

Subsection 602.3 of the 2000 International Property Maintenance Code is hereby amended to read as follows:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 15 to May 15 to maintain a temperature of not less than 65° F (18° C) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the 2000 International Plumbing Code.

16.190.602.4

Subsection 602.4 of the 2000 International Property Maintenance Code is hereby amended to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 15 to May 15 to maintain a temperature of not less than 65° F (18° C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

16.190.800

Chapter 8 of the 2000 International Property Maintenance Code is hereby amended as follows:

REFERENCED STANDARDS. The referenced standards shall be amended as follows:

Delete:

ICC EC – 2000 ICC Electrical Code.

IZC – 2000 International Zoning Code.

Add:

NFPA 70 National Electrical Code, 1999 Edition


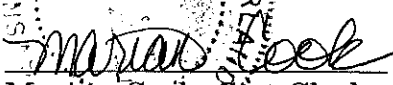
SECTION 11. Existing Overland Park Municipal Code Sections 7.04.210, 7.04.240, 7.04.250, 7.04.260, 7.04.270, 7.48.010, 7.48.020, 7.48.030, 7.48.040, 7.48.050, 7.48.060, 7.48.070, 7.52.010, 7.52.020, 7.52.030, 7.52.032, 7.52.035, 7.52.040, 16.02.010, 16.02.050, 16.04.300, 16.04.320, 16.04.335, 16.04.340, 16.04.345, 16.04.346, 16.04.350, 16.04.351, 16.04.355, 16.04.360, 16.04.365, 16.04.370, 16.04.375, 16.04.380, 16.04.385, 16.04.390, 16.04.400, 16.04.405, 16.04.410, 16.04.412, 16.04.414, 16.04.415, 16.04.418, 16.04.420, 16.04.422, 16.04.424, 16.04.430, 16.04.460, 16.04.462, 16.04.464, 16.04.466, 16.04.468, 16.04.469, 16.04.470, 16.04.480, 16.04.490, 16.04.500, 16.04.510, 16.04.511, 16.04.514, 16.04.515, 16.04.517, 16.04.521, 16.04.525, 16.04.530, 16.04.540, 16.04.580, 16.04.620, 16.04.630,


16.04.640, 16.04.650, 16.05.110, 16.05.120, 16.05.130, 16.05.140, 16.05.150, 16.05.160, 16.05.170, 16.05.175, 16.05.177.100, 16.05.177.110, 16.05.177.200, 16.05.177.210, 16.05.177.220, 16.05.177.230, 16.05.177.240, 16.05.177.250, 16.05.177.300, 16.05.177.310, 16.05.177.320, 16.05.177.330, 16.05.177.400, 16.05.177.410, 16.05.177.420, 16.05.177.430, 16.05.177.440, 16.05.177.450, 16.05.177.460, 16.05.177.500, 16.05.177.610, 16.05.177.620, 16.05.177.800, 16.05.180, 16.05.190, 16.06.130, 16.06.140, 16.06.150, 16.06.160, 16.06.170, 16.07.101, 16.07.105, 16.07.106, 16.07.107.3, 16.07.107.4, 16.07.108, 16.07.111, 16.07.304.2, 16.07.304.3, 16.07.304.3.1 beginning on the bottom of page 268-7, 16.07.304.3.1 on page 268-8, 16.07.304.15, 16.07.306.2.1, 16.07.602.2.1, 16.07.602.3, 16.07.800, 16.08.015, 16.08.110, 16.08.120, 16.08.130, 16.08.140, 16.08.160, 16.08.165, 16.08.170, 16.08.180, 16.08.185, 16.08.190, 16.08.200, 16.09.200, 16.09.210, 16.09.220, 16.09.230, 16.09.240, 16.09.250, 16.09.260, 16.09.270, 16.09.280, 16.09.290, 16.09.300, 16.09.310, 16.09.320, 16.09.330, 16.09.340, 16.09.350, 16.09.360, 16.09.370, 16.09.380, 16.09.390, 16.09.400, 16.09.410, 16.09.420, 16.09.430, 16.09.440, 16.12.031, 16.12.110, 16.12.120, 16.12.125, 16.12.135, 16.12.145, 16.12.150, 16.14.200, 16.14.210, 16.14.211, 16.14.213, 16.14.220, 16.14.223, 16.14.230, 16.14.240, 16.14.250, 16.14.260, 16.14.270, 16.14.280, 16.14.290, 16.14.300, 16.14.302, 16.14.304, 16.14.310, 16.14.320, 16.14.330, 16.14.340, 16.14.350, 16.14.360, 16.14.370, 16.14.372, 16.14.373, 16.14.375, 16.14.376, 16.14.377, 16.14.378, 16.14.379, 16.14.380, 16.14.390, 16.14.400, 16.14.420, 16.14.430, 16.14.440, 16.14.450, 16.14.460, 16.16.013, 16.16.027, 16.16.030, 16.24.010, 16.24.020, 16.24.030, 16.24.040, 16.24.050, 16.24.060, 16.24.070, 16.24.080, 16.24.090, 16.24.100, 16.24.110, 16.24.120, 16.28.100, 16.30.010, 16.30.020 and Section 2 of Ordinance No. BC-2167 are hereby repealed.

SECTION 12. This ordinance shall take effect and be in force from and after January 1, 2001, and after its publication in *The Overland Park Sun*, an official City newspaper.

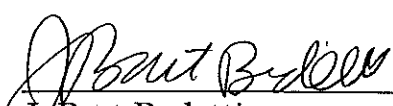
PASSED by the City Council this 6th day of November, 2000.

APPROVED by the Mayor this 6th day of November, 2000.

ATTEST


Marian Cook, City Clerk


Ed Eilert, Mayor

APPROVED AS TO FORM:


J. Bart Budetti
Sr. Assistant City Attorney



COPY

Kathleen Sebelius
Commissioner of Insurance
Kansas Insurance Department

January 9, 2001

MS. MARIAN COOK, CITY CLERK
THE CITY OF OVERLAND PARK
8500 SANTA FE DRIVE
OVERLAND PARK, KS 66212

Re: City of Overland Park Ordinance No. BC-2237

Dear Ms. Cook:

This will acknowledge receipt of your letter dated January 3, 2001 and attached ordinance.

We have placed this ordinance on file and it will be published in the April 2001 Insurance Quarterly.

If you have any questions regarding this matter, please contact this office.

Very truly yours,

Bill Wempe, CIE
Fire and Casualty Supervisor

BW:rs

AN ORDINANCE AMENDING CHAPTER 7.04 OF THE OVERLAND PARK MUNICIPAL CODE, CONCERNING NUISANCES AND UNSAFE OR DANGEROUS STRUCTURES; SETTING OUT THE STANDARDS, PROCEDURES, AND PENALTIES FOR THE ALLOWANCE OF NUISANCES ON PRIVATE PROPERTY AND ADJACENT RIGHTS-OF-WAY AND EASEMENTS; CREATING NEW SECTIONS 7.04.150 THROUGH 7.04.310.

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

SECTION 1. Chapter 7.04 of the Overland Park Municipal Code shall be amended by adding new sections 7.04.150 through 7.04.310, inclusive, to read as follows:

7.04.150 Title.

The title of Overland Park Municipal Code Sections 7.04.150 through 7.04.310, inclusive, shall be known as the Nuisance and Unsafe Structures Enforcement Act (NUSE Act).

7.04.160 Purpose and Findings.

(a) The purpose of the Nuisance and Unsafe Structures Enforcement Act is to provide reasonable controls restricting and prohibiting the allowance of nuisances and unsafe structures to exist on property within the City of Overland Park; to declare that certain conditions constitute public nuisances or unsafe structures, which are unsightly, are a menace and dangerous to health of the inhabitants of the City, or of any residential or commercial area and the residents thereof, and are offensive to the general public health, safety, and welfare of the community; to provide a method of enforcement of this Act; to provide procedures to notify property owners or those in control of real property that a violation exists and to allow for self-abatement by such person; to provide property owners or those in control of real property notification and an opportunity to be heard concerning violations of the Act; to provide administrative procedures to allow the City to direct the abatement of violations; to provide a method of assessment or collection of costs for abatement by the City; to declare that the existence of such violations are unlawful; and to provide penalties for enforcement through the Municipal Court system.

(b) The Governing Body of the City of Overland Park, Kansas, hereby finds that the allowance of nuisances and unsafe or dangerous structures, as defined herein, on private property or adjacent rights-of-way or easements are public nuisances which are unsightly, a menace dangerous to the health of the inhabitants of the City, or of the residential or commercial area and the residents thereof, and are offensive to the general public health, safety, and welfare of the community. Such nuisances or unsafe structures promote conditions which cause disease, pollution; proliferation of rats, vermin, mosquitoes, and snakes; the spread of fire; a harmful environment for transients and to the community as a result of transient use; harmful attractions for children; creates short and long-term impacts on the area including the diminution of property values and the integrity of the neighborhood; and interferes with the orderly development of property in the City.

7.04.170 Definitions.

For purposes of this Act, the following definitions shall apply:

(a) "City" shall mean the City of Overland Park, Kansas;

(b) "Property owner" shall mean the named property owner as indicated by the

(e) "Tenant" shall mean any person who has a severable or nonseverable interest in the real property either by oral or written lease or covenant, or by other methods of conveying a limited interest in such lands; or any person who occupies or has possession of such real property;

(f) "Perennial violator" shall mean any person who shows an annual pattern of failing to comply with this Act which may be shown by repeated notices of abatement, notices of costs, or previous violations of this Act;

(g) "Nuisance" shall mean any condition which causes or creates an unreasonable interference with the rights of the general public and shall include, but not be limited to, rank vegetation; rank or infested compost heaps; dense smoke; excessive dust, ash, or fine particles in the air; rank ponds or standing water including swimming pools, water receptacles, and undrained areas; cesspools creating on or rising to the surface; rank odors; unkempt trash, refuse, brush and limbs, debris or building materials; rank sewage or septic system; excessive accumulation of animal waste; exposed animal carcasses after death; sheds, garages, or other out-buildings allowing infestation of rodents or insects or left unsecured to allow entry of animals, humans, or the natural elements such as rain, hail and snow, or otherwise left unkempt or unsightly, except for outdoor dog or pet houses maintained in a clean and reasonable manner; trees, shrubs, or plants which are dead, diseased or infested which present a harmful or dangerous condition to the public; exposed refrigerators or freezers, or other appliances left unsecured; and any other condition which is determined to present a dangerous or harmful condition to the public;

(h) "Unsafe structure" shall mean any structure or part of a structure which remains or is damaged to present a dangerous or unsafe condition to the public including, but not limited to, structures damaged by fire, damaged by natural events or elements such as wind, tornadoes, earthquakes, flooding or settling of the ground; damaged by insect infestation; damaged due to the failure to provide reasonable maintenance; structures occupied or unoccupied which have broken windows, missing boards or siding, unsecured doors, or unsecured openings which allow the harboring of animals, insects, transients, or create an attraction to children; structures which, due to the opinion of qualified experts or inspectors, including but not limited to, fire, engineering, or architectural experts, present an unsafe or dangerous condition to those on or near the property; unfinished structures where no occupancy permit has been issued, and any building permit has lapsed for more than 30 days; structures which remain unfinished, or without an occupancy permit, after 18 months from the date of the first building permit and where no inspection for newly completed work has been requested from the City within the last 45 days;

(i) "Qualified expert" shall mean a person who is regularly employed to conduct structural inspections to comply with life, safety, mechanical, health, and building codes or a licensed professional in the field of engineering or architecture.

7.04.180 Nuisances or unsafe structures unlawful; responsibility to abate.

(a) It shall be unlawful for any property owner, representative, tenant, or other such person with control, occupancy, or possession of real property to allow or maintain a nuisance or unsafe structure to exist on any lot or parcel of land within the City, including any areas between the property lines of said lot or parcel and the center line of any adjacent street or alley including sidewalks, streets, alleys, easements and rights-of-way.

(b) The property owner, representative, tenant or other such person with control, occupancy, or possession of real property shall be responsible for the abatement of any nuisance or unsafe structure.

7.04.190 Enforcement against nuisances; designation of officer; notice to appear; notice of abatement; hearing.

(a) The City Manager shall designate a public officer to be charged with the administration and enforcement of this Act as it concerns nuisances. The public officer shall authorize the investigation of violations of the Act. If it is determined that a violation of this Act exists, then the officer shall file a written report with the City and direct that notice of abatement be sent to the property owner, representative, or tenant;

(b) The notice of abatement shall be served by personal service, or if the person being served is a nonresident of the City, the property is unoccupied,

(3) The nature of the violation, including relevant ordinances, with sufficient information that would reasonably allow the recipient to determine the nature of the violation to allow for self-abatement;

(4) That the condition creating the violation shall be abated within 10 days from the date of the notice;

(5) That the recipient, upon written request, may obtain a hearing before a designated hearing officer, provided such request is received by the City Clerk within the 10-day notice period;

(6) That failure to comply with the notice of abatement shall result in the City abating the violation with the assessment of costs made against the property or by filing for judgment against the recipient;

(7) That failure to pay such assessments within 30 days of the notice of costs shall result in the filing of a tax lien against the property, or the filing for judgment against the recipient, or both;

(8) That such violations are subject to prosecution.

(c) If the recipient of the notice of abatement makes a written request for hearing within the notice period, then the City shall immediately schedule a hearing before a designated hearing officer. The hearing officer shall receive evidence, review the investigation, and prepare a written order. The order shall be sent by certified mail to all relevant parties within 10 days of the hearing, unless otherwise stated at the hearing, and prior to the City taking any action to abate the violation. The order shall describe the relevant facts relied upon, state the specific Code provisions being relied upon should a violation be found, and state any such other stipulations, methods of abatement, or orders as deemed necessary by the hearing officer.

(d) If an authorized public officer determines that a violation of this Act exists, he or she may issue a Notice to Appeal in Municipal Court for such violation. No other procedures are required as a prerequisite to the issuance of a Notice to Appeal.

7.04.200 Abatement of nuisance by City; notice of costs; assessment and collection.

(a) If the recipient of the notice of abatement fails to comply with the notice, or fails to comply with any order after a hearing on the matter, then the City shall go onto the property to abate the violation in a reasonable manner. The City shall not be responsible for damage to property due to reasonable methods of gaining entrance onto the property or for damages to property in the reasonable exercise of its duty to the public to abate the violations. The City may use its own employees or contract for services to abate violations of the Act.

(b) If the City takes action to abate the violation, it shall provide a Notice of Costs to the property owner, representative, or tenant. The Notice of Costs shall be delivered by certified mail, return receipt requested, at the last known mailing address; or if the property is vacant or unoccupied, the Notice of Costs shall also be posted on the property in a reasonable manner. The recipient shall have 30 days from the date of the Notice to make full payment. The Notice of Costs shall state:

(1) The common or legal description of the property, or both;

(2) The nature of the violation, including relevant ordinances;

(3) The nature of the work performed to abate the violation;

(4) The costs incurred for the abatement of the violations in either a lump sum or in itemized form;

(5) That the notice is a demand for payment within 30 days from the date of notice;

(6) That failure to pay the entire amount within 30 days shall allow the City to file a tax lien against the property or to pursue litigation for the recovery of the costs, or both;

(7) That such additional remedies to recover costs shall include additional amounts including additional administrative costs, attorneys' fees when applicable, and interest;

(8) That payments shall be made by check or money order made payable to the City of Overland Park, Kansas, with no post-dating of the check, and sent to the address as stated within the notice with a written indication of the purpose for the payment and the address of the property where the violations occurred. Partial payments will not be accepted and shall be considered as non-payments.

(c) If the payment of costs is not made within the 30-day period, the City may levy a special assessment for such costs against the lot or piece of land. The City Clerk at the time of certifying other City taxes to the County Clerk shall certify the aforesaid costs, and the County Clerk shall extend the same on the tax roll of the county against the lot or parcel of ground, and it

shall be collected by the county treasurer and paid to the City as other City taxes are collected and paid.

Provided further, the City may collect the costs in the manner provided at K.S.A. 12-1,115, as amended, by bringing an action in the appropriate court as a personal debt.

The City may pursue both assessment and collection at the same time until the full cost, including applicable interests, court costs, attorneys' fees, and administrative costs have been paid in full. (Ref. K.S.A. 12-1617e, as amended).

7.04.210 Enforcement against unsafe structures; designation of officer; notice to appear; hearing; resolution.

(a) The City Manager shall designate a public officer to be charged with the administration and enforcement of this Act as it concerns unsafe structures. The public officer shall authorize the investigation of violations of the Act. If it is determined that a violation of this Act exists, then the officer shall file a written report with the Governing Body of the City describing the situation, its location, and the circumstances which support the determination that the structure is unsafe. The Governing Body shall then fix a time and place at which the owner, representative, tenant, or lienholders of record may appear and show cause why such structure should not be condemned and ordered repaired or demolished. Such resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail, return receipt requested, within three days after its first publication to each such owner, representative, tenant or lienholder of record, as can reasonably be determined, at the last known place of residence and shall be marked, "deliver to addressee only."

(b) On the hearing date fixed by the Governing Body's resolution all relevant parties, interest holders, and relevant City officials shall be allowed to present evidence concerning the status of the property. The Governing Body shall subsequently make findings by resolution. If the Governing Body finds that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired or removed and the premises made safe and secure. Such resolution shall be published once in the official City newspaper and a copy mailed to the owners, representatives, tenants, or lienholders of record by certified mail, return receipt requested. The resolution shall fix a reasonable time within which the repair or removal of the structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently commence such action until the work is completed, the Governing Body will cause the structure to be razed and removed.

(c) If an authorized public officer determines that a violation of this Act exists, he or she may issue a Notice to Appear in Municipal Court for such violations. No other procedures are required as a prerequisite to the issuance of a Notice to Appear.

7.04.220 Excavation fill.

It shall be the duty of the property owner, representative or the tenant, upon removal of a structure, to fill any basement or other excavation located upon the premises and take any other action necessary to leave such premises in a safe condition including the grading and seeding or sodding of the area, removal of dirt or mud from roads, streets, alleys, or sidewalks, to allow for proper drainage of the site, and to remove any and all refuse, trash, debris, brush and limbs, or materials from the site.

7.04.230 Removal of unsafe structures; salvage, sale; assessment and collection of costs; procedure.

(a) If the owner of any structure has failed to commence the repair or removal of such structure within the time stated in the resolution or has failed to diligently prosecute the same thereafter, the City may proceed to raze and remove such structure, make the premises safe and secure, or let the same to contract. The City shall keep an account of the cost of such work and may sell the salvage from such structure and apply the proceeds or any

(b) The City shall give notice to the owner of such structure by certified mail, return receipt requested, of the total cost incurred by the City in removing such structure and making the premises safe and secure. Such notice also shall state that payment of such cost is due and payable within 30 days following receipt of such notice. If the cost is not paid within the 30-day period and if there is no salvagable material or if moneys received from the sale of salvage or from the proceeds of any insurance policy in which the City has created a lien pursuant to K.S.A. 40-3901 et seq., and amendments thereto, are insufficient to pay the cost of such work, the balance shall be collected in the manner provided by K.S.A. 12-1,115, as amended, or shall be assessed as a special assessment against the lot or parcel of land on which the structure was located and the City Clerk at the time of certifying other City taxes, shall certify the unpaid portion of the costs and the County Clerk shall extend the same on the tax rolls of the county against such lot or parcel of land. The City may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, as amended, but only until the full cost and any applicable interest has been paid in full.

Whenever any structure is removed from any premises under the provisions of this act, the City Clerk shall certify to the county appraiser that such structure, describing the same, has been removed.

(c) If there is no salvageable material, or if the moneys received from the sale of salvage or from the proceeds of any insurance policy in which the City has created a lien pursuant to K.S.A. 40-3901 et seq., and amendments thereto, are insufficient to pay the costs of the work, such costs or any portion thereof in excess of that received from the sale of salvage or any insurance proceeds may be financed, until the costs are paid, out of the general fund or by the issuance of no-fund warrants. Whenever no-fund warrants are issued under the authority of this act, the Governing Body of such City shall make a tax levy at the first tax levying period for the purpose of paying such warrants and the interest thereon. All such tax levies shall be in addition to all other levies authorized or limited by law and shall not be subject to the aggregate tax levy prescribed in article 19 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto. Such warrants shall be issued, registered, redeemed and bear interest in the manner and in the form prescribed by K.S.A. 79-2940, and amendments thereto, except they shall not bear the notation required by that section and may be issued without the approval of the state board of tax appeals. All moneys received from special assessments levied under the provisions of this section or from an action under K.S.A. 12-1,115, as amended, when and if paid, shall be placed in the general fund of the City.

7.04.240 Damage by fire or explosion; insurance proceeds.

(a) If fire or explosion causes damage to a structure that is covered by fire or explosion insurance and the covered claim payment is in excess of 75% of the face value of the policy covering the structure, then the insurance provider shall be required to pay to the City \$5,000 or 10% of the claim payment, whichever is less. The insurer shall first pay all amounts due the holder of a first real estate mortgage against the structure pursuant to the terms of the policy and endorsements thereto and then shall withhold from the covered claim payment the sums required to be paid to the City. Such payments shall be made to the City on or before the date any monies are released by the insurer to any party or within 30 days of the incident resulting in the claim, whichever is earlier in time; the payment shall be made by check or money order made payable to the City of Overland Park, Kansas, no post-dating of check will be allowed, and sent by certified mail, return receipt requested, to the City Clerk, City of Overland Park, Kansas, 8500 Santa Fe, Overland Park, Kansas 66212, along with a statement explaining the reason for payment and giving the address of the property involved. All such funds received by the City Clerk shall be placed in an interest bearing account of the City. (Ref. K.S.A. 40-3901 et seq.).

(b) The City shall release the insured's proceeds and any interest which have accrued on such proceeds received within 30 days after receipt of such moneys, unless the City has instituted abatement proceedings pursuant to this Act. If such proceedings have been instituted, the City shall retain the proceeds until the abatement proceedings are complete. At the conclusion of the abatement proceedings, all moneys in excess of that necessary to comply

of the City which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss.

(d) The City Clerk shall notify the Commissioner of Insurance for the State of Kansas, within 14 days after the adoption of this Act. Such notification shall state that the City has enacted ordinances, pursuant to the authority of K.S.A. 40-3901 et seq. concerning payment of insurance proceeds to the City arising out of claims due to fire or explosion. A copy of said notice shall be maintained by the City Clerk.

7.04.250 Proof of repairing or rebuilding.

In lieu of the payment of proceeds required in 7.04.240 of this Act, the insured may present satisfactory proof to the public officer authorized under this Act that the insured has or will remove debris and repair, rebuild or otherwise make the premises safe and secure. Upon presentation of such sufficient evidence, the public officer along with the City Clerk shall certify that adequate proof of repairing or rebuilding has been given and that the payment of insurance proceeds to the City shall not be paid, subject to any lien created by the City should the insured fail to rebuild, repair, or secure the property as presented. The insured shall be responsible for presenting such certificate to the insurer. The insured, in seeking such certificate, shall present a timetable showing when repairs or rebuilding will be completed; render architectural or engineer plans, subject to approval by the public officer, showing the method, manner and materials to be used in repairing or rebuilding; and any other evidence deemed necessary by the public officer to demonstrate that the repairs or rebuilding will be completed in a timely and lawful manner. Failure of the insured to comply with the certificate shall result in the institution of proceedings for abatement.

7.04.260 City not party to insurance contract.

This Act does not make the City a party to any insurance contract nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

7.04.270 Failure to pay insurance proceeds or to obtain a certificate in lieu of payment of proceeds.

It is unlawful for any person, corporation, partnership, agency or entity to fail to provide the payment of insurance proceeds as required by this Act, unless a certificate in lieu of payment of proceeds has been obtained through the City.

7.04.280 Immediate Hazards.

In the event the public officer authorized under this Act determines that a nuisance or unsafe structure exists which creates an immediate hazard, then the City shall proceed, without delay, to take steps to abate the situation and without prior notice to or hearing of the owner, representative, or tenant. The cost of such action shall be assessed as set forth in Chapter 7.28 of this Code, or pursuant to K.S.A. 12-1,115, as amended, or both.

7.04.290 Right of entry; unlawful interference; penalty.

(a) Any authorized officer or agent of the City, pursuant to this Act, shall be allowed to enter onto any land within the City limits to investigate violations of this Act or for the abatement of violations pursuant to this Act.

(b) It shall be unlawful for any person to interfere with a public officer or agent of the City in performing his or her duties pursuant to this Act whether investigating or abating violations.

(c) Any person who interferes with an officer or agent of the City pursuant to this Act shall be punished as provided in Section 1.12.010 of this Code.

7.04.300 Penalty.

(a) Any property owner, representative, tenant, or person found in violation of this Act shall be subject to prosecution in the Overland Park Municipal Court. Any such person found guilty of violating the provisions of this Act shall be subject to a fine of not less than \$50 nor more than \$500 and not more than 10 days in jail, or both a fine and jail sentence. Any person found guilty of this Act two or more times within any one-year period, or determined

by the Municipal Court to be a perennial violator, shall be fined not less than \$250 nor more than \$500 and shall be subject to a sentence not to exceed 30 days in jail, or both a fine and a jail sentence.

(b) Prosecution of any offender under this Act does not limit the City's right to pursue assessment or collection of costs as stated in this Act, or by other laws.

(c) Each day that any violation shall continue shall constitute a separate offense.

(d) Any fines assessed under this Act shall be collected by the Municipal Court administration and paid over to the Community Development fund, except for assessments of court costs.

7.04.310 Severability.

If any section, subsection, paragraph, sentence, clause or phrase in this Chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof.

SECTION 2. This ordinance will be in full force and take effect from and after its passage and publication in The Overland Park Sun, an official City newspaper.

PASSED by the City Council this 21st day of July, 1986.

APPROVED by the Mayor this 21st day of July, 1986.

(s) Ed Eilert

Ed Eilert, Mayor

ATTEST:

(s) Bernice Crummett

Bernice Crummett
Finance Director/City Clerk

APPROVED AS TO FORM:

(s) Karen Arnold-Burger

Henry R. Cox
Assistant City Attorney

ORDINANCE NO. NU-1382,A

AN ORDINANCE RELATING TO NUISANCES IN THE CITY OF OVERLAND PARK, KANSAS; AMENDING AND REPEALING EXISTING OVERLAND PARK MUNICIPAL CODE SECTIONS 7.04.240, 7.04.250, 7.04.260 AND 7.04.270; PROVIDING SUBSTITUTE PROVISIONS THEREFOR. AMENDING SECTION 1 OF CITY OF OVERLAND PARK ORDINANCE NO. NU-1382.

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

SECTION 1. Overland Park Municipal Code Section 7.04.240 is hereby amended to read as follows:

7.04.240 Damage by fire or explosion; insurance proceeds.

(a) If fire or explosion causes damage to a structure that is covered by fire or explosion insurance and the covered claim payment is in excess of 75% of the face value of the policy covering the structure, then the insurance provider shall be required to pay to the City \$5,000 or 10% of the claim payment, whichever is less. The insurer shall first pay all amounts due the holder of a first real estate mortgage against the structure pursuant to the terms of the policy and endorsements thereto and then shall withhold from the covered claim payment the sums required to be paid to the City. Such payments shall be made to the City on or before the date any monies are released by the insurer to any party or within 30 days of the incident resulting in the claim, whichever is earlier in time; the payment shall be made by check or money order made payable to the City of Overland Park, Kansas, no post-dating of check will be allowed, and sent by certified mail, return receipt requested, to the City Clerk, City of Overland Park, Kansas, 8500 Santa Fe, Overland Park, Kansas 66212, along with a statement explaining the reason for payment and giving the address of the property involved. All such funds received by the City Clerk shall be placed in an interest bearing account of the City. (Ref. K.S.A. 40-3901 et seq.).

(b) The City shall release the insured's proceeds and any interest which have accrued on such proceeds received within 30 days after receipt of such moneys, unless the City has instituted abatement proceedings pursuant to this Act. If such proceedings have been instituted, the City shall retain the proceeds until the abatement proceedings are complete. At the conclusion of the abatement proceedings, all moneys in excess of that necessary to comply with the orders in abatement, expended by the

See Ord. No.
BC-2237
Section 16.190.1087

City, less any gained salvage value, shall be paid to the insured.

(c) The City may create a lien in favor of the City in the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to building or other structure, caused by or arising out of any fire or explosion. The lien shall arise upon any unpaid tax, special ad valorem levy, special assessment or other charge imposed upon real property by or on behalf of the City which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss.

(d) The City Clerk shall notify the Commissioner of Insurance for the State of Kansas, within 14 days after the adoption of this Act. Such notification shall state that the City has enacted ordinances, pursuant to the authority of K.S.A. 40-3901 et seq. concerning payment of insurance proceeds to the City arising out of claims due to fire or explosion. A copy of said notice shall be maintained by the City Clerk.

SECTION 2. Overland Park Municipal Code Section 7.04.250 is hereby amended to read as follows:

7.04.250 Proof of repairing or rebuilding.

In lieu of the payment of proceeds required in 7.04.240 of this Act, the insured may present satisfactory proof to the public officer authorized under this Act that the insured has or will remove debris and repair, rebuild or otherwise make the premises safe and secure. Upon presentation of such sufficient evidence, the public officer along with the City Clerk shall certify that adequate proof of repairing or rebuilding has been given and that the payment of insurance proceeds to the City shall not be paid, subject to any lien created by the City should the insured fail to rebuild, repair, or secure the property as presented. The insured shall be responsible for presenting such certificate to the insurer. The insured, in seeking such certificate, shall present a timetable showing when repairs or rebuilding will be completed; render architectural or engineer plans, subject to approval by the public officer, showing the method, manner and materials to be used in repairing or rebuilding; and any other evidence deemed necessary by the public officer to demonstrate that the repairs or rebuilding will be

completed in a timely and lawful manner. Failure of the insured to comply with the certificate shall result in the institution of proceedings for abatement.

SECTION 3. Overland Park Municipal Code Section 7.04.260 is hereby amended to read as follows:

7.04.260 City not party to insurance contract.

This Act does not make the City a party to any insurance contract nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

SECTION 4. Overland Park Municipal Code Section 7.04.270 is hereby amended to read as follows:

7.04.270 Failure to pay insurance proceeds or to obtain a certificate in lieu of payment of proceeds.

It is unlawful for any person, corporation, partnership, agency or entity to fail to provide the payment of insurance proceeds as required by this Act, unless a certificate in lieu of payment of proceeds has been obtained through the City.

SECTION 5. Existing Overland Park Municipal Code Sections 7.04.240, 7.04.250, 7.04.260, 7.04.270 and Section 1 of NU-1382 are hereby repealed.

SECTION 6. This ordinance shall take effect and be in force from and after its publication in the Overland Park Sun, an official City newspaper.

PASSED by the City Council this 3rd day of August, 1987.

APPROVED by the Mayor this 3rd day of August, 1987.

(s) Ed Eilert
Ed Eilert, Mayor

ATTEST:

(s) Bernice Crummett
Bernice Crummett
Finance Director/City Clerk

APPROVED AS TO FORM:

(s) Karen Arnold-Burger
Karen Arnold-Burger
Assistant City Attorney