

**ORDINANCE NO. 19-XX**

**AN ORDINANCE PERTAINING TO THE OLATHE BUILDING CODE; ADDING CERTAIN SECTIONS; AMENDING OLATHE MUNICIPAL CODE SECTIONS 15.02.020, 15.02.030, 15.02.050, 15.02.060, 15.02.070, 15.02.080, 15.02.100, 15.02.130, 15.02.140, 15.02.160, 15.02.170, 15.02.180, 15.02.200, 15.02.210, 15.02.230, 15.02.240, 15.02.260, 15.02.270, 15.02.280, 15.02.300, 15.02.310, 15.02.320, 15.02.350, 15.02.370, 15.02.390, AND 15.02.395 AND REPEALING THE EXISTING SECTIONS; ALSO REPEALING SECTIONS 15.02.090, 15.02.290, 15.02.330, 15.02.340, 15.02.360, 15.02.380, 15.02.400, CHAPTER 2.74, SECTIONS 2.74.010 THROUGH 2.74.050, INCLUSIVE, AND CHAPTER 15.24, SECTIONS 15.24.010 THROUGH 15.24.060, INCLUSIVE.**

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

**SECTION ONE:** Section 15.02.020 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.02.020 Code Adopted.**

The ~~2012~~ 2018 International Building Code, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-~~5795~~ is adopted by reference and made a part of this chapter as if fully set out, save and except such parts or portions thereof as are specifically deleted, added or changed in Sections 15.02.030 through and including 15.02.430.”

**SECTION TWO:** Section 15.02.030 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.02.030 Marked Copies of Code on File.**

There shall be not less than one (1) copy of the code adopted by reference in Section 15.02.020 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, and which shall be marked or stamped, “Official Copy as Incorporated by Ordinance No. ~~12-41~~ 19-XX” with all sections or portions thereof intended to be omitted clearly marked to show any such deletion or change, and filed with the City Clerk and open to inspection and available to the public at all reasonable hours. ~~The Fire Department, Municipal Judges and all administrative departments of the City charged with the enforcement of the incorporating ordinance shall be supplied, at the cost of the City, such number of official copies of such standard ordinance similarly marked, deleted and changed as may be deemed expedient.”~~

**SECTION THREE:** Section 15.02.050 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.02.050 Section [A] 101.1 Amended – Title.**

Subsection [A] 101.1 of the International Building Code is hereby amended to read as follows:

**[A] 101.1 Title.** The ~~2012~~2018 International Building Code and the deletions, changes, and additions contained in the Olathe Municipal Code, Chapter 15.02 shall be known as the Building Code of the City of Olathe, Kansas, hereinafter referred to as “this code” or “the Building Code.”

**SECTION FOUR:** Section 15.02.060 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.02.060 Subsection [A] 101.2.1 Amended – Appendices.**

Subsection [A] 101.2.1 of the International Building Code is hereby amended to read as follows:

**[A] 101.2.1 Appendices.** Provisions in the appendices shall not apply unless specifically adopted.

**[A] 101.2.1.1 Appendices adopted.** The following appendices are hereby adopted as part of this code:

[Appendix B: Board of Appeals](#)

Appendix C: Group U – Agricultural Buildings

Appendix E: Supplementary Accessibility Requirements”

**SECTION FIVE:** Section 15.02.070 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.02.070 Subsection [A] 101.4.3 Amended – ~~Plumbing~~ Reference Standards.**

Subsection [A] 101.4 of the International Building Code is hereby amended to read as follows:

**[A] 101.4 Referenced codes.** The other codes listed in Sections 101.4.1 through 101.4.7 and referenced elsewhere in this code shall be considered to be part of the requirements of this code to the prescribed extent of each such reference.

**[A] 101.4.1 Gas.** The provision of the International Fuel Gas code; as adopted by the City and set forth in Chapter 15.12 of the Olathe Municipal Code shall apply to the installation of gas piping from the point of delivery, gas appliances

and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

**[A] 101.4.2 Mechanical.** The provision of the International Mechanical code; as adopted by the City and set forth in Chapter 15.10 of the Olathe Municipal Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and appurtenances, including ventilating, heating, cooling, air-condition and refrigeration systems, incinerators and other energy-related systems.

~~Subsection [A] 101.4.3 of the International Building Code is hereby amended to read as follows:~~

**[A] 101.4.3 Plumbing.** The provisions of the International Plumbing Code (as adopted by the City and set forth in Chapter 15.08 of the Olathe Municipal Code) shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the Johnson County, Kansas Environmental Sanitary Code, 2004 edition, as adopted by the City shall apply to private sewage disposal systems.

**[A] 101.4.4 Property maintenance.** The provisions of the International Property Maintenance Code; as adopted by the City and set forth in Chapter 15.22 of the Olathe Municipal Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

**[A] 101.4.5 Fire prevention.** The provisions of the International Fire Code; as adopted by the City and set forth in Chapter 16.05 of the Olathe Municipal Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures of premises; and from the construction, extension, repair, alteration or removal of fire suppression systems, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operations.

**[A] 101.4.6 Energy.** The provisions of the International Energy Conservation Code; as adopted by the City and set forth in Chapter 15.16 of the Olathe Municipal Code shall apply to all matters governing the design and construction of building for energy efficiency.

[\[A\] 101.4.7 Existing Buildings.](#) The provisions of the International Existing Building Code (as adopted by the City in accordance with Chapter 15.06 of the Olathe Municipal Code) shall apply to the repair, alteration, change of occupancy, addition and relocation of existing buildings.

**SECTION SIX:** Section 15.02.080 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.02.080 Subsections ~~[A] 101.4.7,~~ [A] 101.4.8, and [A] 101.4.9 Added – Electrical, and Swimming Pools and Spas, ~~and Existing Buildings.~~**

Subsections ~~[A] 101.4.7,~~ [A] 101.4.8, and [A] 101.4.9 are hereby added to the International Building Code and shall read as follows:

**[A] 101.4.7-8 Electrical.** The provisions of the National Electrical Code (as adopted by the City ~~in accordance with~~ and set forth in Chapter 15.14 of the Olathe Municipal Code) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

**[A] 101.4.8-9 Swimming Pools and Spas.** The provisions of the International Swimming Pool & Spa Code; ~~(as adopted by the City in accordance with~~ and set forth in Chapter ~~15.20~~ 15.20 of the Olathe Municipal Code) shall apply to the installation of swimming pools, hot tubs, spas, and fixed in-place wading pools, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

~~[A] 101.4.9 Existing Buildings. The provisions of the International Existing Building Code (as adopted by the City in accordance with Chapter 15.06 of the Olathe Municipal Code) shall apply to the repair, alteration, change of occupancy, addition and relocation of existing buildings.~~

~~15.02.090 Section [A] 102.4 Amended – Referenced Codes and Standards.~~

~~Section [A] 102.4 of the International Building Code is hereby amended to read as follows:~~

~~[A] 102.4 Referenced Codes and Standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections [A] 102.4.1 and [A] R102.4.2.~~

~~[A] 102.4.1 Differences. Where differences occur between provisions of this code and referenced codes and standards, the most restrictive provisions shall apply.~~

~~[A] 102.4.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the most restrictive provisions, as applicable, shall take precedence over all other provisions."~~

**SECTION SEVEN:** Section 15.02.100 of the Olathe Municipal Code is hereby amended to read as follows:

**"15.02.100 Section [A] 103.1 Amended – Creation of enforcement agency.**

Section [A] 103.1 of the International Building Code is hereby amended to read as follows:

**[A] 103.1 Creation of enforcement agency.** The department of building safety is hereby established within the jurisdiction under the direction of the Building Official. The Community Risk Reduction Section – Building Codes Division within the Olathe Fire Department shall be established as the department of building safety where referenced by this Code. The function of the division shall be the implementation, administration and enforcement of the provisions of this Code. ~~The Chief Building Official in charge of the Building Code Division for the City shall be the designated enforcement officer of this code, and is herein referred to as the "building official." The term "Code Official," "authority having jurisdiction," and/or "Code Administrator" shall be used synonymously with the term "building official" and the term "Building Code Division" shall be used synonymously with the term "Department of Building Safety."~~

**SECTION EIGHT:** Section 15.02.130 of the Olathe Municipal Code is hereby amended to read as follows:

**"15.02.130 Subsection [A] 105.1.3 Added – County license required.**

Section [A] 105.1.3 is hereby added to the International Building Code and shall read as follows:

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

**Exceptions:**

1. The owner of a single-family dwelling shall be allowed to secure a permit to construct, alter, or repair said home provided the following conditions are met:

A. The homeowner currently occupies the dwelling or will occupy the residence once the construction has been completed.

B. The homeowner undertakes the work themselves.

2. The Building Official may waive the provisions of this section where it can be established that no license exists for the installation, alteration, or repair of a certain type of work requiring a permit, or due to other unique circumstances.”

**SECTION NINE:** Section 15.02.140 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.02.140 Section [A] 105.2 Amended – Work exempt from permit.**

Section [A] 105.2 of the International Building Code is hereby amended to read as follows:

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

**Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 200 square feet. ~~(18.58 m<sup>2</sup>).~~

2. ~~Re-siding the dwelling or structure with materials other than stucco or EIFS.~~ Fences not over seven (7) feet in height.

3. Oil derricks.

4. Retaining walls that are not over 4 feet ~~(1,219 mm)~~ in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.

5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons ~~(18,925 L)~~ and the ratio of height to diameter or width is not greater than 2:1.

6. Sidewalks and driveways not more than 30 inches ~~(762 mm)~~ above adjacent grade, and not over any basement or story below and are not part of an accessible route. [Right-of-way 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 that are less than 24 inches ~~(610 mm)~~ deep, are not greater than 5,000 gallons ~~(18,925 L)~~ and are installed entirely above ground.

10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.

11. Swings and other playground equipment accessory to detached one- and two-family dwellings.

12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches ~~(1,372 mm)~~ from the exterior wall and do not require additional support.

13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches ~~(1,753 mm)~~ in height.

[14. Re-roofing.](#)

[15. Decks not exceeding two hundred \(200\) square feet in area that are not more than thirty \(30\) inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4](#)

**Electrical:**

1. Repairs and maintenance: Minor repair work, including: the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles; listed cord and plug connected temporary decorative lighting; reinstallation of attachment plug receptacles but not the outlet; repair or replacement of branch circuit over current devices of the required capacity in the same location; electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy, and are not part of a fire alarm system.

2. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television

transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

3. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

~~4. The installation of portable generators, complying with National Electric Code Section 250.34 (A), used to provide temporary power.~~

**Gas:**

1. Portable heating appliance, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

**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 that does not alter ~~its~~ approval of equipment or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
8. Portable fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

**Plumbing:**

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

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, sinks and lavatories in the same location, provided that such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

[A] 105.2.1 Emergency Repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

[A] 105.2.2 Repairs. Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

[A] 105.2.3 Public Service Agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.”

**SECTION TEN:** Section 15.02.160 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.02.160 Subsections [A] 105.3.3, [A] 105.3.4, and [A] 105.3.5 Added – Potable water certification, Fire protection certification, and Connection to public sewer.**

Subsections [A] 105.3.3, [A] 105.3.4, and [A] 105.3.5 are hereby added to the International Building Code and shall read as follows:

**[A] 105.3.3 Potable water certification.** A permit shall not be issued until written evidence is presented to the Building Official certifying the availability of satisfactory potable water supply. Applicants that are within areas under the jurisdiction of a duly constituted water utility shall submit a connection permit or notice of intent to supply water service from the water utility having jurisdiction. Applicants from areas that are not within an area under the jurisdiction of a duly constituted water utility shall submit a certificate from the Johnson County Health Director that the proposed water supply meets the required standards for health and safety.

**Exception:** On structures other than one- and two-family dwellings, the Building Official may issue a building permit prior to receiving the connection permit or notice of intent to supply water service specified in Section [A] 105.3.3 if all the following conditions are met:

1. A written document acceptable to the City is provided to the Building Official describing the unusual circumstances preventing the issuance of such connection permit.

2. Documentation acceptable to the City is provided showing the status of the application to the water utility having jurisdiction.

3. The applicant verifies in writing, in a form acceptable to the City, an acknowledgment and understanding that the permit required in Section [A] 105.3.3 must be provided to the Building Codes Division prior to any form of final inspection being conducted by the City and prior to any temporary or final certificate of occupancy being issued by the City.

4. The Building Official is satisfied that all pertinent information has been provided and that issuance of a building permit under these circumstances would be in full compliance with the intent and purpose of this code.

**[A] 105.3.4 Fire protection certification.** A permit for construction shall not be issued until written evidence is presented to the Building Official certifying the availability of satisfactory [fire protection water supply and](#) hydrant locations. Applicants that are within areas under the jurisdiction of a duly constituted water utility, shall submit a statement from the utility 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 [A] 507 and Appendices B and C of the International Fire Code (as adopted by the City in accordance with Chapter 16.05 of the Olathe Municipal Code).

**[A] 105.3.5 Connection to public sewer.** 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 a permit until and unless the applicant, or their agent, has previously applied for and received from the sewage utility having jurisdiction, an outside sanitary sewer construction and connection permit as required by the rules and regulations of the sewage utility having jurisdiction.

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

1. A written document acceptable to the City is provided to the Building Official describing the unusual circumstances preventing the issuance of such connection permit.

2. Documentation acceptable to the City is provided showing the status of the application to the sewage utility having jurisdiction.

3. The applicant verifies in writing, in a form acceptable to the City, an acknowledgment and understanding that the permit required in Section [A] 105.3.5 must be provided to the Building Code Division prior to any form of final inspection being conducted by the City and prior to any temporary or final occupancy permit being issued by the City.

4. The Building Official is satisfied that all pertinent information has been provided and that issuance of a building permit under these circumstances would be in full compliance with the intent and purpose of this code.

**[A] 105.3.5.1 Private sewage disposal facilities.** Where a public sewer is not available, a private sewage disposal system designed and constructed in accordance with the Johnson County, Kansas Environmental Sanitary Code and approved by the Johnson County Environmental Department shall be acceptable.”

**SECTION ELEVEN:** Section 15.02.170 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.02.170 Subsection [A] 105.3.6 Added – Application for permit to move a building or other structure.**

Section [A] 105.3.6 is hereby added to the International Building Code and shall read as follows:

**[A] 105.3.6 Application for permit to move a building or other structure.** Application for a permit shall be made to move a building or other structure over, along or across any highway, street, road or alley in the City. A move permit application shall include the information required in Sections [A] 105.3.6.1 or [A] 105.3.6.2. The application shall be made not less than fourteen (14) calendar days prior to the commencement of the move. Buildings or structures shall not be lifted off their existing foundation until a permit to move the building or structure has been secured.

**Exception:** Camping trailers are specifically excluded from this requirement, and no permit shall be required for moving any house, building, mobile home, modular home or structure exclusively upon Interstate 35 Highway.

**[A] 105.3.6.1 Moving buildings or structures within or into the City limits.** A permit for a foundation, or a new single family or a remodel permit shall be secured prior to the issuance of a permit to move a building or structure onto property within the City limits. The foundation shall be constructed prior to the building or structure being moved. All applications for permits to move buildings or structures within the City limits of Olathe or into the City shall include the following information:

1. A complete building permit application.
2. Building permit fee per Section [A] 109.
3. A letter indicating the day and hour when the move is to start; the length of time required for the move; and the number and type of escort vehicles.
4. The dimensions of the building or structure as to length, width, and height at its highest point when loaded for moving, including a diagram of how the structure will be loaded and supported during the move.
5. A map showing the route of the move.

~~6. A deposit of a sum of money equal to twice the amount of the estimated City expense enumerated in the cost estimates included in the submitted route approval letters from the Police and Public Works Departments.~~

~~7~~6. Letter from the Police Department approving the date, time and route of the move and including an estimate of costs for police services, to include escort service for the move.

~~8~~7. Letter from the Public Works Department approving the date, time and route of the move and including an estimate of the expense that will be incurred in removing and replacing any facilities belonging to the City or any other property of the City, the removal and replacement of which will be required by reason of the moving of the building through the City, together with the cost of materials necessary to be used in making such removals and replacements.

~~9~~8. Bond or cash deposit per Section [A] 105.3.6.3.

~~10~~9. Certificate of Insurance per Section [A] 105.3.6.4.

~~11~~10. Certificate of Ownership or Entitlement. 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/she is entitled to move the building.

~~12~~11. A copy of the state highway move permit, if applicable.

~~13~~12. A letter or electronic communication from any utility agency having overhead lines along the proposed route indicating that they have approved the route.

~~14~~13. Written permission from the Olathe agency having jurisdiction to trim trees in the public right-of-way necessary to provide clearance for the move along the proposed route.

~~15~~14. If being moved off a site within the City limits, letters from all utility agencies verifying that all utilities have been disconnected, i.e. gas, electric, water,

sewer. A verbal or electronic communication from the utility agency is acceptable in lieu of a letter.

~~16~~15. If being moved off a site within the City limits, a Tax Certificate. The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any entanglements and that all taxes, liens, and any City charges against the same are paid in full.

~~17~~16. If being moved off a site within the City limits, a letter signed by the property owner that the site will have the original foundation demolished, all excavations filled to existing grade, and all debris cleared to return the site to a safe and sanitary condition within 30 days. The letter will include a timeline for these actions and an agreement that a four (4) foot fence will be provided around any open foundation or excavation and that erosion and sediment control measures shall be put in place as needed and shall remain in place until vegetation has been established.

~~18~~17. If being moved off a site within the City limits, a plot plan, sealed by a Kansas design professional, showing the property or lot where the building or structure is to be removed from and including a legal description of the property.

~~19~~18. A plot plan, sealed by a Kansas design professional, showing the property or lot where the building or structure is to be moved to and including a legal description of the property.

~~20~~19. Letter from the water utility having jurisdiction certifying the availability of the water supply per Section [A] 105.3.3.

~~21~~20. Verification from the Fire Department of a satisfactory fire hydrant location per Section [A] 105.3.4.

~~22~~21. Sewer permit from the utility having jurisdiction, or a septic tank or holding tank permit from the Johnson County Environmental Department as specified per Section [A] 105.3.5.

~~23~~22. Verification from the Planning Services Division that the building or structure to be moved is architecturally compatible with adjacent buildings or structures in the area where the building or structure is to be moved.

~~24~~23. Verification by the Building Codes Division that the building or structure meets current adopted codes and standards.

~~25~~24. Any additional information which the City shall find necessary to make a fair determination of whether a permit should be issued.

**[A] 105.3.6.2 Buildings or structures being moved out of the City or passing through the City.** All permit applications for moving buildings or structures out of or through the City shall include the following information:

1. A complete building permit application.
2. Building permit fee per Section [A] 109.
3. A letter indicating the day and hour when the move is to start; the length of time required for the move; and the number and type of escort vehicles.
4. The dimensions of the building or structure as to length, width, and height at its highest point when loaded for moving, including a diagram of how the structure will be loaded and supported during the move.
5. A map showing the route of the move.

~~6. A deposit of a sum of money equal to twice the amount of the estimated City expense enumerated in the cost estimates included in the submitted route approval letters from the Police and Public Works Departments.~~

~~7~~6. Letter from the Police Department approving the date, time and route of the move and including an estimate of costs for police services, to include escort service for the move.

~~8~~7. Letter from the Public Works Department approving the date, time and route of the move and including an estimate of the expense that will be incurred in removing and replacing any facilities belonging to the City or any other property of the City, the removal and replacement of which will be required by reason of the moving of the building through the City, together with the cost of materials necessary to be used in making such removals and replacements.

~~9~~8. Bond or cash deposit per Section [A] 105.3.6.3.

~~10~~9. Certificate of Insurance per Section [A] 105.3.6.4.

~~11~~10. Certificate of Ownership or Entitlement. 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.

~~12~~11. A copy of the state highway move permit, if applicable.

~~13~~12. A copy of the move permit from the next jurisdiction that the structure will enter when leaving the Olathe City limits.

~~14~~13. A letter or electronic communication from any utility agency having overhead lines along the proposed route indicating that they have approved the route.

~~45~~14. Written permission from the Olathe agency having jurisdiction to trim trees in the public right-of-way necessary to provide clearance for the move along the proposed route.

~~46~~15. If being moved off a site within the City limits, letters from all utility agencies verifying that all utilities have been disconnected, i.e. gas, electric, water, sewer. A verbal or electronic communication from the utility agency is acceptable in lieu of a letter.

~~47~~16. If being moved off a site within the City limits, a Tax Certificate. The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any entanglements and that all taxes, liens, and any City charges against the same are paid in full.

~~48~~17. If being moved off a site within the City limits, a letter signed by the property owner that the site will have the original foundation demolished, all excavations filled to existing grade, and all debris cleared to return the site to a safe and sanitary condition within 30 days. The letter will include a timeline for these actions and an agreement that a four foot fence will be provided around any open foundation or excavation and that erosion and sediment control measures shall be put in place as needed and shall remain in place until vegetation has been established.

~~49~~18. If being moved off a site within the City limits, a plot plan, sealed by a Kansas design professional, showing the property or lot where the building or structure is to be removed from and including a legal description of the property.

~~20~~19. Any additional information which the City shall find necessary to make a fair determination of whether a permit should be issued.

#### **[A] 105.3.6.3 General Deposit.**

1. Bond. An application hereunder shall be accompanied by a bond, essentially in the form shown below, executed by a bonding or surety company authorized to do business in the state of Kansas in the amount of Five Thousand Dollars (\$5,000.00), conditioned upon the assurance that this and other applicable ordinances and laws will be complied with. Such bond shall run to the City for the use and benefit of any person or persons intended to be protected thereby and shall be conditioned on the payment of any damage to public or private property and the payment for any damages or losses resulting from any malfeasance, misfeasance, or non-feasance or negligence in connection with any of the activities or conditions upon which the permit applied for is granted. Bond forms should be substantially in the following form:

**CITY OF OLATHE, KANSAS**

**HOUSE, BUILDING AND STRUCTURE PERFORMANCE BOND**

**KNOW ALL MEN BY THESE PRESENTS:**

That we, \_\_\_\_\_, as Principal, \_\_\_\_\_ and as Surety, are held and firmly bound unto the City of Olathe, Kansas, in the penal sum of Five Thousand and No/100 Dollars (\$5,000.00), to the payment of which will be made we hereby bind ourselves, our heirs, executors, administrators, and successors, severally and firmly by these presents.

**DATED** this \_\_\_\_\_ day of, \_\_\_\_\_ 20\_\_\_\_\_, for the period of one year ending the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**THE CONDITION** of the foregoing obligation is such that **WHEREAS**, said principal desires to move houses, buildings and/or structures over and along the public streets or ways, roads, alleys or sidewalks in the City of Olathe, Kansas, this bond is conditioned that said person, firm or corporation shall perform all covenants, conditions and obligations pertaining to the moving of the house, building or structure and the compliance with all City codes pertaining to said house, building and/or structure, and shall hold the City harmless against all claims, loss or damage which it may sustain or suffer by reason of any breach of said permit by said principal, or by reason of any injury to persons or property occasioned by the action of said principal or his employees.

**IN TESTIMONY WHEREOF**, said principal has duly executed these presents and said surety has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its duly authorized agent or agents, all as of the date and year first above written.

\_\_\_\_\_

Principal

(Seal)

\_\_\_\_\_

Surety

2. Any person filing an application hereunder may, in lieu of the bond required above, deposit with the City Clerk a cash deposit in the sum of Five Thousand Dollars (\$5,000.00) as an indemnity for any damage which the City may sustain by reason of damage or injury to any highway, street or alley, sidewalk, fire hydrant or other property of the City, which may be caused by or be incidental to the removal of any building over, along or across any street in the City and to indemnify the City against any claim of damages to persons or private property, and to satisfy any claims by private individuals arising out of, caused by or incidental to the moving of any building over, along or across any street in the City.

**[A] 105.3.6.4 Certificate of Insurance.** The applicant shall file with the City a certificate of insurance, demonstrating evidence of satisfactory Commercial General Liability and Automobile Liability insurance. No permit shall be issued until such evidence is filed. Policies of insurance must contain the following limits of protection and conditions:

1. Commercial General Liability insurance on an occurrence basis in amounts no less than \$500,000 bodily injury and property damage per occurrence.
2. Automobile Liability insurance in an amount no less than \$250,000 bodily injury each person / \$500,000 bodily injury each occurrence / \$250,000 property damage each occurrence; or \$500,000 bodily injury and property damage combined single limit.

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

- a. Is licensed to do business in the state of Kansas;
- b. Carries a Best's policyholder and financial rating of A- or better;
- c. Carries at least a Class VIII financial rating; or
- d. Is a company mutually agreed upon by the City and the applicant.

The City shall be notified in writing not less than thirty (30) days prior to cancellation or material modification of any policy provisions.

~~[A] 105.3.6.5 Duties of Chief Building Official. Upon receipt of the application the Chief Building Official or designee shall:~~

- ~~1. Check and verify that all application, fee and deposit requirements have been complied with;~~
- ~~2. Endorse the application to indicate applicant compliance with contents, requirements and forward to other City agencies for concurrence/approval as appropriate.~~
- ~~3. Deposit all fees and cash deposits with the Director of Resource Management or designee.~~
- ~~4. Hold all bonds and/or insurance policies until either denial of application or final resolution of the move and any damages that may result therefrom.~~
- ~~5. Issue the permit upon return of application approval by the departments listed in subparagraph 2. above.~~
- ~~6. In the event the permit is refused, return to the applicant all deposits, bonds and insurance policies (permit fees shall not be returned).~~
- ~~7. Inspection. The Building Official may direct inspection of the building to determine whether the standards for issuance of a permit are met.~~

~~8. Standards for Issuance. The Building Official shall refuse to issue a permit if he/she finds:~~

~~a. The building is too large to move without endangering persons or property in the City;~~

~~b. The building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the City;~~

~~c. The building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the City;~~

~~d. The applicant's equipment is unsafe and that persons and property would be endangered by its use;~~

~~e. That zoning or other ordinances would be violated by the building in its new location;~~

~~f. That for any other reason persons or property in the City would be endangered by the moving of the building.~~

~~9. Return upon allowance for expense. After the building has been removed, the Chief Building Official shall furnish the Director of Resource Management or designee with a written statement of all expenses incurred in removing and replacing all property belonging to the City, and of all material used in the making of the removal and replacement together with a statement of all damage caused to or inflicted upon property belonging to the City. Provided however, that if any wires, poles, lamps or other property are not located in conformity with governing ordinances, the permittee shall not be liable for the cost of removing the same. The Director of Resource Management shall return to the applicant all deposits after deduction of sum sufficient to pay for all of the costs and expenses and for all damage done to property of the City by reason of the removal of the building. The return of deposits shall be made no later than thirty (30) days after completion of the move. Permit fees deposited with the application shall not be returned.~~

~~10. Designate Streets for Moving. The Chief Building Official may designate streets for moving buildings or he/she may modify the applicant's proposed route and moving dates and hours in order to assure maximum safety to persons and property in the City and to minimize congestion and traffic hazards on public streets. The Building Official may require the planking of any street, bridge or culvert, or any part thereof, to support the building being moved to prevent damage. Further, the Building Official may, at his/her discretion, inspect the progress of moving the building to ensure compliance with the provisions of this chapter.~~

~~[A] 105.3.6.6 Duties of Director of Resource Management.~~

~~1. Deposit all monies received into the City general operating fund.~~

~~2. The Director of Resource Management or designee shall return to the applicant all deposits after deduction of sum sufficient to pay for all of the costs and expenses and for all damage done to property of the City by reason of the removal of the building. The return of deposits shall be made no later than thirty (30) days after completion of the move. Permit fees deposited with the application shall not be returned.~~

~~[A] 105.3.6.7 Duties of Police Chief.~~

~~1. The Police Chief or designee shall review the application and, if concurring, indicate the same thereon and assign police escort as may be required. If nonconcurring, return the application with reasons for recommended disapproval.~~

~~2. Upon completion of the movement of the building and the termination of any police escort, notify the Chief Building Official of all police services costs.~~

~~[A] 105.3.6.8 Duties of City Attorney. The City Attorney or designee shall review the application for legal sufficiency and signify approval or in the event of recommended disapproval submit reasons therefor.~~

**[A] 105.3.6.95 Duties of Permittee Conditions of the permit.** In addition to other provisions of the Code, the permit holder shall be responsible for compliance with the following: ~~Every permittee under this chapter shall:~~

1. Use of Streets. Use only those streets and routes as approved by the permit.
2. Notify of Revised Moving Time. Notify the Chief Building Official in writing at least forty-eight (48) hours prior to the move of any desired change in the date, hour, or route of the move as proposed in the application. All changes must be approved by the Chief Building Official before initiating the move.
3. Notify of Damage. Notify the Chief Building Official in writing of any and all damage done to public and private property within 24 hours after the damage or injury has occurred.
4. Street Occupancy Period. Remove the building from the City streets after twenty-four (24) hours of such occupancy. 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.
5. Comply with Governing Law. Comply with the building code, the fire code, the zoning ordinance and all other applicable ordinances and laws upon relocating the building in the City.

~~6. Pay Expense of Officer. Pay the expense of any officer that may be ordered by the Police Chief or designee to accompany the movement of the building to protect the public from injury.~~

~~76.~~ 76. Clear Old Premises. Within 30 days demolish original foundation, remove all rubbish and materials, and fill all excavations to existing grade at the original

building site so that the premises are left in a safe and sanitary condition. Any open foundation or excavation shall be protected by a four foot fence. Erosion and sediment control measures shall be put in place as needed and shall remain in place until vegetation has been established.

~~87.~~ 87. Remove Service Connection. See that the sewer line is plugged with a stopper, the water shut off, and the meter returned to the City water office. Permittee shall notify the gas and electric service companies to remove their services.

~~98.~~ 98. Permit Aboard Moving Vehicle. Ensure that at all times while the moving or towing vehicle is engaged in moving the building, the permit and route of travel are in the possession of the vehicle operator and available for inspection by City authorities.

~~409.~~ 409. Railroad Crossings. Notify railroad officials of times, location and direction of crossing of all railroad tracks on the route of travel.

~~4410.~~ 4410. Compliance with Moving Provisions. Be responsible for furnishing its own escort and for complying with all provisions contained in Section [A] 105.3.6.10.

**[A] 105.3.6.406 General Provisions.** The following general provisions shall be complied with during the moving of any building within the limits of the City of Olathe:

1. Escort Vehicles. The movement of all buildings within the City shall be protected by two (2) escort vehicles to be provided by the permittee. Each escort vehicle shall have a ~~rotating~~ flashing amber light ~~eight inches (8") in diameter~~ mounted on the top of the escort vehicle in such a manner that it is readily visible in all directions at a distance of not less than eight hundred feet (800'), and it shall have attached to the top of said vehicle an "OVERSIZE LOAD" sign. Such sign shall be yellow with black lettering. The sign shall be fourteen inches (14") in height and sixty inches (60") in length. The lettering is to be eight inches (8") high and have a one and one-eighth inch (1-1/8") stroke and it must be readily visible from a distance of five hundred feet (500'). One escort vehicle shall precede the building being moved and the other shall follow it.

2. Warning Flags. The building being moved shall have red flags not less than eighteen inches (18") square attached to each corner of the building at all times it is in transit.

3. Display Lights. Cause red lights to be displayed during the night time on every side of the building, while standing on a street, in such manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such manner as to protect the public from damage or injury by reason of the removal of the building. Night time is from thirty (30) minutes after sunset to thirty (30) minutes before sunrise.

**[A] 105.3.6.417 Enforcement.**

1. The Chief Building Official or designee and Police Chief or designee shall enforce and carry out the requirements of this chapter.
2. Permittee Liable for Expense above Deposit. The permittee shall be liable for any expense, damages or costs in excess of deposited amounts or securities, and the City Attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such excessive amounts.
3. Original Premises Left Unsafe. The City shall proceed to do the work necessary to leaving the original premises in a safe and sanitary condition, where permittee does not comply with the requirements of this chapter, and the cost thereof shall be charged against the general deposit. In lieu thereof the City may levy a special assessment in accordance with the provisions of Section [A] 116.6.

**[A] 105.3.6.428 Penalties.** Any person violating any of the provisions of this code shall be subject to the penalties as stipulated in Section [A] 114.4.

**[A] 105.3.6.439 Liability.** The requirements stated in this code shall not be construed as imposing upon the City, its officers, agents or employees any liability or responsibility for damages to any property or injury to any person due to an improper moving of buildings on the City's streets. The City or any official, employee or agent thereof shall not assume liability or responsibility whatsoever by reason of any inspection or approval of any move. Acceptance of the permit by the permittee will be prima facie evidence that the permittee assures full compliance with all requirements contained in this chapter, and assumes all responsibility for injury to persons or damages to public or private property, and further agrees to hold the City immune from all suits, claims and damages arising from the movement of the building."

**SECTION TWELVE:** Section 15.02.171 is hereby added to the Olathe Municipal Code to read as follows:

**"15.02.171 Subsection [A] 105.5.1 Added – Renewal of permit upon expiration.**

**Subsection [A] 105.5.1 is hereby added to the International Building Code and shall read as follows:**

**[A] 105.5.1 Renewal of permit upon expiration. Once a permit has expired for any reason, the permit may not be renewed, and work may not recommence until the payment in full of a new permit fee based upon the value of the work remaining to complete the project."**

**SECTION THIRTEEN:** Section 15.02.175 is hereby added to the Olathe Municipal Code to read as follows:

**“15.02.175 Subsection [A] 107.1.1 Added – One- and Two-Family Dwellings**

Subsection [A] 107.1.1 is hereby added to the International Building Code and shall read as follows:

**[A] 107.1.1 One- and Two-Family Dwellings.** Construction documents for new residential structures designed in accordance with the International Residential Code shall be prepared by a design professional duly registered in the State of Kansas. The drawings shall bear the professional seal(s) of the design professional(s).

**Exception:** The Building Official is authorized to waive the submission of construction documents and other data when it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.”

**SECTION FOURTEEN:** Section 15.02.178 is hereby added to the Olathe Municipal Code to read as follows:

**15.02.178 Subsection [A] 107.2.9 Added – Code Footprint**

Subsection [A] 107.2.9 is hereby added to the International Building Code and shall read as follows:

**[A] 107.2.9 Code Footprint.** The construction documents submitted with an application for permit for certain occupancies as defined in 107.2.9.1 shall include a code footprint document as defined in K.A.R. 22-1-7. The same shall be submitted to the Office of the Kansas State Fire Marshall as required by K.A.R. 22-1-7.

**[A] 107.2.9.1 Occupancies requiring a code footprint.** A code footprint shall be created for all new construction, renovation, or change in occupancy for any of the following types of buildings:

1. Group A assembly occupancies with an occupant load greater than 2,000 persons;

2. Group E educational occupancies, including any day-care facility with an occupant load greater than 24 persons;

3. Group B business occupancies at any community college, area vocational school, vocation technical school, technical college, or any institution under the governance of the state board of regents;

4. Group A assembly occupancy mixed with a Group E educational occupancy or a Group I institutional occupancy;

5. Group I institutional occupancy, including any state or other governmental entity's detention facilities, and any occupancy physically attached to a Group I occupancy regardless of fire barrier separation;

6. Group R-1 or R-2 residential occupancy that is three or more stories in height, including basements, or more than 12,000 square feet in area, and any R-4 occupancy

**[A] 107.2.9.2 Information Required.** The following shall be required on all code footprints.

1. A graphic bar scale and north directional indicator;
2. A complete building floor plan, with a clear identification of new, remodeled, and existing portions:
  3. Identification of all permanent partitions, taller than six (6) feet;
  4. A label with plain text, keynotes, or legends for each room and space;
  5. The occupant load of assembly rooms and total occupant load for each floor level;
  6. Identification of openings and ratings of stair and shaft enclosures;
  7. Identification of openings and ratings of corridors and openings;
  8. Identification of occupancy and area separations;
  9. Identification of all horizontal exit arrangements, exit passageways, and smoke compartments;
  10. Identification of all required exterior exits and exit capacity;
  11. The location of the central fire alarm control panel and any remote annunciator panels;
  12. The location of each fire department supply connections;
  13. The location of fire department access roads and fire hydrants;
  14. The distances to property line and exposures;
  15. Identification of any special hazards or conditions; and
  16. The location of any anticipated future additions.

**[A] 107.2.9.2.1 Narrative information.** The following narrative information shall be required on each code footprint submitted:

1. The project construction purpose: new, addition, change in use, renovation, or other;

2. The reason for submittal: new construction, new licensure, certificate of occupancy or plan of correction for existing code deficiencies;
3. The code or codes used;
4. The street address, city, state, zip code, and county of the building;
5. The name, address, city, state, zip code, phone number, and fax number of the owner;
6. The date developed and any revision dates;
7. The name, address, city, state, zip code, phone number, and fax number of the designer;
8. The designer's seal (RA or PE)
9. The name of the responding fire service;
10. The name of the local building inspection department;
11. Each occupancy group and type;
12. The type of construction;
13. The structural code requirements, including the following:
  - (a) The total floor area of each occupancy, both actual and allowable;
  - (b) Height and area limitations, both actual and allowable; and
  - (c) Structural fire ratings, both actual and allowable;
14. Identification of active fire safety features, including the following:
  - (a) The type of automatic suppression systems and locations;
  - (b) The fire alarm signaling systems;
  - (c) Emergency lighting and power features; and
  - (d) The smoke control system;
15. Water supply requirements of the facility for fire suppression; and
16. Alternative methods of design or construction, or both.”

**SECTION FIFTEEN:** Section 15.02.180 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.02.180 Section [A] 109.2 Amended – Schedule of permit fees.**

Section [A] 109.2 of the International Building Code is hereby amended to read as follows:

**[A] 109.2 Schedule of permit fees. Permit fees.** On buildings, structures, electrical, gas, mechanical, plumbing, fire alarm and fire suppression systems or alterations requiring a permit, a fee for each permit shall be paid as required. Permit fees for all applications shall be established by a resolution of the Governing Body. Permit fees may be reviewed on an annual basis and revised as necessary by adoption of a new resolution. Copies of the current resolution establishing permit fees shall be on file in the City Clerk's office."

**SECTION SIXTEEN:** Section 15.02.193 is hereby added to the Olathe Municipal Code to read as follows:

**"15.02.193 Section [A] 109.6 Amended-Refunds**

Section [A] 109.6 of the International Building Code is hereby amended to read as follows:

**[A] 109.6 Refunds.** The building official may authorize refunds of permit fees paid under the following circumstances:

1. Any fee paid which was erroneously paid or collected; or
2. A permit fee paid when no work has commenced under a permit issued in accordance with this code, provided the request is received within 180 days after the issuance of the permit."

**SECTION SEVENTEEN:** Section 15.02.200 of the Olathe Municipal Code is hereby amended to read as follows:

**"15.02.200 Section 111.3 Amended – Temporary Certificate of Occupancy.**

Section 111.3 of the International Building Code is hereby amended to read as follows:

~~SECTION 111~~

~~CERTIFICATE OF OCCUPANCY~~

~~[A] 111.1 Use and occupancy. No change in the character, use or occupancy classification of land or of a building shall be made, nor shall any new or old building or structure or portion thereof be so occupied or used until the Chief Building Official has issued a certificate of occupancy certifying that such building or use complies with all regulations of Title 15 of the Olathe Municipal Code, the Unified Development Ordinance and all other ordinances and regulations applicable thereto. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances.~~

~~Exception: Certificates of occupancy are not required for work exempt from permits under Section [A] 105.2.~~

~~[A] 111.1.1 Change in Use. Changes in the character or use of a building shall not be made except as specified in the International Existing Building Code.~~

~~[A] 111.2 Certificate issued. After the Building Official conducts the final inspection of the building, structure, and grounds and finds no violations of the provisions of this code and the Unified Development Ordinance, the Chief Building Official shall issue a Certificate of Occupancy which shall contain the following:~~

- ~~1. The building permit number.~~
- ~~2. The address of the structure.~~
- ~~3. The name and address of the owner.~~
- ~~4. A description of that portion of the structure for which the certificate is issued.~~
- ~~5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.~~
- ~~6. The name of the Building Official.~~
- ~~7. The edition of the code under which the permit was issued.~~
- ~~8. The use and occupancy, in accordance with the provisions of Chapter 3.~~
- ~~9. The type of construction as defined in Chapter 6.~~
- ~~10. The design occupant load.~~
- ~~11. If an automatic sprinkler system is provided, whether the sprinkler system is required.~~
- ~~12. Any special stipulations and conditions of the building permit.~~

~~**[A] 111.3 Temporary occupancy.** A Temporary Certificate of Occupancy may be issued by the Building Official for the use of a portion or portions of a building or structure prior to the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. Such temporary certificate shall be issued only for a specified period of time and shall specifically state the item or items needed to be completed before a Certificate of Occupancy shall be issued. [The](#)~~

Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid. There is hereby established a fee for issuance of a temporary certificate of occupancy. The fee shall be adopted by the Governing Body of the City by resolution.

**[A] 111.3.1 Unlawful occupancy.** It shall be unlawful for any person, firm or corporation that has been issued a Temporary Certificate of Occupancy to occupy or to allow the occupancy of a building or structure beyond the time specified in the temporary certificate without completing the item or items needed to be completed and obtaining a Certificate of Occupancy.

**[A] 111.3.2 Extensions.** The building official is authorized to grant one or more extensions of time, for periods not more than 30 days each upon written request prior to the expiration of the temporary certificate of occupancy. There is hereby established a fee for renewal of a temporary certificate of occupancy. The fee shall be adopted by the Governing Body of the City by resolution.

~~[A] 111.4 Revocation. The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.~~

~~[A] 111.5 Record. A record of all Certificates of Occupancy shall be on file in the office of the Building Official and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the land or building affected by such Certificate of Occupancy.~~

~~[A] 111.6 Posting. The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official."~~

**SECTION EIGHTEEN:** Section 15.02.201 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code to read as follows:

**"15.02.201 Subsection 111.5, and 111.6 Added – Record and posting of eCertificate of eOccupancy.**

Subsections 111.5 and 111.6 are hereby added to the International Building Code and shall read as follows:

**[A] 111.5 Record.** A record of all Certificates of Occupancy shall be on file in the office of the Building Official and copies shall be furnished upon request to

any person having a proprietary or tenancy interest in the land or building affected by such Certificate of Occupancy.

**[A] 111.6 Posting.** The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.”

**SECTION NINETEEN:** Section 15.02.210 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.02.210 Section 113 Amended – Board of Appeals.**

Section 113 of the International Building Code is hereby amended to read as follows:

**[A] 113.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code; there shall be and is hereby created a board of appeals; hereinafter known as the “Board of Code Review.” The Board of Code Review shall be empowered to carry out these and other such duties as defined in Section B101 of this Code.

**[A] 113.2 Limitation of authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provision of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall not have authority to waive requirements of this code.

**[A] 113.3 Qualification and Procedures.** Refer to Appendix B of this Code for information pertaining to membership, qualifications and procedures of the Board of Code Review.

~~SECTION 113~~

~~BOARD OF APPEALS~~

~~[A] 113.1 Board of Code Review. A Board of Code Review shall be established and empowered to act as the Board of Appeals in order to determine suitability of alternate materials, methods of construction and to provide for reasonable interpretation of the code and to perform all other such duties as defined in Chapter 2.74 of the Olathe Municipal Code.~~

~~[A] 113.2 Procedures for Conduct of Hearing Appeals.~~

~~A. Hearing. The Board shall conduct all hearings.~~

~~B.—Record. A record of the entire proceedings shall be made by audio recording, or by any other means of permanent recording determined to be appropriate by the Board.~~

~~C.—Continuances. The Board may grant continuances for good cause shown.~~

~~D.—Oaths. In any proceedings under this chapter, the Board, or any Board member, has the power to administer oaths and affirmations to certify to official acts.~~

~~E.—Reasonable Dispatch. The Board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.~~

~~[A] 113.3 Form of Notice of Hearing. The notice to appellant shall be substantially in the following form, but may include other information:~~

~~You are hereby notified that a hearing will be held before the Board of Code Review at \_\_\_\_\_, on the day of \_\_\_\_\_, 20\_\_\_\_, at the hour of \_\_\_\_\_, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you.~~

~~[A] 113.4 Conduct of Hearing:~~

~~A.—Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.~~

~~B.—Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.~~

~~C.—Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.~~

~~D.—Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.~~

~~E.—Rights of Parties. Each party shall have these rights, among others:~~

~~1.—To call and examine witnesses on any matter relevant to the issues of the hearing;~~

~~2.—To introduce documentary and physical evidence;~~

~~3.—To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;~~

~~4.—To impeach any witness regardless of which party first called him/her to testify;~~

~~5.—To rebut the evidence against him/her;~~

~~6.—To represent himself/herself or to be represented by anyone of his/her choice who is lawfully permitted to do so.~~

~~F.—Official Notice.~~

~~1.—What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the Board or departments and ordinances of the City or rules and regulations of the Board.~~

~~2.—Parties to be notified. Parties at the hearing shall be informed of the matters to be noticed, and these matters shall be noted on the record, referred to therein, or appended thereto.~~

~~3.—Opportunity to refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the Board.~~

~~4.—Inspection of the premises. The Board may inspect any building or premises involved in the appeal during the course of the hearing, provided that~~

~~a.—notice of inspection shall be given to the parties before the inspection is made,~~

~~b.—the parties are given an opportunity to be present during the inspection, and~~

~~c.—the Board shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the Board or hearing examiner.~~

~~[A] 113.5 Method and Form of Decision.~~

~~A.—Hearing Before the Board. When a contested case is heard before the Board, no member thereof who did not hear the evidence or has not read the entire record of the proceedings shall vote on or take part in the decision.~~

~~B.—Form of Decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent to him by certified mail, postage prepaid, return receipt requested.~~

~~[A] 113.6 Effective Date of Decision. The effective date of the decision shall be as stated therein.~~

~~[A] 113.7 Filing Fee. Filing fees for all appeals to the Board of Appeals shall be established by resolution of the Governing Body.”~~

**SECTION TWENTY:** Section 15.02.230 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.02.230 Section [A] 114.5 Added – Correcting damage to public facilities.**

Section [A] 114.5 is hereby added to the International Building Code and shall read as follows:

**[A] 114.5 Correcting Damage to Public Facilities.**

**[A] 114.5.1 Responsible Party.** The person, firm or corporation in whose name a building permit is issued will be responsible for the repair of any damage to public facilities which occurs as a result of construction activities covered by such permit.

**[A] 114.5.2 Definitions.** For the purposes of this section, public facilities shall be defined to include but not be limited to sanitary sewer pipes and manholes, storm sewer pipes and inlets, waterlines, valves, fire hydrants, water meters, curbs, sidewalks and pavement, which facilities are located on the property in question or in easements immediately adjacent thereto.

**[A] 114.5.3 Notice of Corrective Action.** Whenever such damage is discovered, the responsible permit holder shall be given written notice of what corrective action is necessary and what period of time is specified for completing the corrective action.

**[A] 114.5.4 When City to Perform Work.** If the responsible party fails to complete the repair work within the specified time, the City may cause the

necessary work to be done and the permit holder shall reimburse the City for the costs incurred in completing said repair work.

**[A] 114.5.5 Refusal of Ppermits for-Nnoncompliance.** The City may refuse to issue permits to anyone who has been billed for the cost of making such repairs but has refused to pay such costs. The full amount due under this section shall constitute a debt to the City. An action for collection thereof may be commenced in the name of the City in any court having jurisdiction of the cause.

**[A] 114.5.6 Not Rresponsible for Pprior Ddamage.** The permittee shall not be held responsible for damage which existed prior to the commencement of such construction activity. The permit applicant shall make a thorough inspection of the site prior to beginning construction and notify the building inspector of any such pre-existing damage of which he becomes aware.

**[A] 114.5.7 Appeal.** Any party aggrieved by a decision of the building inspector hereunder may appeal said decision to the Board of Code Review, and any pending enforcement action shall be suspended until final determination by said board.”

**SECTION TWENTY-ONE:** Section 15.02.240 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.02.240 Subsection [A] 116.1.1 Added – Immediate Hazard Procedures Authorized.**

Subsection [A] 116.1.1 is hereby added to the International Building Code and shall read as follows:

**[A] 116.1.1 Immediate Hhazard Pprocedures Aauthorized.** When, in the opinion of the Building Official, any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, such officer may erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay and such action may, under such circumstances, be taken without prior notice to or hearings of the owners, agents, lienholders, and occupants. The cost of any such action shall be assessed against the property and paid in the manner provided by Section 116.6.3.”

**SECTION TWENTY-TWO:** Section 15.02.260 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.02.260 Subsection 305.2.3 Amended – Care being provided in a dwelling unit in compliance with ~~K.S.A. § 65-508~~ State Regulations.**

Subsection 305.2.3 of the International Building Code is hereby amended to read as follows:

**305.2.3 Care being provided in a dwelling unit in compliance with ~~K.S.A. § 65-508~~ with State laws and licensing programs.** A facility such as the above within a dwelling unit that is providing custodial care in compliance with ~~K.S.A. § 65-508~~ State laws and licensing programs shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code for One and Two-Family Dwellings as adopted by the City in accordance with Chapter 15.04 of the Olathe Municipal Code.”

**SECTION TWENTY-THREE:** Section 15.02.270 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.02.270 Subsection ~~308.6.5~~ 5.4 Added—Amended. – Care being provided in a dwelling unit in compliance with ~~K.S.A. § 65-508~~ State regulations.**

Subsection ~~308.6.5~~ 5.4 ~~is hereby added to~~ of the International Building Code and shall read as follows:

**~~308.6.5~~ 5.4 Care being provided in a dwelling unit in compliance with ~~K.S.A. § 65-508~~ State laws and licensing programs.** A facility such as the above within a dwelling unit that is providing custodial care in compliance with ~~K.S.A. § 65-508~~ State laws and licensing programs shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code for One and Two-Family Dwellings as adopted by the City in accordance with Chapter 15.04 of the Olathe Municipal Code.”

**SECTION TWENTY-FOUR:** Section 15.02.280 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.02.280 Subsection ~~310.5.1~~ 4.3 Exception Added – Care facilities within a dwelling unit in compliance with State laws and licensing programs.**

Subsection ~~310.5.1~~ 4.3 Exception is hereby added to the International Building Code and shall read as follows:

**~~310.5.1~~ 4.3 Care facilities within a dwelling in compliance with State laws and licensing programs.** Care facilities in a single family dwelling in compliance with State laws and licensing programs are permitted to comply with the International Residential Code for One- and Two-Family Dwellings as adopted by the City in accordance with Chapter 15.04 of the Olathe Municipal Code. ~~Exception: Where custodial care is provided in compliance with K.S.A. § 65-508.~~

~~15.02.290 — Subsection [F] 901.6.4 Added — Qualifications of inspection, testing and maintenance personnel.~~

~~Subsection [F] 901.6.4 is hereby added to the International Building Code and shall read as follows:~~

~~[F] 901.6.4 Qualifications of inspection, testing and maintenance personnel. All personnel performing any inspection, testing or maintenance of any fire protection system shall be qualified. Where such inspection, testing and maintenance are performed by an outside service company, the company shall be appropriately licensed in accordance with the Office of the Kansas State Fire Marshal."~~

**SECTION TWENTY-FIVE:** Section 15.02.281 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code to read as follows:

**"15.02.281 Section 423.5 Added – Storm Protection Area Required**

Section 423.5 is hereby added to the International Building Code and shall read as follows:

**423.5 Storm protection area required.** All Group R-1, R-2, R-3, R-4, I-1 and I-2 occupancies of any occupant load shall have a storm protection area constructed in accordance with ICC 500 or shall have a basement. Sub-surface areas located beneath concrete stoops with or without doors are considered equivalent to a basement. Such areas shall be provided with ventilation in accordance with applicable code requirements.

**Exception:** Storm shelters are not required for existing buildings or for repairs, alterations or additions for existing buildings when the area of work is less than 50% of the building area.

**423.5.1 Required occupant capacity.** The required occupant capacity of the storm protection area in all Group R and I occupancies shall be calculated as private dwellings per Table 403.3.1.1 of the International Mechanical Code as adopted and amended. Where approved by the building official, the required occupant capacity of the storm protection area shall be permitted to be reduced by the occupant capacity of any existing storm protection area on the site."

**SECTION TWENTY-SIX:** Section 15.02.294 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code to read as follows:

**"15.02.294 Subsection 903.2.9(6) Added – Group S-1 self-service storage automatic sprinkler system.**

Subsection 903.2.9(6) is hereby added to the International Building Code and shall read as follows:

**6. A Group S-1 self-service storage facility (mini-storage) exceeds 2,500 square feet (232m<sup>2</sup>).**"

**SECTION TWENTY-SEVEN:** Section 15.02.295 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code to read as follows:

**“15.02.295 Subsection [F] 903.3.1.2.1. Amended – Balconies and decks**

Subsection [F] 903.3.1.2.1 of the International Building Code is hereby amended to read as follows:

**[F] 903.3.1.2.1. Balconies and decks.** Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units and sleeping units, regardless of construction type, provided that there is a roof or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distance of 14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.”

**SECTION TWENTY-EIGHT:** Section 15.02.296 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code to read as follows:

**“15.02.296 Subsection 903.3.1.2.3 Amended – Attics**

Subsection [F] 903.3.1.2.3 of the International Building Code is hereby amended to read as follows.

**[F] 903.3.1.2.3 Attics.** Attic protection shall be provided as follows:

1. Attics that are used or intended for living purposes or storage shall be protected by an automatic sprinkler system.

2. Where fuel-fired equipment is installed in an unsprinklered attic, not fewer than one quick-response intermediate temperature sprinkler shall be installed above the equipment.

3. Where located in a building of Type III, Type IV or Type V construction, regardless of height, attics shall comply with one of the following:

a) Provide automatic sprinkler system protection.

b) Construct the attic using noncombustible materials.

c) Construct the attic using fire-retardant-treated wood complying with Section 2303.2 of the International Building Code.

d) Fill the attic with noncombustible insulation.”

**SECTION TWENTY-NINE:** Section 15.02.297 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code to read as follows:

**“15.02.297 Subsection [F] 903.3.1.2.4 Added – Attached garages**

Subsection [F] 903.3.1.2.4 is hereby added to the International Building Code and shall read as follows:

**[F] 903.3.1.2.4 Attached garages.** Fire sprinkler protection shall be provided in attached garages.”

**SECTION THIRTY:** Section 15.02.298 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code to read as follows:

**“15.02.298 Subsection [F] 903.3.1.3.1 Added – Attached garages**

Subsection [F] 903.3.1.3.1 is hereby added to the International Building code and shall read as follows:

**903.3.1.3.1 Attached garages.** Fire sprinkler protection shall be provided in attached garages.”

**SECTION THIRTY-ONE:** Section 15.02.299 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code to read as follows:

**“15.02.299 Subsection 903.3.5.3 Added – Main control valves**

Subsection [F] 903.3.5.3 is hereby added to the International Building code and shall read as follows:

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

**[F] 903.3.5.3.1 Main control valve access.** The main control valve shall be accessible. To be considered accessible, a clear space three (3) feet wide by three (3) feet by seven (7) feet high shall be provided in front of the valve. Access to the clear space shall be provided by an unobstructed aisle not less than three (3) feet wide and seven (7) feet high. The valve shall be operable from the floor level.”

**SECTION THIRTY-TWO:** Section 15.02.300 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.02.300 Subsection [F] 903.4.1 Amended – Monitoring.**

Subsection [F] 903.4.1 of the International Building Code is hereby amended to read as follows:

**[F] 903.4.1 Monitoring.** Alarm, water flow, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved UL-listed central station as defined in NFPA 72, or, when

approved by the fire code official, shall sound an audible signal at a constantly attended location. The fire alarm system installed to transmit such signals shall be considered a building fire alarm system and shall be documented as a UL-certificated central station service system. In occupancies required to be equipped with a fire alarm system, the control and backflow preventer valves shall be electrically supervised by a tamper switch installed in accordance with NFPA 72 and separately annunciated.

**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 device valves located in an exterior, underground vault may be chained and locked in the open position in lieu of electronic tamper switches where approved by the fire code official.

**SECTION THIRTY-THREE:** Section 15.02.310 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.02.310 Subsection [F] 903.4.2 Amended – Alarms.**

Subsection [F] 903.4.2 of the International Building Code is hereby amended to read as follows:

**[F] 903.4.2 Alarms.** One exterior audible/visual device shall be connected to every automatic sprinkler system in an approved location. Such sprinkler water-flow devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a building fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system. Interior alarm notification appliances shall be installed as required by Section [F] 903.4.2.1.

**[F] 903.4.2.1 ~~Notification devices~~ Waterflow alarm notification.** Where an automatic fire sprinkler system is installed in a building, and a fire alarm system is not otherwise required by this code, an occupant notification system shall be provided in accordance with 907.5. ~~audible and visible notification appliances shall be installed throughout the building as follows:~~

**Exceptions:**

~~1. Audible notification appliances shall be installed so as to be audible at 15 dB above average sound pressure level throughout the building.~~

~~2. Visible notification appliances shall be installed in all public and common use areas, restrooms and corridors in accordance with the spacing requirements of NFPA 72.~~

~~3~~ 1. Visible notification devices can be eliminated in normally unoccupied portions of buildings where permitted by the fire code official.

~~Exception:~~ 2. The requirements of this section do not apply to Group R-3 occupancies.”

**SECTION THIRTY-FOUR:** Section 15.02.311 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code to read as follows:

**“15.02.311 Subsection [F] 903.4.3 Amended – Floor control valves.**

Subsection [F] 903.4.3 of the International Building Code is hereby amended to read as follows:

**[F] 903.4.3 Floor control valves.** Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor for buildings three (3) or more stories in height.”

**SECTION THIRTY-FIVE:** Section 15.02.320 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.02.320 Subsection [F] 907.6.5~~6~~ Amended – Monitoring.**

Subsection [F] 907.6.5 of the International Building Code is hereby amended to read as follows:

**[F] 907.6.5~~6~~ Monitoring.** Fire alarm systems required by this chapter or by the International Building Code shall be monitored by an approved supervising station in accordance with NFPA 72. An Underwriters Laboratories (UL) Fire Alarm certificate shall be issued by the UL listed fire alarm contractor for all newly installed fire alarm system or existing fire alarm systems included in any existing building involved in any construction project involving a building permit. Any fire alarm system involved in one (1) or more false alarms within the same calendar year shall be subject to a fee in accordance with Section 16.07.070 of the Olathe Municipal Code. Any fire alarm system involved in four (4) or more false alarms within the same calendar year will be required to meet the monitoring requirements of new fire alarm systems, including the issuance of a UL fire alarm certificate. The Fire Department shall maintain a listing of approved UL listed fire alarm contractors.

**Exception:** Monitoring by a supervising station is not required for:

1. Single- and multiple-station smoke alarms required by Section [F] 907.2.~~4~~10.
2. Smoke detectors in Group I-3 occupancies.
3. Automatic sprinkler systems in one- and two-family dwellings.”

**SECTION THIRTY-SIX:** Section 15.02.350 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.02.350 ~~Subsection~~ Section [F] 912.3.4 ~~Added~~ Amended – Fire department connections hose threads.**

~~Subsection~~Section [F] 912.3.4 ~~is hereby added to~~of the International Building Code is hereby amended and shall read as follows:

**[F] 912.3.4 ~~Fire department connections~~ Fire hose threads.** The fire department connection shall be a four-inch (4") Storz quick coupling connector.”

**SECTION THIRTY-SEVEN:** Section 15.02.355 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code to read as follows:

**“15.02.355 Section [F] 912.4 Amended – Access.**

Section [F] 912.4 of the International Building Code is hereby amended to read as follows.

**[F] 912.4 Access – Immediate access to fire department connections, not less than three (3) feet in width, shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or moveable object. Access to fire department connections shall be approved by the fire code official.**”

**SECTION THIRTY-EIGHT:** Section 15.02.370 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.02.370 ~~Section 4030~~ 1031 Added – Physical Security.**

Section ~~4030~~ 1031 is hereby added to the International Building Code and shall read as follows:

#### SECTION ~~4030~~1031

#### PHYSICAL SECURITY

**40301031.1 Purpose.** The purpose of this section is to establish minimum standards that incorporate physical security to make dwelling units resistant to unlawful entry.

**40301031.1.1 Scope.** The provisions of this section shall apply to all new residential structures and to alterations, additions and repairs to existing residential structures as stipulated in Chapter 34 and in the

International Existing Building Code as adopted by the City in accordance with Chapter 15.06 of the Olathe Municipal Code.

**~~1030~~1031.2 Doors.** Except for vehicular access doors, all exterior swinging doors of residential buildings and attached garages, including the doors leading from the garage area into the dwelling unit, shall comply with Sections 1030.2.1 through 1030.2.5 for the type of door installed.

**~~1030~~1031.2.1 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  $\frac{3}{4}$ " ) at any point. Doors with panel inserts shall be solid wood. The panels shall be a minimum of one (1) inch 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.

**~~1030~~1031.2.2 Steel doors.** Where installed, exterior steel doors shall be a minimum thickness of 24 gauge.

**~~1030~~1031.2.3 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.

**~~1030~~1031.2.4 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.

**~~1030~~1031.2.5 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.

**~~1030~~1031.3 Door frames.** The exterior door frames shall be installed prior to a rough-in inspection. Door frames shall comply with

Sections ~~4030~~1031.3.1 through ~~4030~~1031.3.3 for the type of assembly installed.

~~4030~~1031.3.1 **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.

~~4030~~1031.3.2 **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.

~~4030~~1031.3.3 **Door jambs.** Door jambs shall be installed with solid backing in a manner so that 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. 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.

~~4030~~1031.4 **Door hardware.** Exterior door hardware shall comply with Sections 1030.4.1 through 1030.4.6.

~~4030~~1031.4.1 **Hinges.** Hinges for exterior door hardware 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.

~~4030~~1031.4.2 **Strike plates.** Exterior door strike plates shall be a minimum of eighteen (18) gauge metal with four (4) offset screw holes. Strike plates shall be attached to wood with not less than three-inch (3")

screws, which shall have a minimum of one inch (1") penetration into the nearest stud. Note: For side lighted units, refer to section R328.4.6.

**40301031.4.3 Escutcheon plates.** All exterior doors shall have escutcheon plates or wraparound door channels installed around the lock protecting the door's edge.

**40301031.4.4 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.

**40301031.4.5 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 one hundred eighty degrees (180°) through windows or through view ports.

**40301031.4.6 Side lighted entry doors.** Side light door units shall have framing of double stud construction or equivalent construction complying with Sections 4030 1031.3.1, 40301031.3.2 and 40301031.3.3. The doorframe that separates the door opening from the side light, whether on the latch side or the hinge side, shall be double stud construction or equivalent construction complying with Sections 40301031.3.1 and 40301031.3.2. Double stud construction or construction of equivalent strength shall exist between the glazing unit of the side light and wall structure of the dwelling.

**40301031.5 Street numbers.** Street numbers shall comply with Section 501.2.

**40301031.6 Exterior lighting.** Exterior lighting shall comply with the Section 210-70 of the National Electric Code as adopted by the City in accordance with Chapter 15.14 of the Olathe Municipal Code.

**40301031.7 Alternate material and methods of construction.** The provisions of this section are not intended to prevent the use of any material or method of construction not specifically prescribed by this section, provided any such alternate has been approved by the enforcing authority, nor is it the intention of this section to exclude any sound method of

structural design or analysis not specifically provided for in the section. The materials, methods of construction, and structural design limitations provided for in this section shall be used, unless the enforcing authority grants an exception. The enforcing authority is authorized to approve any such alternate provided they find the proposed design, materials, and methods of work to be at least equivalent to those prescribed in the section in quality, strength, effectiveness, burglary resistance, durability, and safety.”

**SECTION THIRTY-NINE:** Section 15.02.390 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.02.390 Section ~~4203.4~~1202.1 Amended – General.**

Section ~~4203.4~~1202.1 of the International Building Code is hereby amended to read as follows:

**~~4203.4~~1202.1 General.** Buildings shall be provided with natural ventilation in accordance with Section ~~4203.4~~1202.5, or mechanical ventilation in accordance with the International Mechanical Code. Where the air infiltration rate in a dwelling unit is less than 3 air changes per hour when tested with a blower door at a pressure 0.2 inch w.c. (50 Pa) in accordance with Section 402.4.1.2 of the International Energy Conservation Code - Residential Provisions, the dwelling unit shall be ventilated by mechanical means in accordance with Section 403 of the International Mechanical Code. Ambulatory care facilities and Group 1-2 occupancies shall be ventilated by mechanical means in accordance with Section 407 of the International Mechanical Code.

**SECTION FORTY:** Section 15.02.391 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code to read as follows:

**15.02.391 Section 1612.3 Amended – Establishment of flood hazard areas**

Section 1612.3 of the International Building code is hereby amended to read as follows:

**1612.3 Establishment of flood hazard areas.** To establish flood hazard area, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled “The Flood Insurance Study for Johnson county Kansas and incorporated Areas” dated August 3, 2009, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions

thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

**SECTION FORTY-ONE:** Section 15.02.395 of the Olathe Municipal Code is hereby amended to read as follows:

**“15.02.395 Section ~~3009~~3001.6 Added – Certificate of Inspection.**

Section 3001.6 of the International Building Code is hereby added and shall read as follows.

**3001.6 Certificate of Inspection.** Each elevator, escalator, and dumbwaiter shall be tested by a certified elevator inspector/tester at the time of installation, repair, or remodel prior to placing the equipment in service. The test report shall be submitted to the Building Official prior to issuance of the Certificate of Occupancy for the building or area of work.

~~Section 3009 is hereby added to the International Building Code and shall read as follows:~~

~~3009.1 Certificate of Inspection. Prior to operation of each elevator, escalator, and dumbwaiter, a Certificate of Inspection shall be issued by the Building Official after receiving the required test report and elevator certification fee. The Certificate of Inspection shall be on display within the elevator or attached to the escalator or dumbwaiter or be available for public inspection in the office of the building operator. The effective date of this Section is January 1, 2017.~~

~~3009.1.1 Testing. Each elevator, escalator, and dumbwaiter shall be tested by a certified elevator tester at the time of installation, repair, or remodel, and said tester shall submit the test report and elevator certification fee to the Building Official to obtain a Certificate of Inspection.~~

~~.1.2 Elevator Certification Fee. There is hereby established a fee for issuance of a Certificate of Inspection for an elevator, escalator, or dumbwaiter that has been inspected and tested by a certified elevator tester on behalf of the City pursuant to this Section. The testing fee shall be adopted by the Governing Body of the City by resolution.”~~

**SECTION FORTY-TWO:** Section 15.02.401 of the Olathe Municipal Code is hereby added to the Olathe Municipal Code to read as follows:

**“15.02.401 Section B101 Amended – Board of Code Review.**

Section B101 of the International Building Code is hereby amended as follows.

**B101.1 Duties and Responsibilities.** The Board of Code Review shall have the following function, duties and responsibilities:

1. To review, evaluate and make recommendations to the Governing Body of the City of Olathe on the adoption or amendment of building, residential, plumbing, mechanical, fuel gas, electrical, energy conservation, property maintenance, fire and other adopted codes as outlined in Municipal Code Chapters 15 and 16
2. To receive, evaluate and determine the suitability of materials and methods of construction alternate to those established by the building, residential, plumbing, mechanical, fuel gas, electrical, energy conservation, property maintenance, fire and other adopted codes as outlined in Municipal Code Chapters 15 and 16.
3. To review and provide interpretations of the provisions of the building, residential, plumbing, mechanical, fuel gas, electrical, energy conservation, property maintenance, fire and other adopted codes as outlined in Municipal Code Chapters 15 and 16.
4. To receive requests and render a decision to mitigate specific provisions of the various codes which create practical difficulties in their enforcement.
5. To advise the Governing Body of the City of Olathe on other such matters as may be requested by the Governing Body.

**B101.2 Membership of Board.** The members of the Board of Code Review shall be appointed by the Mayor with the consent and approval of the remainder of the Governing Body as follows:

1. Two for 4 years; three for 3 years; two for 2 years.
2. Thereafter, each new member shall serve for 4 years or until a successor has been appointed.
3. The expiration date of the terms for members shall be September 1<sup>st</sup> of the appropriate year for each member. Vacancies, occurring before the expiration of a term shall be filled in the manner of the original appointment for the remainder of the unexpired term.

**B101.2.1 Ex-officio members.** The Chief Building Official, Chief Planning and Development Officer, and City Engineer shall serve as ex-officio, nonvoting members. Ex-officio members shall serve as long as they remain employees of the city in the appropriate position.

**B101.2.2 Qualifications.** The Board shall consist of seven (7) members. One member shall be a master electrician; one member shall be a master plumber; one member shall be a master mechanical installer; one member shall be a professional licensed engineer and/or architect; one member shall be a builder and/or contractor, and two members shall be persons who by training and experience are qualified to pass on matters pertaining to building construction.

**B101.2.3 Rules and procedures.** The Board may make and establish such reasonable by-laws, rules and regulations, as may be necessary for their own governance for the full and complete execution of their duties and responsibilities; provided such rules and regulations do not conflict with procedures established by other chapters of this code or other codes adopted by reference by city ordinance. The board may form itself into sub-committees composed of no less than three members for the purpose of reviewing and rendering decisions pursuant to the duties and responsibilities described in B101.1.

**B101.2.4 Chairperson.** The members of the Board shall, by majority vote, elect from among the appointed members a chairperson or vice-chairperson.

**B101.2.5 Disqualification of member.** A member shall not hear an appeal in which that member has a personal, professional or financial interest. The mayor, with the consent of the remainder of the Governing Body, may remove any member appointed by the mayor for a good and sufficient cause.

**B101.2.6 Secretary.** The ex-officio member whose responsibility includes enforcement of the code being questioned shall act as secretary to record the proceedings of the meeting and decisions rendered.

**B101.2.7 Compensation.** The members of the Board of Code Review shall serve without compensation.

**B101.3 Application.** Applications for appeal shall be obtained from the building official. Applications shall be filed within 20 days after notice has been served.

**B101.3.1 Filing Fee.** Filing fees for all appeals to the Board of Code Review shall be established by resolution of the Governing Body.

**B101.4 Notice of Meeting.** The board shall meet upon notice from the chairperson, within 10 days of the filing of an appeal or at stated periodic meetings.

**B101.4.1 Form of Notice of Hearing.** The notice to appellant shall be substantially in the following form, but may include other information.

You are hereby notified that a hearing will be held before the Board of Code Review at \_\_\_\_\_, on the day of \_\_\_\_\_, 20\_\_\_\_; at the hour of \_\_\_\_\_, upon the notice and order served upon you. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will

be given full opportunity to cross-examine all witnesses testifying against you.

**B101.5 Procedures.** The Board shall conduct all hearing and shall utilize the general procedures described herein. The procedures shall not require compliance with strict rules of evidence and witnesses but shall mandate that only relevant information be received. General or special meetings may be held at such time as the chairperson may direct. A majority of the members of the board shall constitute a quorum for the transaction of business.

**B101.5.1 Open hearing.** All hearings before the board shall be open to the public. The appellant, the appellant's representative, the building official and any person whose interests are affected shall be given an opportunity to be heard.

**B101.5.2 Record.** A record of the entire proceedings shall be made by audio recording, or by any other means of permanent recording determined to be appropriate by the Board.

**B101.5.3 Continuances.** The Board may grant continuances for good cause shown. When five members are not present to hear an appeal, either the applicant of the appellant's representative shall have the right to request a postponement of the hearing.

**B101.5.4 Oaths.** In any proceedings under this chapter, the Board, or any Board member, has the power to administer oaths and affirmations to certify to official acts.

**B101.5.5 Reasonable Dispatch.** The Board and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

**B101.5.6 Evidence.**

1. Hearsay Evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.
2. Admissibility of Evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

3. Exclusion of Evidence. Irrelevant and unduly repetitious evidence shall be excluded.

**B101.5.7 Rights of Parties.** Each party shall have these rights, among others;

1. To call and examine witnesses on any matter relevant to the issues of the hearing;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
4. To impeach any witness regardless of which party first called him/her to testify;
5. To rebut the evidence against him/her;
6. To represent himself/herself or to be represented by anyone of his/her choice who is lawfully permitted to do so.

**B101.5.8 Official Notice.**

**B101.5.8.1 What may be noticed.** In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the Board or departments and ordinances of the City or rules and regulations of the Board.

**B101.5.8.2 Parties to be notified.** Parties at the hearing shall be informed of the matters to be noticed, and these matters shall be noted on the record, referred to therein, or appended thereto.

**B101.5.8.3 Opportunity to refute.** Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the Board.

**B101.5.8.4 Inspection of the premises.** The Board may inspect any building or premises involved in the appeal during the course of the hearing, provided that

1. Notice of inspection shall be given to the parties before the inspection is made.
2. The parties are given an opportunity to be present during the inspection, and
3. The Board shall state for the record upon completion of the inspection the material facts observed, and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the Board or hearing examiner.

**B101.6 Method and Form of Decision.** The board shall modify or reverse the decision of the building official by a concurring vote of two-thirds of its members.

**B101.6.1 Hearing Before the Board.** When a contested case is heard before the Board, no member thereof who did not hear the evidence or has not read the entire record of the proceedings shall vote on or take part in the decision.

**B101.6.2 Form of Decision.** The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant and to the building official personally or sent to them by certified mail, postage prepaid, return receipt requested.

**B101.6.3 Effective Date of Decision.** The effective date of the decision shall be as stated therein.

**B101.6.4 – Administration.** The building official shall take immediate action in accordance with the decision of the board.”

**SECTION FORTY-THREE:** Existing Sections 15.02.020, 15.02.030, 15.02.050, 15.02.060, 15.02.070, 15.02.080, 15.02.090, 15.02.100, 15.02.130, 15.02.140, 15.02.160, 15.02.170, 15.02.180, 15.02.200, 15.02.210, 15.02.230, 15.02.240, 15.02.260, 15.02.270, 15.02.280, 15.02.290, 15.02.300, 15.02.310, 15.02.320, 15.02.330, 15.02.340, 15.02.350, 15.02.360, 15.02.370, 15.02.380, 15.02.390, 15.02.395, 15.02.400, Chapter 2.74, Sections 2.74.010 through 2.74.050, inclusive, and Chapter 15.24, Sections 15.24.010 through 15.24.060, inclusive, are hereby repealed.

**SECTION FORTY-FOUR:** This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

**PASSED** by the Governing Body this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**SIGNED** by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.