
Chapter 15.04 RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS

Sections:

- 15.04.010 Code Adopted.
- 15.04.020 Marked Copies of Code on File.
- 15.04.030 Code Official.
- 15.04.040 Section R101.1 Amended – Title.

REPEAL:

- 15.04.045 Subsection R101.2.1 Added – Care Facilities in a Dwelling.

REASON FOR CHANGE:

Repealing to better align with surrounding jurisdictions and simplify compliance.

REPEAL:

- 15.04.050 Section R101.4 Added – Administration.

REASON FOR CHANGE:

Repealing to help assist with code enforcement and compliance efforts. Instead of using the 2018 IBC chapter 1 for residential enforcement, will now use the 2018 IRC chapter 1.

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- 15.04.060 Section R102.4 Amended – Referenced codes and standards. (Repealed 6/18/19)
 - 15.04.070 Section R102.5 Amended – Appendices.
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REPEAL THIS DELETION:

- 15.04.080 Sections R103 through R114 Deleted – Chapter 1 Part 2 – Administration and Enforcement.

REASON FOR CHANGE:

Adding this back in (by repealing deletion) to help assist with code enforcement and compliance efforts. Instead of using the 2018 IBC for residential enforcement, will now use the 2018 IRC.



- 15.04.090 Section R202 Amended – Definitions. (Repealed 6/18/19)
- 15.04.100 Table R301.2(1) Amended – Climatic and Geographic Design Criteria.
- 15.04.110 Table R301.5 Amended – Minimum Uniformly Distributed Live Loads (in pounds per square foot). (Repealed 6/18/19)
- 15.04.120 Section R302.2 Amended – Townhouses. (Repealed 6/18/19)
- 15.04.130 Section R302.3 Amended – Two-family dwellings.
- 15.04.140 Section R302.3 Exceptions 1 and 2 Deleted – Two-family dwellings. (Repealed 6/18/19)
- 15.04.150 Subsection R302.3.1 Deleted – Supporting Construction. (Repealed 6/18/19)



AMEND:

15.04.155 Subsection R302.7.1 Added – Under-Stair Protection.
 Subsection R302.7.1 is hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:
R302.7.1 Under-Stairway Protection. Under-stair surfaces and landings of stairways shall be protected with 1/2-inch gypsum board or other approved fireblocking material.

EXCEPTIONS:

1. Exterior stairways.
 2. Stairways of noncombustible materials.
 3. Decorative and open stairways where approved by the building official.
- (Ord. 22-64 § 1, 2022.)

REASON FOR CHANGE:

Amending to allow options to builders and simplify compliance.



- 15.04.160 Section R303.4 Amended – Mechanical ventilation.
- 15.04.170 Section R306.5 Added – New single-family dwelling toilet facilities.
- 15.04.179 Section R309.6 Added – Residential Driveways.
- 15.04.180 Section R310.6 Amended – Alterations or Repairs of Existing Basements.



NEW ADDITION:

R311.3.2 Floor elevations at other exterior doors.

Doors other than the required egress door shall be provided with landings or floors not more than 7³/₄ inches (196 mm) below the top of the threshold.

Exception: A top landing is not required where a stairway of not more than ~~three~~ **two** risers are located on the exterior side of the door, provided that the door does not swing over the stairway.

REASON FOR CHANGE:

Amending to allow options to builders and simplify compliance.

- 15.04.190 Section R313 Amended – Automatic Fire Sprinkler Systems.
- 15.04.195 Section R314.3 – Amended – Smoke Alarm Location.
- 15.04.200 Section R314.4 Amended – Power source. (Repealed 6/18/19)
- 15.04.210 Section R315.1 Exceptions 1 and 2 Added – Carbon Monoxide Alarms. (Repealed 6/18/19)
- 15.04.220 Section R319.2, R319.3, and R319.4 Added – Address Numbers Illuminated, Posted during Construction and Supplemental Address Identification for Townhomes.

AMEND:

- 15.04.229 Section 323.2 Added – Storm Protection Area Required.

Section 323.2 is hereby added to the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

323.2 Storm protection area required. ~~All~~ Each dwelling unit in every residential occupancy ~~of any occupant load~~ shall have a storm protection area constructed in accordance with ICC/NSSA-500 or shall have a code-defined basement. Sub-surface areas enclosed by concrete foundation walls and suspended concrete slabs above, with or without doors are considered equivalent ~~to a basement~~ compliance. 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.~~

323.2.1 Required occupant capacity. The required occupant capacity of the storm protection area ~~in all residential 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.~~

REASON FOR CHANGE:

Amending to clarify wording and to allow options to builders and simplify compliance.

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- 15.04.230 Section R328 Added – Physical Security.
 - 15.04.240 Section R401.1 Exception 2 Added – Application. (Repealed 6/18/19)
 - 15.04.250 Subsection R401.2.1 Added – Design required. (Repealed 6/18/19)
 - 15.04.260 Subsections R403.1.1.1 and R403.1.1.2 Added – Continuous Footing Reinforcement and Column Pads.
 - 15.04.270 Subsection R403.1.6.2 Added – Foundation Anchorage.
 - 15.04.275 Subsection R404.1.1 Amended – Design Required.
 - 15.04.280 Section R405.1 Exceptions Added – Concrete or masonry foundations.
 - 15.04.289 Subsection R506.1.1 Added – Design Required.
 - 15.04.290 Subsection R506.3 Added – Basement Floor Slab Isolation.
 - 15.04.300 Section R506.3 Added – Design required. (Repealed 6/18/19)

AMEND:

15.04.310 Subsection R602.6.1 Amended – Drilling and notching of top plate.

Subsection R602.6.1 of the International Residential Code for One- and Two-Family Dwellings is hereby amended to read as follows:

R602.6.1 Drilling and notching of top plate. When piping or ductwork is placed in or partly in an exterior wall or interior load-bearing wall, necessitating cutting, drilling or notching of the top plate by more than fifty percent (50%) of its width, a galvanized metal tie not less than 0.054 inch thick (16 ga) and one and one-half inches (1½”) wide shall be fastened across and to the plate at each side of the opening with not less than four 10d (0.148 inch diameter) nails having a minimum length of one and one-half inches (1½”) at each side or equivalent. The metal tie must extend a minimum of six inches (6”) past the opening **and be installed on both sides of load-bearing walls. See Figure R602.6.1.**

Exception: When the entire side of the wall with the notch or cut is covered by wood structural panel sheathing.

REASON FOR CHANGE:**Amending to clarify wording and simplify compliance.**

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- 15.04.315 Subsection R807.1.1 Added – Attic Access Latch.
- 15.04.320 *Section R907.3 Subsection 2 Amended – Recovering versus replacement. (Repealed 6/18/19)*
- 15.04.325 Section 1101.1 Amended – Scope.
- 15.04.330 *Section N1101.1 Exception Added – Scope. (Repealed 6/18/19)*
- 15.04.340 *Section N1101.3 (R101.4.3) Exceptions Deleted – Additions, alterations, renovations or repairs. (Repealed 6/18/19)*
- 15.04.350 *Section N1101.8 (R103.2) Amended – Information on Construction documents. (Repealed 6/18/19)*
- 15.04.360 Table N1102.1.2 (R402.1.2) Amended – Insulation and Fenestration Requirements by Component.
- 15.04.370 Subsection N1102.2.9.1 (R402.2.9.1) Added – Concrete and Masonry Basement Walls.
- 15.04.380 *Table N1102.4.1.1 (R402.4.1.1) Amended – Air Barrier and Insulation Installation. (Repealed 6/18/19)*
- 15.04.390 Subsection N1102.4.1.2 (R402.4.1.2) Amended – Testing.
- 15.04.400 Subsection N1103.3.2 (R403.3.2) Amended – Sealing (Mandatory).
- 15.04.408 Subsection N1103.3.3 Amended – Duct Testing.
- 15.04.409 Subsection N1103.3.4 Amended – Duct Leakage.
- 15.04.410 Subsection N1103.3.5 (R403.3.5) Amended – Building Cavities (Mandatory).
- 15.04.420 Subsection N1103.5.3 (R403.5.3) Amended – Hot Water Pipe Insulation (Prescriptive).
- 15.04.430 Section N1104 (R404) Amended – Lighting Equipment (Mandatory).
- 15.04.433 Section N1106.6.4 (R406.4) Amended – ERI-Based Compliance.
- 15.04.440 Section P2503.3 Amended – Responsibility of permittee.
- 15.04.450 Subsection P2603.5.1 Amended – Sewer depth.
- 15.04.460 *Subsection P2603.5.2 Added – Cleanouts on building sewers. (Repealed 6/18/19)*
- 15.04.470 Subsection P2906.4.1 Amended – Separation of Water Service and Building Sewer.
- 15.04.480 Subsections 3002.2.2 and 3002.2.3 Added – Drainage Pipe in Filled Ground and Sanitary and Storm Sewers.
- 15.04.485 Subsection P3005.2.2 Amended – Cleanouts on Building Sewers.
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AMEND TO:

15.04.490 Section E3902.2 Amended – Garage and Accessory Building Receptacles.

Section E3902.2 of the International Residential Code for One- and Two-Family Dwellings is hereby amended and shall read as follows:

E3902.2 Garage and accessory building receptacles. 125-volt, single-phase, 15- or 20-ampere receptacles installed in garages and grade-level portions of unfinished accessory buildings used for storage or work areas shall have ground-fault circuit-interrupter protection for personnel. [210.8(A)(2)]

Exceptions:

1. A **single** dedicated ceiling mounted receptacle for a garage door opener.
2. A single dedicated receptacle supplied by a dedicated branch circuit that is located and identified for specific use by a cord- and plug-connected appliance. ~~such as a refrigerator, freezer or other appliance.~~
3. A **single** dedicated receptacle supplying a permanently installed fire alarm or security alarm system.
4. A **single** dedicated receptacle supplying a sump pump.

REASON FOR CHANGE:

Amending to clarify wording and simplify compliance.

15.04.500 Section E3902.5 Amended – Unfinished Basement Receptacles.

15.04.510 Section E3902.12 Exceptions 4 and 5 Added – Arc-fault circuit-interrupter protection. (Repealed 6/18/19)

15.04.520 Section E3902.13 Exception Added – Arc-fault circuit interrupter protection for branch circuit extensions or modifications. (Repealed 6/18/19)

15.04.530 Section AE607 Added – Severe Storm Safety Measures for Mobile and Modular Homes and Subdivisions.

AMEND:

Section AE607 is hereby added to Appendix E of the International Residential Code for One- and Two-Family Dwellings and shall read as follows:

SECTION AE607

SEVERE STORM SAFETY MEASURES FOR MOBILE AND MODULAR HOMES AND SUBDIVISIONS

AE607.1 Securing mobile homes to ground by approved devices: From April 1, 1997, any newly installed mobile home which is occupied or inhabited by a person as a dwelling, office or commercial space shall be secured to the ground by tie downs and ground anchors, of a type and mode of installation which at a minimum meet the requirements of KSA 75-1227 through and including 75-1233, and third party Special inspection by an approved agency will be required of said tie downs and ground anchors, unless such mobile home is secured to the ground on a permanent foundation.

- 15.04.535 Section AO103.3 Added – Emergency Operation.
- 15.04.540 Conflicts.
- 15.04.550 Liability.
- 15.04.560 Severability.

REASON FOR CHANGE:

Amending to clarify wording and simplify compliance.



**TO BE MOVED OVER FROM TITLE 15.02 IBC
DUE TO PREVIOUS CHAPTER ONE SPLIT:**

ADD and AMEND:

Subsection [A] 105.1.1 Added – County License Required.

Section [A] 105.1.1 is hereby added to the International Residential Code and shall read as follows:

[A] 105.1.1 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 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. **Current occupation of the dwelling must be verified with a current valid state-issued photo identification.**
 - B. The homeowner undertakes the work themselves.
 - C. The homeowner does not have any unresolved citations for any violations in this code.**
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.

REASON FOR CHANGE:

Adding as previously adopted in the current 15.02 IBC amendment, also to clarify wording and simplify compliance.



AMEND:

[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 provided the floor area is not greater than 200 square feet (18.58 m²) **and are not served with mechanical, electrical or plumbing systems. All structures shall meet minimum setback requirements as established otherwise in the municipal code.**
2. Fences not over 7 feet (2134 mm) high. **All fences shall meet minimum setback requirements as established otherwise in the municipal code.**
3. Retaining walls that are not over 4 feet 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.
4. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons and the ratio of height to diameter or width is not greater than 2:1.
7. Sidewalks and driveways. Right-of-way permits are required for sidewalk or driveway installation or replacement in the public right-of-way. **All sidewalks and driveways shall meet minimum setback requirements as established otherwise in the municipal code.**
8. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
9. Prefabricated swimming pools that are less than 24 inches deep.
10. Detached accessory shade cloth structures.
12. Swings and other playground equipment.
12. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
13. Reroofing, **window replacement or non-structural exterior wall coverings.**
15. Decks not exceeding **200 square feet (18.58 m²)** 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. **All decks shall meet minimum setback requirements as established otherwise in the municipal code.**

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.

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 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.

REASON FOR CHANGE:

Adding as previously adopted in the current 15.02 IBC amendment, also to clarify wording and simplify compliance.

ADD AND AMEND:

Subsection [A] 105.3.1.2 is hereby added to the International Residential Code and shall read as follows:

[A] 105.3.1.2 Denial of permits. The Building Official is authorized to deny a permit to any applicant not meeting the provisions as set forth in this code and to any person who has outstanding a failure to appear in court or prior citation with respect to any violation of Titles 6, 12, 14, 15, 16, or 18 of the Olathe Municipal Code. The Building Official is further authorized, ~~with respect to the insurance requirements~~, to take any necessary administrative enforcement action including, without limitation, stopping construction operations on any incomplete permits and denying issuance of any additional permits.

REASON FOR CHANGE:

Adding as previously adopted in the current 15.02 IBC amendment, also to clarify wording and simplify compliance.

ADD:

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.

REASON FOR CHANGE:

Adding as previously adopted in the current 15.02 IBC amendment.

ADD:

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] 108.**
- 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. 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.**
- 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.**
- 8. Bond or cash deposit per Section [A] 105.3.6.3.**
- 9. Certificate of Insurance per Section [A] 105.3.6.4.**
- 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.**
- 11. A copy of the state highway move permit, if applicable.**
- 12. A letter or electronic communication from any utility agency having overhead lines along the proposed route indicating that they have approved the route.**
- 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.**
- 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.**
- 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.

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.

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.

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.

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

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

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.

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.

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

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] 108.
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. **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.**
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.**
8. **Bond or cash deposit per Section [A] 105.3.6.3.**
9. **Certificate of Insurance per Section [A] 105.3.6.4.**
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.**
11. **A copy of the state highway move permit, if applicable.**
12. **A copy of the move permit from the next jurisdiction that the structure will enter when leaving the Olathe City limits.**
13. **A letter or electronic communication from any utility agency having overhead lines along the proposed route indicating that they have approved the route.**
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.**
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.**
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.**
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.**

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.

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

- 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. 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.
- 7. 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.
- 8. 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.
- 9. Railroad Crossings.** Notify railroad officials of times, location and direction of crossing of all railroad tracks on the route of travel.
- 10. 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] 105.3.6.6 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 flashing amber light 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] 105.3.6.7 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] 105.3.6.8 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] 105.3.6.9 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.

REASON FOR CHANGE:

Adding as previously adopted in the current 15.02 IBC amendment.

ADD:

R105.5 Expiration.

Every *permit* issued shall become invalid unless the work authorized by such *permit* is commenced within 180 days after its issuance or after commencement of work

if more than 180 days pass between inspections. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Exception: Every permit issued as a result of an investigation or citation shall become invalid unless the work authorized by such permit commences and is inspected within 30 days after issuance or last inspection.

REASON FOR CHANGE:

Adding as previously adopted in the current 15.02 IBC amendment and to clarify wording to simplify compliance.

ADD AND AMEND:

Subsection [A] 105.5.1 Added – Renewal of Permit upon Expiration.

[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 **an expired permit fee as adopted by the Governing Body of the City by resolution.**

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

[A] 106.1 One, Two-Family or **Townhouse 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 **not required to be prepared by a registered design professional** if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

REASON FOR CHANGE:

Adding as previously adopted in the current 15.02 IBC amendment and to clarify wording to simplify compliance.

ADD:

Section [A] 108.2 of the International Residential Code is hereby amended to read as follows:

[A] 108.2 Schedule of 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.

REASON FOR CHANGE:

Adding as previously adopted in the current 15.02 IBC amendment.

ADD:

Section [A] 108.6 of the International Residential Code is hereby amended to read as follows:

[A] 108.6 Work commencing before permit issuance. When it is determined through an investigation that any person has commenced any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits, the person shall be subject to an investigation fee established that shall be in addition to the required permit fees. The investigation fee shall be established by a resolution of the Governing Body and shall be equal to the amount of the permit fee. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of either this code or the technical codes nor from any penalty prescribed by law.

REASON FOR CHANGE:

Adding as previously adopted in the current 15.02 IBC amendment.

ADD:

Section [A] 108.5 of the International Residential Code is hereby amended to read as follows:

[A] 108.5 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.

REASON FOR CHANGE:

Adding as previously adopted in the current 15.02 IBC amendment.



ADD:

Section 110.4 of the International Residential Code is hereby amended to read as follows:

[A] 110.4 Temporary occupancy. The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid. 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] 110.4.1 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] 110.4.2 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.

REASON FOR CHANGE:

Adding as previously adopted in the current 15.02 IBC amendment.



ADD AND AMEND:

Subsections 110.6 and 110.7 are hereby added to the International Residential Code and shall read as follows:

[A] 110.6 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 a request **made pursuant to the Kansas Open Records Act, subject to any applicable exceptions. KORA**

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

R110.7 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.

REASON FOR CHANGE:

Adding as previously adopted in the current 15.02 IBC amendment and to clarify wording to simplify compliance.

ADD:

Subsections 111.1.1 and 111.1.1.1 are hereby added to the International Residential Code and shall read as follows:

111.1.1 Reconnection of Existing Service Utilities. No person shall reconnect a utility, source of energy, fuel or power, to an existing building that has been dormant for more than thirty (30) days, without obtaining a Service Reconnect Permit and an inspection and utility release approval by the Building Official.

111.1.1.1. Service Reconnect Permit Fee. There is hereby established a fee for issuance of a Service Reconnect Permit. The permit fee shall be adopted by the Governing Body of the City by resolution.

REASON FOR CHANGE:

Adding as previously adopted in the current 15.02 IBC amendment.

ADD AND AMEND:

Board of Appeals. Section 112 of the International Residential Code is hereby amended to read as follows:

[A] 112.1 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 Appendix B of International Building Code.**

[A] 112.2 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] 112.3 Qualification and Procedures. Refer to Appendix B of **the International Building Code** for information pertaining to membership, qualifications and procedures of the Board of Code Review.

REASON FOR CHANGE:

Adding as previously adopted in the current 15.02 IBC amendment and to clarify wording to simplify compliance.

ADD:

Section [A] 113.5 of the International Residential Code is hereby amended to read as follows:

[A] 113.5 Violation penalties. Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted, and upon a conviction of any such violation such person shall be punishable by a fine of not more than Five Hundred Dollars (~~\$500.00~~) (**\$2,500**) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

REASON FOR CHANGE:

Adding as previously adopted in the current 15.02 IBC amendment, amending penalty to better align with surrounding jurisdictions.

ADD:

Section [A] 113.6 is hereby added to the International Building Code and shall read as follows:

[A] 113.6 Correcting damage to public facilities.

[A] 113.6.1 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] 113.6.2 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] 113.6.3 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] 113.6.4 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] 113.6.5 Refusal of permits for noncompliance. 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] 113.6.6 Not responsible for prior damage. 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] 113.6.7 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.

REASON FOR CHANGE:

Adding as previously adopted in the current 15.02 IBC amendment.

ADD THIS (WHOLE SECTION FROM IBC 116):

Section [A] 115 is hereby added to the International Residential Code and shall read as follows:

SECTION115

UNSAFE STRUCTURES AND EQUIPMENT

[A]115.1 Conditions.

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

[A] 115.2 Immediate hazard procedures authorized. 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 115.6.3.

[A]115.3 Record.

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

[A]115.4 Notice.

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

[A]115.5 Method of service.

Such notice shall be deemed properly served if a copy thereof is: delivered to the *owner* personally; sent by certified or registered mail addressed to the *owner* at the last known address with the return receipt requested; or delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner on

the owner's agent or on the person responsible for the structure shall constitute service of notice on the *owner*.

[A]115.6 Restoration.

Where the structure or equipment determined to be unsafe by the *building official* is restored to a safe condition, to the extent that repairs, *alterations* or *additions* are made or a change of occupancy occurs during the restoration of the structure, such *repairs, alterations, additions* and change of occupancy shall comply with the requirements of this code.

115.6.1 Time limit to restore unsafe condition.

Where a structure is determined to be unsafe by the building official, the owner of the structure shall obtain the necessary repair permit within 180 days from the date of the investigation before commencement of repair, demolition or removal of such structure.

[A] 115.7 Failure to abate an unsafe condition. If the owner of any structure has failed to commence the repair, demolition or removal of such structure within the time ordered by the Building Official or has failed to diligently prosecute the same thereafter, the owner will be subject to penalties stipulated in Section [A] 113.5, and the City may proceed to raze, demolish, repair and remove the structure, make the premises safe and secure, or let the same to contract by resolution of the Governing Body.

[A] 115.7.1. Governing Body Authority. The Governing Body shall have the power to require or cause the repair, closing, demolition or removal of structures found to be unsafe, dangerous, or unsanitary or detrimental to the health, safety, or otherwise inimical to the welfare of the citizens of the City.

[A] 115.7.2 Notification and Hearing Procedures.

- 1. Whenever the Building Official files with the Governing Body a statement in writing that any structure, describing the same and where located, is unsafe or dangerous, the Governing Body shall by resolution fix a time and place in which the owner, his/her agent, any lienholders of record and any occupant of such structure may appear and show cause why such structure should not be condemned and ordered repaired, demolished or removed.**
- 2. Such resolution shall be mailed by certified mail to each such owner, agent, lienholder and occupant, at their last known place of residence at least fifteen (15) days prior to the date set for the hearing.**
- 3. On the date fixed for hearing or any adjournment thereof, the Governing Body shall hear all evidence submitted by the owner, his/her agent, lienholders of record and occupants having an interest in such structure as well as evidence submitted by the Building Official filing the statement and shall make findings by**

resolution. If the Governing Body finds that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired, closed, demolished or removed and the premises made safe or secure. Such resolution shall be published once in the official City newspaper and a copy mailed to the owners, agents, lienholders of record and occupants, in the same manner provided in the notice of hearing. The resolution shall fix a reasonable time within which the repair, removal or demolition of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the Governing Body will cause the structure to be demolished, razed, removed or repaired.

[A] 115.7.3 City to perform repair, demolition, or removal. If the owner of any structure has failed to commence the repair, demolition or removal of such structure within the time stated in the resolution or has failed to diligently prosecute the same thereafter, the City may proceed to raze, demolish, repair and remove the structure, make the premises safe and secure, or let the same to contract. The City shall keep an account of the cost of such work and may sell the salvage from such structure and apply the proceeds or any necessary portion thereof to pay the cost of demolishing, repairing or removing such structure or part thereof, and making the premises safe and secure. All moneys in excess of that necessary to pay such costs shall, after the payment of all costs, be paid to the owner of the premises upon which the structure was located. If there is no salvageable material or if money received from the salvage is insufficient to pay the cost of such work, such cost or any portion thereof, including a Ten Dollar (\$10.00) administrative cost, shall be assessed as a special assessment against the parcel of land on which the structure was located and the City Clerk shall, at the time of certifying other City taxes, certify the unpaid portion of the aforesaid costs and the County Clerk shall extend the same on the tax rolls of the county against the lot or parcel of land. Whenever any structure is demolished, repaired or removed from any premises under the provision of this chapter, the City Clerk shall certify to the county assessor that such structure, describing the same, has been so repaired, removed or demolished.

REASON FOR CHANGE:

Adding as previously adopted in the current 15.02 IBC amendment and to clarify wording to simplify compliance.

