

TITLE 15
BUILDINGS AND CONSTRUCTION

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CHAPTER 15.01

INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO-FAMILY DWELLINGS

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15.01.010 International Residential Code for One and Two-Family Dwellings Adopted. The 2000 International Residential Code for One and Two-Family Dwellings, save and except R103, Chapter 11 and Appendix Chapters F, I and K, published by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, the Building Officials and Code Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California 90601-2298, and the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206, 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 15.01.030 through and including 15.01.190. (Ord. 01-74 § 2, 2001.)

15.01.020 Marked Copies of Code on File. There shall not be less than three (3) copies of the code adopted by reference in Section 15.01.010 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. _____” 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 police 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. (Ord. 01-74 § 2, 2001.)

15.01.030 Code Official. The Chief Building Official or designee will be known as the code official or building official for the purposes of this chapter and will have the duty of enforcing provisions of this chapter. (Ord. 11-25 § 1, 2011; Ord. 01-74 § 2, 2001.)

15.01.040 Subsection R108.2 Amended – Schedule of Permit Fees. Subsection R108.2 of the International Residential Code entitled “Schedule of Permit Fees” is hereby amended to read as follows:

R108.2 Schedule of Permit Fees. Permit fees for all applications shall be established by 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. (Ord. 11-25 § 2, 2011; Ord. 01-74 § 2, 2001.)

15.01.050 Section R110 Amended – Certificate of Occupancy. Section R110 of the International Residential Code entitled “Certificates of Occupancy” is hereby amended and shall read as follows:

Certificates of Occupancy.

(a) **WHEN REQUIRED.** No change in the character or use of land or of a building shall be made, nor shall any new or old building or structure be so occupied or used until a Certificate of Occupancy is issued by the building official or his duly authorized representative 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.

(b) **CHANGES IN USE.** Changes in the character or use of a building shall not be made except as specified in Section 502 of this code.

(c) **CERTIFICATE ISSUED.** After final inspection when it is found that the building, structure, and grounds comply with the provisions of the 2000 International Residential Code and the Unified Development Ordinance, the building official shall issue a Certificate of Occupancy which shall contain the following:

- (1) The building permit number.
- (2) The address of the building.
- (3) The name and address of the owner.
- (4) A description of that portion of the building for which the certificate is issued.
- (5) A statement that the described portion of the building complies with the requirements of this code, and all other applicable ordinances and regulations thereto, for group and division of occupancy and the use for which the proposed occupancy is classified.
- (6) The name of the building official.

(d) **TEMPORARY CERTIFICATE.** 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 building or structure. 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. It shall be unlawful for any person, firm or corporation to occupy 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.

(e) **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.

(f) **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. (Ord. 01-74 § 2, 2001.)

15.01.060 Section R112 Amended – Board of Appeals. Section R112 of the International Residential Code entitled “Board of Appeals” is hereby amended to read as follows:

Section R112 Amended – Board of Appeals. A Board of Code Review shall be created and shall act as a Board of Appeals in order to determine the suitability of alternate materials and methods of construction, to provide reasonable interpretations of the provisions of the code and to perform other such duties as defined in Chapter 2.74 of the Olathe Municipal Code. (Ord. 01-74 § 2, 2001.)

15.01.070 Section R113 Amended – Violations and Penalties. Section R113 of the International Residential Code entitled “Violations” is hereby amended to read as follows:

Section R113 Amended – Violations and Penalties. Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor, and each 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 conviction of any such violation such person shall be punished by a fine of not more than Three Hundred Dollars (\$300.00) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. (Ord. 01-74 § 2, 2001.)

15.01.080 Table R301.2(1) of Section 301 of the International Residential Code entitled “Table R301.2(1) Climatic and Geographic Design Criteria” is hereby amended to read as follows:

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

ROOF SNOW LOAD (PSF)	WIND SPEED (mph)	SEISMIC DESIGN CATEGORY BY ZONE	SUBJECT TO DAMAGE FROM				WINTER DESIGN TEMP. FOR HEATING FACILITIES
			Weathering	Frost Line Depth	Termite	Decay	
20	90	B	Severe	36”	Moderate-Heavy	Slight Moderate	6° F

For SI: 1 pound per square foot = 0.0479 kN/m.0², 1 mile per hour = 1,609 km/h

(Ord. 01-74 § 2, 2001.)

15.01.085 Subsection R303.3 Amended, - Bathrooms. Subsection R303.3 of the International Residential Code entitled “Bathrooms” is hereby amended to read as follows:

Bathrooms. Bathrooms, water closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 square feet (0.279 m²), one-half of which must be openable.

Exception: The glazed areas shall not be required where artificial light and a mechanical ventilation system are provided. The minimum ventilation rates shall be 50 cfm (23.6 L/s) for intermittent ventilation or 20 cfm (9.4 L/s) for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside or exhausted above the insulation in a properly ventilated attic. (Ord. 02-58 § 1, 2002.)

15.01.090 Subsection 310.1 Amended – Emergency Escape and Rescue Required. Subsection 310.1 of the International Residential Code entitled “Emergency Escape and Rescue Required” is hereby amended to read as follows:

R310.1 Amended – Emergency Escape and Rescue Required. Every sleeping room shall have at least one openable emergency escape and rescue window or exterior door opening for emergency escape and rescue. Basements in all new construction issued a building permit on or after September 15, 2001 shall have at least one openable emergency escape and rescue window or exterior door opening for emergency escape and rescue.

Basements in homes built prior to September 15, 2001 or issued a building permit prior to September 15, 2001 shall have at least one openable emergency escape window or exterior door opening for emergency escape and rescue in every sleeping room. Where openings are provided as a means of escape and rescue, they shall have a sill height of not more than 44 inches (1118 mm) above the floor. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the window or door opening from the inside. Escape and rescue window openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2. (Ord. 01-86 § 1, 2001; Ord. 01-74 § 2, 2001.)

15.01.100 Subsection R314.2 Amended – Treads and risers. Subsection R314.2 of the International Residential Code entitled “Treads and risers” is hereby amended to read as follows:

R314.2 Amended – Treads and risers. Until September 30, 2002 the maximum riser height shall be 8 ¼ inches and the minimum tread depth shall be 9 inches. Beginning on October 1, 2002 the maximum riser height shall be 7 ¾ inches (196 mm) and the minimum tread depth shall be 10 inches (254 mm).

The riser height shall be measured vertically between leading edges of the adjacent treads. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread’s leading edge. The walking surface of treads and landings of a stairway shall be sloped no steeper than one unit vertical in 48 units horizontal (2-percent slope). The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). (Ord. 01-74 § 2, 2001.)

15.01.110 Subsection R315.1 Amended – Handrails. Subsection R315.1 of the International Residential Code entitled “Handrails” is hereby amended and shall read as follows:

R315.1 Amended – Handrails. Handrails having minimum and maximum heights of 34 inches and 38 inches (864 mm and 965 mm), respectively, measured vertically from the nosing of the treads, shall be provided on at least one side of stairways. All required handrails shall be continuous the full length of the stairs with three or more risers from a point directly above the top riser of a flight to a point directly above the lowest riser of the flight. Ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than 1.5 inches (38 mm) between the wall and the handrail.

Exceptions:

- (1) Handrails shall be permitted to be interrupted by a newel post at a turn.
 - (2) The use of a volute, turnout or starting easing shall be allowed over the lowest tread.
- (Ord. 01-74 § 2, 2001.)

15.01.120 Subsection R321.1 Amended – Two-family dwellings. Subsection R321.1 of the International Residential Code entitled “Two-family dwellings” is hereby amended to read as follows:

R321.1 Two-family dwellings. Dwelling units in two-family dwellings shall be separated from each other by walls as per 321.2 and floor assemblies of not less than 1-hour fire-resistive rating when tested in accordance with ASTM E 119. Fire-resistance-rated floor-ceiling and wall assemblies shall extend to and be tight against the exterior wall, and wall assemblies shall extend to the underside of the roof sheathing. (Ord. 01-74 § 2, 2001.)

15.01.125 Subsection R328 Added – Physical Security. Subsection R328 is hereby added to the Olathe Municipal Code and shall read as follows:

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

R328.1.1 Scope. The provisions of this section shall apply to all new structures and to alterations, additions and repairs as stipulated in Appendix J of the International Residential Code.

R328.2 Doors. Except for vehicular access doors, all exterior swinging doors of residential buildings and attached garages, including the doors leading from the garage area into the dwelling unit, shall comply with Sections R328.2.1 through R328.2.5 for the type of door installed.

R328.2.1 Wood doors. Where installed, exterior wood doors shall be of solid core construction such as high-density particleboard, solid wood, or wood block core with a minimum thickness of one and three-fourths inches (1 ¾") 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.

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

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

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

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

A. Sliding door assemblies shall be installed to prevent the removal of the panels and the glazing from the exterior with the installation of shims or screws in the upper track.

B. All sliding glass doors shall be equipped with a secondary locking device consisting of a metal pin or a surface mounted bolt assembly. Metal pins shall be installed at the intersection of the inner and outer panels of the inside door and shall not penetrate the frame's exterior surface. The surface mounted bolt assembly shall be installed at the base of the door.

R328.3 Door frames. The exterior door frames shall be installed prior to a rough-in inspection. Door frames shall comply with Sections R328.3.1 through R328.3.3 for the type of assembly installed.

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

A. All exterior door frames shall be set in frame openings constructed of double studding or equivalent construction, including garage doors, but excluding overhead doors. Door frames, including those with sidelights, shall be reinforced in accordance with ASTM F476-84 Grade 40.

B. In wood framing, horizontal blocking shall be placed between studs at the door lock height for three (3) stud spaces or equivalent bracing on each side of the door opening.

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

R328.3.3 Door jambs. 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.

R328.4 Door hardware. Exterior door hardware shall comply with Sections R328.4.1 through R328.4.6.

R328.4.1 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.

R328.4.2 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.

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

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

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

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

R328.4.6 Side lighted entry doors. Side light door units shall have framing of double stud construction or equivalent construction complying with Sections R328.3.1, R328.3.2 and R328.3.3. 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 R328.3.1 and R328.3.2. Double stud construction or construction of equivalent strength shall exist between the glazing unit of the side light and wall structure of the dwelling.

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

R328.6 Exterior lighting. Exterior lighting shall comply with Section E3803.3.

R328.7 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. (Ord. 06-56 § 1, 2006.)

15.01.130 Subsection R403.1.1.1 Continuous footing reinforcement is hereby added to the Olathe Municipal Code and shall read as follows:

Subsection R403.1.1.1 Continuous footing reinforcement. Continuous footings for basement foundation walls shall have minimum reinforcement consisting of not less than two No. 4 bars, uniformly spaced, located a minimum of 3 inches (76 mm) clear from the bottom of the footing. (Ord. 01-74 § 2, 2001.)

15.01.140 Subsection R403.1.1.2 Column pads.

Subsection 403.1.1.2 Column pads. Column pads shall be a minimum of 24 inches (610 mm) by 24 inches (610 mm) and 8 inches (203 mm) deep. Reinforcement shall consist of a minimum of three No. 4 bars each way, uniformly spaced. (Ord. 01-74 § 2, 2001.)

15.01.150 Subsection R801.3 Amended – Roof Drainage. Subsection R801.3 of the International Residential Code entitled “Roof Drainage” is hereby amended to read as follows:

Subsection R801.3 Amended – Roof Drainage. In areas where expansive or collapsible soils are known to exist, all dwellings shall have a controlled method of water disposal from roofs that will collect and discharge all roof drainage to the ground surface at least three feet (3’) from foundation walls or to an approved drainage system. (Ord. 01-74 § 2, 2001.)

15.01.160 Chapter 11 Energy Efficiency.

N1101.1 Basement walls. When the basement is a conditioned space, the basement walls shall be insulated with a minimum insulation value of R-9. When the basement is not a conditioned space, either the basement walls or the ceilings separating the basement from conditioned space shall be insulated with a minimum insulation value of R-9. When insulating basement walls, the required R-value shall be applied from the top of the basement wall to a depth of 10 feet (3048 mm) below grade or to the top of the basement floor, whichever is less.

N1101.1.1 Concrete and masonry basement walls. Insulation is not required for concrete or masonry portions of basement walls of one- and two-family dwellings, which are not adjacent to finished space and are more than 50 percent below grade. Walls shall be insulated whenever the adjacent interior space is finished. (Ord. 01-74 § 2, 2001.)

15.01.170 Subsection P3103.1 Amended – Roof extension. Subsection 3103.1 of the International Residential Code entitled “Roof Extension” is hereby amended to read as follows:

Subsection P3103.1 Roof extension. All open vent pipes which extend through a roof shall be terminated at least six inches (152 mm) above the roof except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least seven feet (2134 mm) above the roof. (Ord. 01-74 § 2, 2001.)

15.01.180 Chapter 48 Construction Requirements for Decks.

Section 4801 General.

4801.1 Application. The provisions of this chapter shall control the design and construction of decks more than thirty (30) inches above grade for all buildings. The use of materials or methods not specified in this chapter accomplishing the purposes intended by this code and approved by the building official in accordance with Section 108 shall be accepted as complying with this code.

4801.2 Plans. In addition to the requirements for plans listed in Section 112, the permittee shall provide a plot plan of the proposed deck location drawn to scale indicating the square footage of the deck and showing the distances to property lines.

4810 Construction Requirements.

4810.1 Material. All decks must be constructed of either naturally decay resistant lumber or pressure treated lumber (CCA). The deck shall be designed to support a live load of 40 PSF and a dead load of 10 PSF. The span table within the one- and two-family code shall be used to determine the span lengths of the lumber used.

4810.2 Footings and Piers. All footings and piers must extend a minimum of thirty (30) inches below grade and bear on undisturbed soil. Each deck post or column shall be securely fastened to a footing, either by pinning or by use of a prefabricated anchor. Footings shall be a minimum of eight (8) inches in diameter.

4810.3 Guardrails and Handrails. If the deck surface is more than thirty (30) inches above grade a thirty-six (36) inch tall guardrail must be constructed. Guardrails shall have intermediate rails or ornamental closures which will not allow the passage of an object four (4) inches or more in diameter. Open sides of stairs with a total rise of more than thirty (30) inches above the grade below shall have guardrails not less than thirty-four (34) inches in height measured vertically from the nose of the tread.

If steps are installed, then prior to October 1, 2002 the maximum riser height shall be 8 ¼ inches and the minimum tread depth shall be 9 inches. Beginning October 1, 2002 the maximum riser height shall be 7 ¾ inches (196 mm) and the minimum tread depth shall be 10 inches (254 mm).

The width of the stairs must be at least thirty-six (36) inches. A variance of three-eighths (3/8) inch is allowable on the rise.

Handrails shall be placed at a minimum thirty-four (34) inches and a maximum thirty-eight (38) inches measured from the nosing of the treads. Handrails are required on stairs of three (3) or more. Landings are required at the top and bottom of stairs and shall be a minimum of thirty-six (36) inches by thirty-six (36) inches. The handgrip portion of the handrails shall meet Section 315.2.

4810.4 Attachments to Existing Structure. Rim joists or ledger boards shall be attached flush against the house and lag bolts shall be used as fasteners. Lag bolts shall be a minimum of six (6) inches in length and shall be spaced as follows:

One each twelve (12) inches for three-eighths (3/8) inches lag.
One each sixteen (16) inches for one-half (1/2) inch lag.

Each lag bolt shall penetrate at least one and one-half (1 ½) inches into a structure member within the house.

As an alternative to the above deck attachment requirement, the permit holder can submit sealed engineering documentation for review by the building official. If the designed deck attachment to the structure meets or exceeds Section 4810.4, the building official or a designated representative may approve the attachment. (Ord. 01-74 § 2, 2001.)

4810.5 General.

- (a) All joists and beams require one and one-half (1 ½) inches bearing at their ends, either by bearing on top of a beam or other structural member or by properly installing the correct type of joist hanger.
- (b) Four (4) inches x four (4) inches decay resistant posts shall be the minimum size for column or posts.
- (c) Two (2) inches x four (4) inches boards shall be the minimum size for decking material.
- (d) Or use other approved exterior decking materials. (Ord. 01-74 § 2, 2001.)

15.01.190 Civil Actions. Notwithstanding the provisions of Section R113 Amended – Violations and Penalties of the 2000 International Residential Code, the decisions of the building official or the decisions of the Board of Code Review reviewing the decision of the building official shall be enforceable in the District Court of Johnson County, Kansas, or any other court of competent jurisdiction upon action brought by the city attorney, or such other legal counsel authorized to maintain such action for enforcement of the provisions of this chapter. (Ord. 01-74 § 2, 2001.)

15.01.200 Liability. The requirements stated in this chapter 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 defective construction or installation. 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 installation. (Ord. 01-74 § 2, 2001.)

15.01.210 Separability. If any part or parts of this chapter shall be held to be invalid such invalidity shall not effect the validity of the remaining parts of this chapter. The Governing Body hereby declares that it would have passed the remaining parts of this chapter if it had known that such part or parts thereof would be declared invalid. (Ord. 01-74 § 2, 2001.)

Previous editions of the International Residential Code for One and Two-Family Dwellings and or revisions were adopted by the following ordinances. (Ord. 99-67, 1999; Ord. 98-77, 1998; Ord. 97-23, 1997; Ord. 95-88, 1995; Ord. 93-25, 1993; Ord. 90-35, 1990.)

CHAPTER 15.02

CORRECTING DAMAGE TO PUBLIC FACILITIES

Sections:

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15.02.010 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. (Ord. 90-65 § 1, 1990.)

15.02.020 Definitions. For the purposes of this Chapter, public facilities shall be defined to include 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. (Ord. 90-65 § 1, 1990.)

15.02.030 Notice of Corrective Action. Whenever such damage is discovered, the responsible permit holder shall be given written notice of what corrective action is necessary, which notice, shall specify a reasonable period of time for completing such work. (Ord. 90-65 § 1, 1990.)

15.02.040 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. Before completing the repair work in this manner, the city shall notify the responsible party of its intent by Certified Mail not less than fifteen (15) days prior to commencing the work, with such notice including an estimated cost of said work. (Ord. 90-65 § 1, 1990.)

15.02.050 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 Chapter 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. (Ord. 90-65 § 1, 1990.)

15.02.060 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. (Ord. 90-65 § 1, 1990.)

15.02.070 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. (Ord. 90-65 § 1, 1990.)

CHAPTER 15.05

INTERNATIONAL BUILDING CODE

Sections:

15.05.010	Minimum Standards
15.05.020	Code Adopted
15.05.030	Marked Copies of Code on File
15.05.040	Subsection 101.1 Amended – Title
15.05.050	Subsection 101.4.1 Amended – Electrical
15.05.060	Code Official
15.05.070	Section 108 Amended – Fees
15.05.080	Section 110 Amended – Certificate of Occupancy
15.05.090	Section 112 Amended – Board of Appeals
15.05.100	Section 113 Amended – Violations and Penalties
15.05.105	Section 1007.6 Added – Physical Security
15.05.110	Chapter 11 Amended - Accessibility
15.05.120	Subsection 3109.3 Amended – Public swimming pools
15.05.130	Civil Actions
15.05.140	Liability
15.05.150	Separability

15.05.010 Minimum Standards. This chapter, including the standard code incorporated by reference, shall constitute the minimum standards for the construction, reconstruction, alteration, remodeling, use, occupancy, location or maintenance of buildings and structures. It is unlawful for any person, firm or corporation to construct, reconstruct, alter, remodel, use, occupy, locate or maintain any building or structure which violates any provision of this chapter or fails to comply with any standard set by this chapter for such installation. (Ord. 01-75 § 2, 2001.)

15.05.020 Code Adopted. The 2000 International Building Code, save and except Section 103 and Chapter 11 as published by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401 is hereby adopted by reference and made a part of this Chapter save and except parts or portions thereof as are specifically, deleted, added or changed in Olathe Municipal Code Sections 15.05.040 through and including 15.05.150. (Ord. 01-75 § 2, 2001.)

15.05.030 Marked Copies of Code on File. There shall not be less than three (3) copies of the code adopted by reference in Section 15.05.020 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. _____” 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 police 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. (Ord. 01-75 § 2, 2001.)

15.05.040 Subsection 101.1 Amended – Title. Subsection 101.1 of the 2000 International Building Code entitled “Title” is hereby amended to read as follows:

Subsection 101.1 Title – Amended. The 2000 International Building Code and the deletions, changes, and additions contained in the Olathe Municipal Code, Chapter 15.05, shall be known as the Building Code of the City of Olathe, Kansas, hereinafter referred to as “this code” or “the Building Code.” (Ord. 01-75 § 2, 2001.)

15.05.050 Subsection 101.4.1 Amended – Electrical. Subsection 101.4.1 of the 2000 International Building Code entitled “Electrical” is hereby amended to read as follows:

Subsection 101.4.1 Amended – Electrical. The provisions of the National Electrical Code, 1999 Edition and the 2000 ICC Electrical Code, Administrative Provisions shall apply to the installation of electrical systems including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. (Ord. 01-75 § 2, 2001.)

15.05.060 Code Official. The Chief Building Official or designee will be known as the “building official” or “code official” for the purposes of this chapter and will have the duty of enforcing provisions of this chapter. (Ord. 11-26 § 1, 2011; Ord. 01-75 § 2, 2001.)

15.05.070 Section 108 Amended – Fees. Section 108 of the 2000 International Building Code entitled “Fees” is hereby amended to read as follows:

(a) Permit Fees. For each building permit issued there shall be charged and collected from the applicant a fee.

(b) Permit fees for all applications shall be established by 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. (Ord. 11-26 § 2, 2011; Ord. 01-75 § 2, 2001.)

15.05.080 Section 110 Amended – Certificate of Occupancy. Section 110 of the 2000 International Building Code entitled “Certificate of Occupancy” is hereby amended to read as follows:

Certificates of Occupancy.

(a) WHEN REQUIRED. No change in the character or use of land or of a building shall be made, nor shall any new or old building or structure be so occupied or used until a Certificate of Occupancy is issued by the building official or his duly authorized representative 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.

(b) CHANGES IN USE. Changes in the character or use of a building shall not be made except as specified in Section 502 of this code.

(c) CERTIFICATE ISSUED. After final inspection when it is found that the building, structure, and grounds comply with the provisions of the 2000 International Building Code and the Unified Development Ordinance, the building official shall issue a Certificate of Occupancy which shall contain the following:

- (1) The building permit number.
- (2) The address of the building.
- (3) The name and address of the owner.
- (4) A description of that portion of the building for which the certificate is issued.
- (5) A statement that the described portion of the building complies with the requirements of this code, and all other applicable ordinances and regulations thereto, for group and division of occupancy and the use for which the proposed occupancy is classified.
- (6) The name of the building official.

(d) TEMPORARY CERTIFICATE. 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 building or structure. 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. It shall be unlawful for any person, firm or corporation to occupy 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.

(e) 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.

(f) 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. (Ord. 01-75 § 2, 2001.)

15.05.090 Section 112 Amended – Board of Appeals. Section 112 of the 2000 International Building Code entitled “Board of Appeals” is hereby amended to read as follows:

Section 112 Amended – Board of Appeals. 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. (Ord. 01-75 § 2, 2001.)

15.05.100 Section 113 Amended – Violations and Penalties. Section 113 of the 2000 International Building Code entitled “Violations” is hereby amended to read as follows:

Section 113 Amended – Violations. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this code. 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) or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment. (Ord. 01-75 § 2, 2001.)

15.05.105 Section 1007.6 Added – Physical Security. Section 1007.6 of the 2000 International Building Code entitled “Physical Security” is hereby added to the Olathe Municipal Code and shall read as follows:

1007.6.1 Purpose. The purpose of this section is to establish minimum standards that incorporate physical security to make dwelling units resistant to unlawful entry.

1007.6.1.1 Scope. The provisions of this section shall apply to all new structures and to alterations, additions, and repairs as stipulated in Chapter 34 (International Building Code).

1007.6.2 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 1007.6.2.1 through 1007.2.5 for the type of door installed.

1007.6.2.1 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 ¾”) at any point. Doors with panel inserts shall be solid wood. The panels shall be a minimum of one inch (1”) thick. The tapered portion of the panel that inserts into the groove of the door shall be a minimum of one-quarter inch (¼”) thick. The groove shall be a dado groove or applied molding construction. The groove shall be a minimum of one-half inch (½”) in depth.

1007.6.2.2 Steel doors. Where installed, exterior steel doors shall be a minimum thickness of 24 gauge.

1007.6.2.3 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.

1007.6.2.4 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.

1007.6.2.5 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.

1007.6.3 Door frames. The exterior door frames shall be installed prior to a rough-in inspection. Door frames shall comply with Sections 1007.6.3.1 through 1007.6.3.3 for the type of assembly installed.

1007.6.3.1 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.

1007.6.3.2 Steel frames. All exterior door frames shall be constructed of eighteen (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.

1007.6.3.3 Door jambs:

- A. 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.
- B. Door stops on wooden jambs for in-swinging doors shall be of one-piece construction. Jambs for all doors shall be constructed or protected so as to prevent violation of the strike.

1007.6.4 Door hardware. Exterior door hardware shall comply with Sections 1007.6.4.1 through 1007.6.4.6

1007.6.4.1 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.

1007.6.4.2 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 1007.6.4.6.

1007.6.4.3 Escutcheon plates. All exterior doors shall have escutcheon plates or wraparound door channels installed around the lock protecting the door's edge.

1007.6.4.4 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 (1/4) inch in diameter and two and one-fourth (2 1/4) inches in length. Bolt assembly (bolt housing) unit shall be of single piece construction. All deadbolts shall meet ANSI grade 2 specifications.

1007.6.4.5 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.

1007.6.4.6 Side lighted entry doors. Side light door units shall have framing of double stud construction or equivalent construction complying with Sections 1007.6.3.1, 1007.6.3.2 and 1007.6.3.3. 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 1007.6.3.1 and 1007.6.3.2. Double stud construction or construction of equivalent strength shall exist between the glazing unit of the side light and wall structure of the dwelling.

1007.6.5 Street numbers. Street numbers shall comply with Section 501.2.

1007.6.6 Exterior lighting. Exterior lighting shall comply with 1999 National Electric Code – Section 210-70. (Ord. 06-57 § 1, 2006.)

1007.6.7 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.

15.05.110 Chapter 11 Amended – Accessibility. Chapter 11 of the 2000 International Building Code entitled "Accessibility" is hereby amended to read as follows:

Chapter 11 Amended – Accessibility. Site Accessibility Standards and Standards of Accessibility for Buildings shall be governed by and meet the requirements of K.S.A. 8-1, 128 and K.S.A. 58-1301, et seq., and amendments thereto. (Ord. 01-75 § 2, 2001.)

15.05.120 Subsection 3109.3 Amended – Public swimming pools. Subsection 3109.3 of the 2000 International Building Code entitled "Public swimming pools" is hereby amended to read as follows:

Subsection 3109.3 Amended – Public swimming pools. Public and semi-public swimming pools shall be completely enclosed by a fence that complies with the requirements in Chapter 15.48 of the Olathe Municipal Code. (Ord. 01-75 § 2, 2001.)

15.05.130 Civil Actions. Notwithstanding the provisions of Section 113 Amended – Violations and Penalties of the 2000 International Building Code, the decisions of the building official or the decisions of the Board of Code Review reviewing the decision of the building official shall be enforceable in the District Court of Johnson County, Kansas, or any other court of competent jurisdiction upon action brought by the city attorney, or such other legal counsel authorized to maintain such action for enforcement of the provisions of this chapter. (Ord. 01-75 § 2, 2001.)

15.05.140 Liability. The requirements stated in this chapter 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 defective construction or installation. 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 installation. (Ord. 01-75 § 2, 2001.)

15.05.150 Separability. If any part or parts of this chapter shall be held to be invalid such invalidity shall not effect the validity of the remaining parts of this chapter. The Governing Body hereby declares that it would have passed the remaining parts of this chapter if it had known that such part or parts thereof would be declared invalid. (Ord. 01-75 § 2, 2001.)

Previous editions of the International Building Code were adopted and or revised by the following ordinances. (Ord. 98-74, 1998; Ord. 95-99, 1995; Ord. 93-24, 1993; Ord. 93-22, 1993; Ord. 93-21, 1993; Ord. 90-31, 1990; Ord. 90-30, 1990; Ord. 89-131, 1989; Ord. 88-169, 1988; Ord. 86-130, 1986; Ord. 86-129, 1986; Ord. 84-29, 1984; Ord. 83-47, 1982; Ord. 82-113, 1982; Ord. 82-107, 1982; Ord. 918, 1979; Ord. 916, 1979; Ord. 174, 1973.)

CHAPTER 15.10

ELECTRICAL CODE

Sections:

15.10.010	Minimum Electrical Wiring Standards.
15.10.020	Code Adopted.
15.10.030	Marked Copies of Code on File.
15.10.035	Chapter 11 Amended – Means of Appeal.
15.10.040	Subsection 404.2 Amended – Schedule of Permit Fees.
15.10.045	Code Official.
15.10.050	Civil Actions.
15.10.060	Liability.
15.10.070	Section 210-52 Amended--Dwelling Unit Receptacle Outlets. (Repealed 8/21/01)
15.10.080	Separability.

15.10.010 Minimum Electrical Wiring Standards.

(a) This chapter, including the NFPA Standard Code incorporated by reference in this chapter, shall constitute the minimum standards for all electric light, heat and power wires, fixtures, appliances, conductors and apparatus and their supports hereafter placed or installed in or upon any building, shop, outhouse, shed or other structure in the city.

(b) It is unlawful for any person, firm or corporation to install or cause to be installed or permit to remain installed any wiring which violates any provisions of this chapter or fails to comply with any standard set by this chapter for such installation. (Ord. 733 § 1, 1978.)

15.10.020 Code Adopted. The National Electrical Code, 1999 Edition, published by the National Fire Protection Association, 1 Batterymarch Park, P. O. Box 9101, Quincy, Massachusetts 02269, and the 2000 ICC Electrical Code, Administrative Provisions, save and except Section 301, published by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, the Building Officials and Code Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California 90601-2298, and the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206, 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 Section 15.10.035 through 15.10.080 of this Code. (Ord. 01-76 § 1, 2001; Ord. 98-75 § 1, 1998; Ord. 93-29 § 1, 1993; Ord. 90-09 § 1, 1990; Ord. 85-25 § 1, 1985; Ord. 82-114 § 1, 1982; Ord. 733 § 2, 1978.)

15.10.030 Marked Copies of Code on File. There shall be not less than three (3) copies of the code adopted by reference in Section 15.10.020 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. _____" 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 police 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. (Ord. 01-76 § 2, 2001; Ord. 98-75 § 2, 1998; Ord. 93-29 § 2, 1993; Ord. 90-09 § 2, 1990; Ord. 85-25 § 2, 1985; Ord. 82-114 § 2, 1982; Ord. 733 § 3, 1978.)

15.10.035 Chapter 11 Amended – Means of Appeal. Chapter 11 of the 2000 ICC Electrical Code Administrative Provisions entitled "Means of Appeal" is hereby amended and changed to read as follows:

Chapter 11 Amended – Means of Appeal. A board of code review shall be established and empowered to act as the Board of Appeals in order to determine the suitability of alternate materials, methods of construction and to provide reasonable interpretations of the code and to perform all other such duties as defined in Chapter 2.74 of the Olathe Municipal Code. (Ord. 01-76 § 3, 2001; Ord. 93-29 § 3, 1993; Ord. 89-97 § 2, 1989.)

15.10.040 Subsection 404.2 Amended – Schedule of Permit Fees. Subsection 404.2 of the 2000 ICC Electrical Code Administrative Provisions entitled "Schedule of Permit Fees" is hereby amended to read as follows:

Permit fees for all applications shall be established by 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. (Ord. 11-27 § 1, 2011; Ord. 01-76 § 4, 2001; Ord. 95-99 § 2, 1995; Ord. 90-09 § 3, 1990; Ord. 85-25 § 3, 1985.)

15.10.045 Code Official. The Chief Building Official or designee will be known as the code official or building official for the purposes of this chapter and will have the duty of enforcing provisions of this chapter. (Ord. 11-27 § 2, 2011; Ord. 01-76 § 5, 2001.)

15.10.050 Civil Actions. The decisions of the chief building inspector or the decisions of the Board of Appeals reviewing the decisions of the chief building inspector shall be enforceable in the district court of Johnson County, Kansas, or any other court of competent jurisdiction upon action brought by the municipal counsel or such other legal counsel authorized to maintain such action for enforcement of the provisions of this chapter. (Ord. 90-09 § 4, 1990; Ord. 85-25 § 4, 1985; Ord. 82-114 § 4, 1982; Ord. 733 § 5, 1978.)

15.10.060 Liability. The requirements stated in this chapter 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 installation, alteration, repair, replacement or remodeling of any electrical system or equipment permitted by this ordinance. 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 such electrical installation, alteration, repair, replacement or remodeling. Acceptance of the permit by the permittee will be prima facie evidence that the permittee assures full compliance with all requirements contained in this ordinance, and assumes all responsibility for injury to persons or damages to public or private property, and further agrees to hold the City of Olathe immune from all suits, claims and damages arising from the installation, alteration, repair, replacement or remodeling of any electrical system or equipment permitted under this ordinance.

15.10.070 Section 210-52 Amended-- Dwelling Unit Receptacle Outlets. Repealed 8/21/01. (Ord. 01-76 § 7, 2001; Ord. 98-75 § 3, 1998; Ord. 93-29 § 4, 1993).

15.10.080 Separability. If any part or parts of this chapter shall be held to be invalid such invalidity shall not effect the validity of the remaining parts of this chapter. The Governing Body hereby declares that it would have passed the remaining parts of this chapter if it had known that such part or parts thereof would be declared invalid. (Ord. 01-76 § 6, 2001.)

CHAPTER 15.13. ELECTRICIANS. Repealed 12/4/01. (Ord. 01-112, 2001; Ord. 92-63, 1992; Ord. 89-94, 1989; Ord. 83-91, 1983; Ord. 917, 1979.)

CHAPTER 15.17

PLUMBING CODE

Sections:

15.17.010	Minimum Standards – Scope of Chapter
15.17.020	Code Adopted
15.17.030	Marked Copies on File
15.17.035	Code Official.
15.17.040	Section 106.1 Amended – Permits – When Required
15.17.050	Section 106.6.2 Amended – Permit – Fee Schedule
15.17.060	Section 108 Amended – Violations and Penalties
15.17.070	Section 109 Amended – Means of Appeal
15.17.075	Section 202 Amended – General Definitions
15.17.080	Section 404 Amended – Accessible Plumbing Facilities
15.17.090	Civil Actions
15.17.100	Liability
15.17.110	Separability
15.17.115	Appendix I Amended – Private Sewage Disposal Systems (Repealed 8/18/98)
15.17.117	Section 1004 Amended – Materials (Repealed 8/18/98)
15.17.118	Appendix C Amended – Minimum Plumbing Facilities (Repealed 8/18/98)
15.17.120	Section 608.6 Amended – Cross Connection Control
15.17.121	Subsection 608.15.4 Amended – Protection by a Vacuum Breaker
15.17.125	Subsection 1003.1.1 Added – Grease Interceptors Required
15.17.126	Subsection 1003.1.2 Added – Point of Use Grease Interceptors
15.17.127	Subsection 1003.3.1 Amended – Grease Interceptors
15.17.128	Subsection 1003.3.2 Amended – Food Waste Grinders
15.17.129	Subsection 1003.3.4 Amended – Grease Interceptors and Automatic Grease Removal Devices
15.17.130	Subsection 1003.3.4.1 Amended – Large-Capacity Grease Interceptor Sizing
15.17.131	Subsection 1003.3.4.3 Added – Construction Standards and Inspections
15.17.132	Subsection 1003.3.4.4 Added – Pumping, Cleaning and Maintenance
15.17.133	Subsection 1003.3.4.5 Added – Recommended Food Service Facility Best Management Practices (BMPs)

15.17.010 Minimum Standards – Scope of Chapter.

(a) The provisions of this chapter shall apply to and provide regulations and minimum standards for the practice, materials and fixtures used in the installation, maintenance, extension, or alteration of all piping, fixtures, appliances and appurtenances in connection with any of the following: Sanitary drainage or storm sewer drainage facilities, venting systems, public or private water supply systems within or adjacent to any building or structure, sewerage or stormwater facilities to and connecting with a point of public disposal and gas piping.

(b) It is unlawful for any person, firm or corporation to do any work covered by this chapter except in conformance with the standards set by this chapter and in accordance with the requirements of this chapter. (Ord. 98-79 § 2, 1998; Ord. 919 § 2 (part), 1979.)

15.17.020 Plumbing Code Adopted. The 2000 International Plumbing Code, save and except Section 103 and Appendix Chapter A, published by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, the Building Officials and Code Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California 90601-2298, and the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206, 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 15.17.030 through and including 15.17.133. (Ord. 10-12 § 1, 2010; Ord. 01-77 § 1, 2001; Ord. 98-79 § 2, 1998; Ord. 93-27 § 1, 1993; Ord. 90-33 § 1, 1990; Ord. 86-128 § 1, 1986; Ord. 82-111 § 1, 1982; Ord. 919 § 2 (part), 1979.)

15.17.030 Marked Copies of Code on File. There shall be not less than three (3) copies of the code adopted by reference in Section 15.17.020 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. _____” 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 police 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. (Ord. 01-77 § 2, 2001; Ord. 98-79 § 2, 1998; Ord. 93-27 § 2, 1993; Ord. 90-33 § 2, 1990; Ord. 86-128 § 2, 1986; Ord. 82-111 § 2, 1982; Ord. 919 § 2 (part), 1979.)

15.17.035 Code Official. The Chief Building Official or designee will be known as the “building official,” “code official” or “Administrative Authority” for the purposes of this chapter and will have the duty of enforcing provisions of this chapter. (Ord. 11-28 § 1, 2011; Ord. 10-12 § 2, 2010; Ord. 01-77 § 10, 2001.)

15.17.040 Section 106.1 Amended – Permits – When Required. Section 106 of the International Plumbing Code entitled “Permits – When Required” is hereby amended to read as follows:

(a) **When required.** Any owner, authorized agent or contractor who desires to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the code official and obtain the required permit for the work.

(b) It shall be unlawful for any person, firm or corporation to cause to be installed, removed, altered, repaired or replaced any plumbing, gas, or drainage piping work or any fixture or water heating or treating equipment in a building or premises without first obtaining a permit therefor.

(c) The permittee and the person actually doing the plumbing, gas or drainage piping work does not have to be the same person, however, the actual plumbing, gas or drainage piping work shall be done by or supervised by a duly qualified and licensed plumber as provided by Charter Ordinance Nos. 16 and 18 of the Olathe Municipal Code. Provided, however, that the bona fide owner of a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings and who resides in such dwelling, accessory buildings and quarters may install plumbing, gas or drainage piping within such dwelling, accessory buildings and quarters, without being licensed if he or she shall personally purchase all materials and shall personally perform all labor in connection therewith. (Ord. 01-77 § 3, 2001; Ord. 98-79 § 2, 1998; Ord. 93-27 § 3, 1993; Ord. 919 § 2 (part), 1979.)

15.17.050 Section 106.6.2 Amended – Permit – Fee Schedule. Section 106.6.2 of the International Plumbing Code entitled “Fee Schedule” is hereby amended to read as follows:

Permit fees for all applications shall be established by 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. (Ord. 11-28 § 2, 2011; Ord. 01-77 § 4, 2001; Ord. 98-79 § 2, 1998; Ord. 95-99 § 3, 1995; Ord. 93-27 § 5, 1993; Ord. 83-92 § 1, 1983; Ord. 919 § 2 (part), 1979.)

15.17.060 Section 108 Amended – Violations and Penalties. Section 108 of the International Plumbing Code entitled “Violations” is hereby amended to read as follows:

(a) **Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize any plumbing system, or cause same to be done, in conflict with or in violation of any of the provisions of the plumbing code.

(b) **Notice of violation.** The code official shall serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of plumbing work in violation of the provisions of this code, or in violation of a detail statement or the approved construction documents thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

(c) **Violation Penalties.** Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a public offense, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any of the provisions of this code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid, except insofar as the work or use which it authorized is lawful.

(d) **Stop work orders.** Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of the plumbing code.

(e) **Unsafe plumbing.** Any portion of a plumbing system regulated by this code that is unsafe or that constitutes a fire or health hazard, insanitary condition, or is otherwise dangerous to human life is hereby declared unsafe. Any use of plumbing regulated by this code constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Any such unsafe equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

(1) Whenever the code official determines that any plumbing or portion thereof, regulated by this code has become hazardous to life, health or property or has become insanitary, the code official shall order in writing that such plumbing either be removed or restored to a safe or sanitary condition. A time limit for compliance with such order shall be specified in the written notice. No person shall use or maintain defective plumbing after receiving such notice.

(2) The code official shall have the authority to order disconnection of any plumbing supplied to a building, structure or equipment regulated by this code when it is determined that the equipment or any portion thereof has become hazardous or insanitary. Written notice of such order to disconnect service and the causes therefor shall be given within 24 hours to the owner and occupant of such building, structure or premises, provided, however, that in cases of immediate danger to life or property, such disconnection shall be made immediately without such notice. The code official shall immediately notify the serving utility in writing of the issuance of such order to disconnect. Every such order shall be in writing, addressed to the owner, agent or person responsible for the premises in which such condition exists, shall specify the date or time for compliance with such order and shall be personally served upon the owner, agent or person responsible for the premises or shall be mailed by certified mail, postage prepaid, return receipt requested.

(3) Refusal, failure or neglect to comply with any such notice or order shall be considered a violation of this code.

(4) No person shall make connections from any energy, fuel, power supply or water distribution system or supply energy, fuel or water to any equipment regulated by this code that has been disconnected or ordered to be disconnected by the code official or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such equipment.

(5) When any plumbing system is maintained in violation of this code and in violation of any notice issued pursuant to the provisions of this section where a nuisance exists in any building is situated, the code official shall institute any appropriate action or proceeding in any court of competent jurisdiction to prevent, restrain, correct, or abate the violation or nuisance. (Ord. 01-77 § 5, 2001; Ord. 98-79 § 2, 1998; Ord. 919 § 2 (part), 1979).

15.17.070 Section 109 Amended – Means of Appeal. Section 109 of the International Plumbing Code entitled “Means of Appeal” is hereby amended to read as follows:

A Board of Code Review shall be created and shall act as a Board of Appeals in order to determine the suitability of alternate materials and methods of construction, to provide reasonable interpretations of the provisions of this code and to perform other such duties as defined in Chapter 2.74 of the Olathe Municipal Code. (Ord. 01-77 § 6, 2001; Ord. 98-79 § 2, 1998; Ord. 93-27 § 6, 1993; Ord. 89-97 § 3, 1989; Ord. 86-128 § 3, 1986; Ord. 919 § 2, (part), 1979.)

15.17.075 Section 202 Amended – General Definitions.

ACCEPTED ENGINEERING PRACTICE. That which conforms to accepted principles, tests or standards of nationally recognized technical or scientific authorities.

ACCESS (TO). That which enables a fixture, appliance or equipment to be reached by ready access or by a means that first requires the removal or movement of a panel, door or similar obstruction (see "Ready access").

ACCESS COVER. A removable plate, usually secured by bolts or screws, to permit access to a pipe or pipe fitting for the purposes of inspection, repair or cleaning.

ADAPTER FITTING. An approved connecting device that suitably and properly joins or adjusts pipes and fittings which do not otherwise fit together.

AIR ADMITTANCE VALVE. One-way valve designed to allow air to enter the plumbing drainage system when negative pressures develop in the piping system. The device shall close by gravity and seal the vent terminal at zero differential pressure (no flow conditions) and under positive internal pressures. The purpose of an air admittance valve is to provide a method of allowing air to enter the plumbing drainage system without the use of a vent extended to open air and to prevent sewer gases from escaping into a building.

AIR BREAK (Drainage System). A piping arrangement in which a drain from a fixture, appliance or device discharges indirectly into another fixture, receptacle or interceptor at a point below the flood level rim.

AIR GAP (Drainage System). The unobstructed vertical distance through the free atmosphere between the outlet of the waste pipe and the flood level rim of the receptacle into which the waste pipe is discharging.

AIR GAP (Water Distribution System). The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle.

ALTERNATIVE ENGINEERED DESIGN. A plumbing system that performs in accordance with the intent of Chapters 3 through 12 and provides an equivalent level of performance for the protection of public health, safety and welfare. The system design is not specifically regulated by Chapters 3 through 12.

ANCHORS. See "Supports."

ANTISIPHON. A term applied to valves or mechanical devices that eliminate siphonage.

APPROVED. Approved by the code official or other authority having jurisdiction.

APPROVED AGENCY. An established and recognized agency approved by the code official and that is regularly engaged in conducting tests or furnishing inspection services.

AREA DRAIN. A receptacle designed to collect surface or storm water from an open area.

ASPIRATOR. A fitting or device supplied with water or other fluid under positive pressure that passes through an integral orifice or constriction, causing a vacuum. Aspirators are also referred to as suction apparatus, and are similar in operation to an ejector.

BACKFLOW

Backpressure. Pressure created by any means in the water distribution system, which by being in excess of the pressure in the water supply mains causes a potential backflow condition.

Backpressure, low head. A pressure less than or equal to 4.33 psi (29.88 kPa) or the pressure exerted by a 10-foot (3048 mm) column of water.

Backsiphonage. The backflow of potentially contaminated water into the potable water system as a result of the pressure in the potable water system falling below atmospheric pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.

Backwater valve. A device or valve installed in the building drain or sewer pipe where a sewer is subject to backflow, and which prevents drainage or waste from backing into a low level or fixtures and causing a flooding condition.

Drainage. A reversal of flow in the drainage system.

Water supply system. The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source except the intended source.

BACKFLOW CONNECTION. Any arrangement whereby backflow is possible.

BACKFLOW PREVENTER. A device or means to prevent backflow.

BALL COCK. A water supply valve, opened or closed by means of a float or similar device, utilized to supply water to a tank. An antisiphon ball cock contains an antisiphon device in the form of an approved air gap or vacuum breaker that is an integral part of the ball cock unit and that is positioned on the discharge side of the water supply control valve.

BASE FLOOD ELEVATION. A reference point, determined in accordance with the building code, based on the depth or peak elevation of flooding, including wave height, which has a 1 percent (100-year flood) or greater chance of occurring in any given year.

BATHROOM GROUP. A group of fixtures consisting of a water closet, lavatory, bathtub or shower, including or excluding a bidet, an emergency floor drain, or both. Such fixtures are located together on the same floor level.

BEDPAN STEAMER OR BOILER. A fixture utilized for scalding bedpans or urinals by direct application of steam or boiling water.

BEDPAN WASHER AND STERILIZER. A fixture designed to wash bedpans and to flush the contents into the sanitary drainage system. Included are fixtures of this type that provide for disinfecting utensils by scalding with steam or hot water.

BEDPAN WASHER HOSE. A device supplied with hot and cold water and located adjacent to a water closet or clinical sink to be utilized for cleansing bedpans.

BEST MANAGEMENT PRACTICES. “Best Management Practices” or “BMPs” mean the utilization of methods, techniques or products that have been demonstrated to be the most effective and reliable in minimizing adverse impacts on the sanitary sewer system, including but not limited to, schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of food waste and Fats, Oils, and Grease (“FOG”) directly or indirectly to sanitary sewer systems. BMPs also include physical structures, schedule of activities, prohibitions of practices, maintenance procedures, and other management practices which, when properly designed, installed or implemented, and maintained, will be effective to prevent or reduce the discharge of food waste and FOG into the sanitary sewer system.

BRANCH. Any part of the piping system except a riser, main or stack.

BRANCH INTERVAL. A distance along a soil or waste stack corresponding in general to a story height, but not less than 8 feet (2438 mm), within which the horizontal branches from one floor or story of a structure are connected to the stack.

BRANCH VENT. A vent connecting one or more individual vents with a vent stack or stack vent.

BUILDING. Any structure occupied or intended for supporting or sheltering any occupancy.

BUILDING DRAIN. That part of the lowest piping of a drainage system that receives the discharge from soil, waste and other drainage pipes inside and that extends 30 inches (762 mm) beyond the walls of the building and conveys the drainage to the building sewer.

Combined. A building drain that conveys both sewage and storm water or other drainage.

Sanitary. A building drain that conveys sewage only.

Storm. A building drain that conveys storm water or other drainage, but not sewage.

BUILDING SEWER. That part of the drainage system that extends from the end of the building drain and conveys the discharge to a public sewer, private sewer, individual sewage disposal system or other point of disposal.

Combined. A building sewer that conveys both sewage and storm water or other drainage.

Sanitary. A building sewer that conveys sewage only.

Storm. A building sewer that conveys storm water or other drainage, but not sewage.

BUILDING SUBDRAIN. That portion of a drainage system that does not drain by gravity into the building sewer.

BUILDING TRAP. A device, fitting or assembly of fittings installed in the building drain to prevent circulation of air between the drainage system of the building and the building sewer.

CIRCUIT VENT. A vent that connects to a horizontal drainage branch and vents two traps to a maximum of eight traps or trapped fixtures connected into a battery.

CISTERN. A small covered tank for storing water for a home or farm. Generally, this tank stores rainwater to be utilized for purposes other than in the potable water supply, and such tank is placed underground in most cases.

CLEANOUT. An access opening in the drainage system utilized for the removal of obstructions. Types of cleanouts include a removable plug or cap, and a removable fixture or fixture trap.

CODE. These regulations, subsequent amendments thereto, or any emergency rule or regulation that the administrative authority having jurisdiction has lawfully adopted.

CODE OFFICIAL. The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative.

COMBINATION FIXTURE. A fixture combining one sink and laundry tray or a two- or three-compartment sink or laundry tray in one unit.

COMBINATION WASTE AND VENT SYSTEM. A specially designed system of waste piping embodying the horizontal wet venting of one or more sinks or floor drains by means of a common waste and vent pipe adequately sized to provide free movement of air above the flow line of the drain.

COMBINED BUILDING DRAIN. See "Building drain, combined."

COMBINED BUILDING SEWER. See "Building sewer, combined."

COMMON VENT. A vent connecting at the junction of two fixture drains or to a fixture branch and serving as a vent for both fixtures.

CONCEALED FOULING SURFACE. Any surface of a plumbing fixture which is not readily visible and is not scoured or cleansed with each fixture operation.

CONDUCTOR. A pipe inside the building that conveys storm water from the roof to a storm or combined building drain.

CONSTRUCTION DOCUMENTS. All of the written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a building permit. The construction drawings shall be drawn to an appropriate scale.

CONTAMINATION. An impairment of the quality of the potable water that creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids or waste.

CRITICAL LEVEL (C-L). An elevation (height) reference point that determines the minimum height at which a backflow preventer or vacuum breaker is installed above the flood level rim of the fixture or receptor served by the device. The critical level is the elevation level below which there is a potential for backflow to occur. If the critical level marking is not indicated on the device, the bottom of the device shall constitute the critical level.

CROSS CONNECTION. Any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas or chemical, whereby there exists the possibility for flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems (see "Backflow"),

DEAD END. A branch leading from a soil, waste or vent pipe; a building drain; or a building sewer, and terminating at a developed length of 2 feet (610 mm) or more by means of a plug, cap or other closed fitting.

DEPTH OF WATER SEAL. The depth of water that would have to be removed from a full trap before air could pass through the trap.

DEVELOPED LENGTH. The length of a pipeline measured along the centerline of the pipe and fittings.

DISCHARGE PIPE. A pipe that conveys the discharges from plumbing fixtures or appliances.

DRAIN. Any pipe that carries waste water or water-borne wastes in a building drainage system.

DRAINAGE FITTINGS. Type of fitting or fittings utilized in the drainage system. Drainage fittings are similar to cast-iron fittings, except that instead of having a bell and spigot, drainage fittings are recessed and tapped to eliminate ridges on the inside of the installed pipe.

DRAINAGE FIXTURE UNIT

Drainage (dfu). A measure of the probable discharge into the drainage system by various types of plumbing fixtures. The drainage fixture-unit value for a particular fixture depends on its volume rate of drainage discharge, on the time duration of a single drainage operation and on the average time between successive operations.

DRAINAGE SYSTEM. Piping within a public or private premise that conveys sewage, rainwater or other liquid wastes to a point of disposal. A drainage system does not include the mains of a public sewer system or a private or public sewage treatment or disposal plant.

Building gravity. A drainage system that drains by gravity into the building sewer.

Sanitary. A drainage system that carries sewage and excludes storm, surface and ground water.

Storm. A drainage system that carries rainwater, surface water, condensate, cooling water or similar liquid wastes.

EFFECTIVE OPENING. The minimum cross-sectional area at the point of water supply discharge, measured or expressed in terms of the diameter of a circle or, if the opening is not circular, the diameter of a circle of equivalent cross-sectional area. For faucets and similar fittings, the effective opening shall be measured at the smallest orifice in the fitting body or in the supply piping to the fitting.

EMERGENCY FLOOR DRAIN. A floor drain that does not receive the discharge of any drain or indirect waste pipe, and that protects against damage from accidental spills, fixture overflows and leakage.

ESSENTIALLY NONTOXIC TRANSFER FLUIDS. Fluids having a Gosselin rating of 1, including propylene glycol; mineral oil; polydimethylsiloxane; hydrochlorofluorocarbon, chlorofluorocarbon and hydrofluorocarbon refrigerants; and FDA-approved boiler water additives for steam boilers.

ESSENTIALLY TOXIC TRANSFER FLUIDS. Soil, waste or gray water and fluids having a Gosselin rating of 2 or more including ethylene glycol, hydrocarbon oils, ammonia refrigerants and hydrazine.

EXISTING INSTALLATIONS. Any plumbing system regulated by this code that was legally installed prior to the effective date of this code, or for which a permit to install has been issued.

FAUCET. A valve end of a water pipe by means of which water is drawn from or held within the pipe.

FIXTURE. See "Plumbing fixture."

FIXTURE BRANCH. A drain serving two or more fixtures that discharges to another drain or to a stack.

FIXTURE DRAIN. The drain from the trap of a fixture to a junction with any other drain pipe.

FIXTURE FITTING

Supply fitting. A fitting that controls the volume and/or directional flow of water and is either attached to or accessible from a fixture, or is used with an open or atmospheric discharge.

Waste fitting. A combination of components that conveys the sanitary waste from the outlet of a fixture to the connection to the sanitary drainage system.

FIXTURE SUPPLY. The water supply pipe connecting a fixture to a branch water supply pipe or directly to a main water supply pipe.

FLOOD LEVEL RIM. The edge of the receptacle from which water overflows.

FLOOD ZONES

Flood-hazard zone (A Zone). Areas that have been determined to be prone to flooding but not subject to high-velocity waters or wave action.

High-hazard zone (V Zone). Areas of tidal influence that have been determined to be subject to wave heights in excess of 3 feet (914 mm) or subject to high-velocity wave run-up or wave-induced erosion.

FLOW PRESSURE. The pressure in the water supply pipe near the faucet or water outlet while the faucet or water outlet is wide open and flowing.

FLUSH TANK. A tank designed with a ball cock and flush valve to flush the contents of the bowl or usable portion of the fixture.

FLUSHOMETER TANK. A device integrated within an air accumulator vessel that is designed to discharge a predetermined quantity of water to fixtures for flushing purposes.

FLUSHOMETER VALVE. A valve attached to a pressurized water supply pipe and so designed that when activated it opens the line for direct flow into the fixture at a rate and quantity to operate the fixture properly, and then gradually closes to reseal fixture traps and avoid water hammer.

GREASE INTERCEPTOR. A passive interceptor having a rated flow exceeding 50 gpm (189 L/m) and that is located outside the building.

Large-Capacity Grease Interceptor. A 1,000-2,000 gallon capacity tank installed below grade outside the building.

Point-of-Use Grease Interceptor. A grease removal device set near or under the source(s) of grease, such as sinks or other kitchen units inside the building.

GREASE-LADEN WASTE. Effluent discharge that is produced from food processing, food preparation or other source where grease, fats and oils enter automatic dishwasher prerinse stations, sinks or other appurtenances.

GREASE TRAP. A passive interceptor having a rated flow of 50 gpm (189 L/m) or less and that is located inside the building.

HANGERS. See "Supports."

HORIZONTAL BRANCH DRAIN. A drainage branch pipe extending laterally from a soil or waste stack or building drain, with or without vertical sections or branches, that receives the discharge from two or more fixture drains or branches and conducts the discharge to the soil or waste stack or to the building drain.

HORIZONTAL PIPE. Any pipe or fitting that makes an angle of less than 45 degrees (0.79 rad) with the horizontal.

HOT WATER. Water at a temperature greater than or equal to 110°F (43°C).

HOUSE TRAP. See "Building trap."

INDIRECT WASTE PIPE. A waste pipe that does not connect directly with the drainage system, but that discharges into the drainage system through an air break or air gap into a trap, fixture, receptor or interceptor.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM. A system for disposal of domestic sewage by means of a septic tank, cesspool or mechanical treatment, designed for utilization apart from a public sewer to serve a single establishment or building.

INDIVIDUAL VENT. A pipe installed to vent a fixture trap and connects with the vent system above the fixture served or terminates in the open air.

INDIVIDUAL WATER SUPPLY. A water supply that serves one or more families, and that is not an approved public water supply.

INTERCEPTOR. A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or wastes to discharge into the drainage system by gravity.

JOINT

Expansion. A loop, return bend or return offset that provides for the expansion and contraction in a piping system and is utilized in tall buildings or where there is a rapid change of temperature, as in power plants, steam rooms and similar occupancies.

Flexible. Any joint between two pipes that permits one pipe to be deflected or moved without movement or deflection of the other pipe.

Mechanical. See "Mechanical joint."

Slip. A type of joint made by means of a washer or a special type of packing compound in which one pipe is slipped into the end of an adjacent pipe.

LEAD-FREE PIPE AND FITTINGS. Containing not more than 8.0-percent lead.

LEAD-FREE SOLDER AND FLUX. Containing not more than 0.2-percent lead.

LEADER. An exterior drainage pipe for conveying storm water from roof or gutter drains to an approved means of disposal.

LOCAL VENT STACK. A vertical pipe to which connections are made from the fixture side of traps and through which vapor or foul air is removed from the fixture or device utilized on bedpan washers.

MACERATING TOILET SYSTEMS. An assembly consisting of a water closet and sump with a macerating pump that is designed to collect, grind and pump wastes from the water closet and up to two other fixtures connected to the sump.

MAIN. The principal pipe artery to which branches are connected.

MAIN VENT. The principal artery of the venting system, to which the vent branches may be connected.

MANIFOLD. See "Plumbing appurtenance."

MECHANICAL JOINT. A connection between pipes, fittings, or pipes and fittings is not screwed, caulked, threaded, soldered, solvent cemented, brazed or welded. A joint in which compression is applied along the centerline of the pieces being joined. In some applications, the joint is part of a coupling, fitting or adapter.

MEDICAL GAS SYSTEM. The complete system to convey medical gases for direct patient application from central supply systems (bulk tanks, manifolds and medical air compressors), with pressure and operating controls, alarm warning systems, related components, and piping networks extending to station outlet valves at patient use points.

MEDICAL VACUUM SYSTEMS. A system consisting of central-vacuum-producing equipment with pressure and operating controls, shutoff valves, alarm-warning systems, gauges and a network of piping extending to and terminating with suitable station inlets at locations where patient suction may be required.

NONPOTABLE WATER. Water not safe for drinking, personal or culinary utilization.

NUISANCE. Public nuisance as known as common law or in equity jurisprudence; whatever is dangerous to human life or detrimental to health; whatever structure or premises is not sufficiently ventilated, sewered, drained, cleaned or lighted, with respect to its intended occupancy; and whatever renders the air, or human food, drink or water supply unwholesome.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OFFSET. A combination of approved bends that makes two changes in direction bringing one section of the pipe out of line but into a line parallel with the other section.

OPEN AIR. Outside the structure.

PLUMBING. The practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, plumbing appliances and plumbing appurtenances, within or adjacent to any structure, in connection with sanitary drainage or storm drainage facilities; venting systems; and public or private water supply systems.

Not included in this definition are installations of chilled water piping in connection with refrigeration, process and comfort cooling; hot water piping in connection with building heating; and piping for fire protection systems.

PLUMBING APPLIANCE. Any one of a special class of plumbing fixtures intended to perform a special function. Included are fixtures having the operation or control dependent on one or more energized components, such as motors, controls, heating elements, or pressure- or temperature-sensing elements.

Such fixtures are manually adjusted or controlled by the owner or operator, or are operated automatically through one or more of the following actions: a time cycle, a temperature range, a pressure range, a measured volume or weight.

PLUMBING APPURTENANCE. A manufactured device, prefabricated assembly or an on-the-job assembly of component parts that is an adjunct to the basic piping system and plumbing fixtures. An appurtenance demands no additional water supply and does not add any discharge load to a fixture or to the drainage system.

PLUMBING FIXTURE. A receptacle or device that is either permanently or temporarily connected to the water distribution system of the premises and demands a supply of water therefrom; discharges waste water, liquid-borne waste materials or sewage either directly or indirectly to the drainage system of the premises; or requires both a water supply connection and a discharge to the drainage system of the premises.

PLUMBING SYSTEM. Includes the water supply and distribution pipes; plumbing fixtures and traps; water-treating or water-using equipment; soil, waste and vent pipes; and sanitary and storm sewers and building drains, in addition to their respective connections, devices and appurtenances within a structure or premises.

POLLUTION. An impairment of the quality of the potable water to a degree that does not create a hazard to the public health but that does adversely and unreasonably affect the aesthetic qualities of such potable waters for domestic use.

POTABLE WATER. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the bacteriological and chemical quality requirements of the Public Health Service Drinking Water Standards or the regulations of the public health authority having jurisdiction.

PRIVATE. In the classification of plumbing fixtures, "private" applies to fixtures in residences and apartments, and to fixtures in nonpublic toilet rooms of hotels and motels and similar installations in buildings where the plumbing fixtures are intended for utilization by a family or an individual.

PUBLIC OR PUBLIC UTILIZATION. In the classification of plumbing fixtures, "public" applies to fixtures in general toilet rooms of schools, gymnasiums, hotels, airports, bus and railroad stations, public buildings, bars, public comfort stations, office buildings, stadiums, stores, restaurants, and other installations where a number of fixtures are installed so that their utilization is similarly unrestricted.

PUBLIC WATER MAIN. A water supply pipe for public utilization controlled by public authority.

QUICK-CLOSING VALVE. A valve or faucet that closes automatically when released manually or that is controlled by a mechanical means for fast-action closing.

READY ACCESS. That which enables a fixture, appliance or equipment to be directly reached without requiring the removal or movement of any panel, door or similar obstruction and without the use of a portable ladder, step stool or similar device.

REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTER. A backflow prevention device consisting of two independently acting check valves, internally force-loaded to a normally closed position and separated by an intermediate chamber (or zone) in which there is an automatic relief means of venting to the atmosphere, internally loaded to a normally open position between two tightly closing shutoff valves and with a means for testing for tightness of the checks and opening of the relief means.

REGISTERED DESIGN PROFESSIONAL. An individual who is registered or licensed to practice professional architecture or engineering as defined by the statutory requirements of the professional registration laws of the state or jurisdiction in which the project is to be constructed.

RELIEF VALVE

Pressure relief valve. A pressure-actuated valve held closed by a spring or other means and designed to relieve pressure automatically at the pressure at which such valve is set.

Temperature and pressure relief (T&P) valve. A combination relief valve designed to function as both a temperature relief and a pressure relief valve.

Temperature relief valve. A temperature-actuated valve designed to discharge automatically at the temperature at which such valve is set.

RELIEF VENT. A vent whose primary function is to provide circulation of air between drainage and vent systems.

RIM. An unobstructed open edge of a fixture.

RISER. See "Water pipe, riser."

ROOF DRAIN. A drain installed to receive water collecting on the surface of a roof and to discharge such water into a leader or a conductor.

ROUGH-IN. Parts of the plumbing system that are installed prior to the installation of fixtures. This includes drainage, water supply, vent piping and the necessary fixture supports and any fixtures that are built into the structure.

SELF-CLOSING FAUCET. A faucet containing a valve that automatically closes upon deactivation of the opening means.

SEPARATOR. See "Interceptor."

SEWAGE. Any liquid waste containing animal or vegetable matter in suspension or solution, including liquids containing chemicals in solution.

SEWAGE EJECTORS. A device for lifting sewage by entraining the sewage in a high-velocity jet of steam, air or water.

SEWER

Building sewer. See "Building sewer."

Public sewer. A common sewer directly controlled by public authority.

Sanitary sewer. A sewer that carries sewage and excludes storm, surface and ground water.

Storm sewer. A sewer that conveys rainwater, surface water, condensate, cooling water or similar liquid wastes.

SLOPE. The fall (pitch) of a line of pipe in reference to a horizontal plane. In drainage, the slope is expressed as the fall in units vertical per units horizontal (percent) for a length of pipe.

SOIL PIPE. A pipe that conveys sewage containing fecal matter to the building drain or building sewer.

SPILL-PROOF VACUUM BREAKER. An assembly consisting of one check valve force-loaded closed and an air-inlet vent valve force-loaded open to atmosphere, positioned downstream of the check valve, and located between and including two tightly closing shutoff valves and a test cock.

STACK. A general term for any vertical line of soil, waste, vent or inside conductor piping that extends through at least one story with or without offsets.

STACK VENT. The extension of a soil or waste stack above the highest horizontal drain connected to the stack.

STACK VENTING. A method of venting a fixture or fixtures through the soil or waste stack.

STERILIZER

Boiling type. A boiling-type sterilizer is a fixture of a nonpressure type utilized for boiling instruments, utensils or other equipment for disinfection. These devices are portable or are connected to the plumbing system.

Instrument. A device for the sterilization of various instruments.

Pressure (autoclave). A pressure vessel fixture designed to utilize steam under pressure for sterilizing.

Pressure instrument washer sterilizer. A pressure instrument washer sterilizer is a pressure vessel fixture designed to both wash and sterilize instruments during the operating cycle of the fixture.

Utensil. A device for the sterilization of utensils as utilized in health care services.

Water. A water sterilizer is a device for sterilizing water and storing sterile water.

STERILIZER VENT. A separate pipe or stack, indirectly connected to the building drainage system at the lower terminal, that receives the vapors from nonpressure sterilizers, or the exhaust vapors from pressure sterilizers, and conducts the vapors directly to the open air. Also called vapor, steam, atmospheric or exhaust vent.

STORM DRAIN. See "Drainage system, storm."

STRUCTURE. That which is built or constructed or a portion thereof.

SUBSOIL DRAIN. A drain that collects subsurface water or seepage water and conveys such water to a place of disposal.

SUMP. A tank or pit that receives sewage or liquid waste, located below the normal grade of the gravity system and that must be emptied by mechanical means.

SUMP PUMP. An automatic water pump powered by an electric motor for the removal of drainage, except raw sewage, from a sump, pit or low point.

SUMP VENT. A vent from pneumatic sewage ejectors, or similar equipment, that terminates separately to the open air.

SUPPORTS. Devices for supporting and securing pipe, fixtures and equipment.

SWIMMING POOL. Any structure, basin, chamber or tank containing an artificial body of water for swimming, diving or recreational bathing having a depth of 2 feet (610 mm) or more at any point.

TEMPERED WATER. Water having a temperature range between 85°F (29°C) to 110°F (43°C).

THIRD-PARTY CERTIFICATION AGENCY. An approved agency operating a product or material certification system that incorporates initial product testing, assessment and surveillance of a manufacturer's quality control system.

THIRD-PARTY CERTIFIED. Certification obtained by the manufacturer indicating that the function and performance characteristics of a product or material have been determined by testing and ongoing surveillance by an approved third-party certification agency. Assertion of certification is in the form of identification in accordance with the requirements of the third-party certification agency.

THIRD-PARTY TESTED. Procedure by which an approved testing laboratory provides documentation that a product, material or system conforms to specified requirements.

TRAP. A fitting or device that provides a liquid seal to prevent the emission of sewer gases without materially affecting the flow of sewage or waste water through the trap.

TRAP SEAL. The vertical distance between the weir and the top of the dip of the trap.

TYPE A DWELLING UNIT. A dwelling unit that is designed and constructed for accessibility in accordance with the provisions of CABO/ANSI A117.1.

TYPE B DWELLING UNIT. A dwelling unit that is designed and constructed for accessibility in accordance with the provisions of Chapter 4 or CABO/ANSI A117.1.

UNSTABLE GROUND. Earth that does not provide a uniform bearing for the barrel of the sewer pipe between the joints at the bottom of the pipe trench.

VACUUM. Any pressure less than that exerted by the atmosphere.

VACUUM BREAKER. A type of backflow preventer installed on openings subject to normal atmospheric pressure that prevents backflow by admitting atmospheric pressure through ports to the discharge side of the device.

VENT PIPE. See "Vent system."

VENT STACK. A vertical vent pipe installed primarily for the purpose of providing circulation of air to and from any part of the drainage system.

VENT SYSTEM. A pipe or pipes installed to provide a flow of air to or from a drainage system, or to provide a circulation of air within such system to protect trap seals from siphonage and backpressure.

VERTICAL PIPE. Any pipe or fitting that makes an angle of 45 degrees (0.79 rad) or more with the horizontal.

WALL-HUNG WATER CLOSET. A wall-mounted water closet installed in such a way that the fixture does not touch the floor.

WASTE. The discharge from any fixture, appliance, area or appurtenance that does not contain fecal matter.

WASTE PIPE. A pipe that conveys only waste.

WATER-HAMMER ARRESTOR. A device utilized to absorb the pressure surge (water hammer) that occurs when water flow is suddenly stopped in a water supply system.

WATER HEATER. Any heating appliance or equipment that heats potable water and supplies such water to the potable hot water distribution system.

WATER MAIN. A water supply pipe or system of pipes, installed and maintained by a city, township, county, public utility company or other public entity, on public property, in the street or in an approved dedicated easement of public or community use.

WATER OUTLET. A discharge opening through which water is supplied to a fixture, into the atmosphere (except into an open tank that is part of the water supply system), to a boiler or heating system, or to any devices or equipment requiring water to operate but which are not part of the plumbing system.

WATER PIPE

Riser. A water supply pipe that extends one full story or more to convey water to branches or to a group of fixtures.

Water distribution pipe. A pipe within the structure or on the premises that conveys water from the water service pipe, or from the meter when the meter is at the structure, to the points of utilization.

Water service pipe. The pipe from the water main or other source of potable water supply, or from the meter when the meter is at the public right of way, to the water distribution system of the building served.

WATER SUPPLY SYSTEM. The water service pipe, water distribution pipes, and the necessary connecting pipes, fittings, control valves and all appurtenances in or adjacent to the structure or premises.

WELL

Bored. A well constructed by boring a hole in the ground with an auger and installing a casing.

Drilled. A well constructed by making a hole in the ground with a drilling machine of any type and installing casing and screen.

Driven. A well constructed by driving a pipe in the ground. The drive pipe is usually fitted with a well point and screen.

Dug. A well constructed by excavating a large diameter shaft and installing a casing.

WHIRLPOOL BATHTUB. A plumbing appliance consisting of a bathtub fixture that is equipped and fitted with a circulating piping system designed to accept, circulate and discharge bathtub water upon each use.

YOKE VENT. A pipe connecting upward from a soil or waste stack to a vent stack for the purpose of preventing pressure changes in the stacks. (Ord. 10-12 § 3, 2010)

15.17.080 Section 404 Amended – Accessible Plumbing Facilities. Section 404 of the International Plumbing Code entitled “Accessible Plumbing Facilities” is hereby amended to read as follows:

Site Accessibility Standards, Standards of Accessibility for Existing Buildings and Accessible Plumbing Facilities shall be governed by and meet the requirements of K.S.A. 8-1, 128 and K.S.A. 58-1301 et seq., and amendments thereto. (Ord. 01-77 § 7, 2001; Ord. 98-79 § 2, 1998.)

15.17.090 Civil Actions. Notwithstanding the provisions of Section 15.17.040, the decisions of the code officials or the decisions of the Board of Appeals reviewing the decisions of the code officials shall be enforceable in the District Court of Johnson County, Kansas, or any other court of competent jurisdiction upon action brought by the city attorney, or such other legal counsel authorized to maintain such action for enforcement of the provisions of this chapter. (Ord. 98-79 § 2, 1998; Ord. 919 § 2 (part), 1979.)

15.17.100 Liability. The requirement stated in this chapter 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 defective installations. 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 installation. (Ord. 98-79 § 2, 1998; Ord. 919 § 2 (part), 1979.)

15.17.110 Separability. If any part or parts of this chapter shall be held to be invalid such invalidity shall not effect the validity of the remaining parts of this chapter. The Governing Body hereby declares that it would have passed the remaining parts of this chapter if it had known that such part or parts thereof would be declared invalid. (Ord. 98-79 § 2, 1998.)

15.17.115 Appendix I Amended - Private Sewage Disposal Systems (Repealed). (Ord. 95-26 § 1, 1995; Ord. 90-33 § 3, 1990; Ord. 82-36 § 1, 1982; Ord. 82-12 § 1, 1982.)

15.17.117 Section 1004 Amended - Materials (Repealed). (Ord. 98-79 § 2, 1998; Ord. 93-27 § 8, 1993.)

15.17.118 Appendix C Amended--Minimum Plumbing Facilities (Repealed). (Ord. 93-27 § 9, 1993.)

15.17.120 Section 608.6 Amended – Cross Connection Control. Section 608.6 of the International Plumbing Code entitled “Cross Connection Control” is hereby amended to read as follows:

Cross Connection Control.

A. Cross connections shall be prohibited, except where approved protective devices are installed.

1. Private Water Supplies. Cross connections between a private water supply and a potable public supply shall be prohibited.

B. Water Delivery. The Administrative Authority is hereby authorized to refuse to deliver or terminate the delivery of water through pipes and mains to any premises when a condition exists which might lead to the contamination of the public water supply system and may continue to refuse the delivery of water to the premises until the condition is remedied.

C. Testing. The premise owner or responsible person shall have the backflow prevention assembly tested by a certified backflow assembly tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter. Said backflow assembly tester shall complete and submit to the water purveyor annual test reports within fourteen (14) days of the annual test date. Failure to supply the required test reports may result in termination of water services or inspection and/or testing of said backflow prevention assembly by appropriately certified City personnel or a certified contractor authorized to conduct inspections and/or tests of backflow assemblies on behalf of the City.

D. Fees. There is hereby established a testing fee for each test City personnel or a certified contractor conducts on behalf of the City pursuant to this section. The testing fee shall be adopted by the Governing Body of the City by resolution.

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

F. Penalty. Any person who interferes with an officer or agent of the City pursuant to this chapter may be punished as provided in Section 15.17.060 of this chapter.

G. Any action of the Administrative Authority pursuant to this section is subject to review in accordance with Section 109 Amended. (Ord. 10-55 § 1, 2010; Ord. 01-77 § 8, 2001; Ord. 98-79 § 2, 1998; Ord. 93-27 § 7, 1993.)

15.17.121 Subsection 608.15.4 Amended – Protection by a Vacuum Breaker. Subsection 608.15.4 of the International Plumbing Code entitled “Protection by a Vacuum Breaker” is hereby amended to read as follows:

Openings and outlets shall be protected by atmospheric-type or pressure-type vacuum breakers. The critical level of the vacuum breaker shall be set a minimum of 12 inches above the flood level rim of the fixture or device. Ball cocks shall be set in accordance with Section 425.4.1. Vacuum breakers shall not be installed under exhaust hoods or similar locations that will contain toxic fumes or vapors. Pipe-applied vacuum breakers shall be installed no less than 12 inches above the flood level rim of the fixture, receptor or device served. (Ord. 01-77 § 9, 2001.)

15.17.125 Subsection 1003.1.1 Added – Grease Interceptors Required. New food service facilities that begin operation after February 15, 2010 must install an exterior, Large-Capacity Grease Interceptor that complies with the design requirements of Sections 1003.3.1 through 1003.3.5. Food service facilities in operation prior to February 15, 2010 shall be allowed to operate existing grease interceptors, provided they are maintained in compliance with the required pumping schedule outlined in Section 1003.3.4.3. However, if the facility is found to be contributing fats, oils or grease in quantities sufficient to necessitate increased maintenance of the sanitary sewer system to prevent line blockages, backups or overflows, existing grease interceptor(s) must be replaced. If it is deemed that those facilities that consist of Smaller, Point-of-Use Grease Interceptors cannot meet the sewer system requirements with improved maintenance, they must be replaced by the exterior Large-Capacity Grease Interceptors as outlined in Section 1003.3.4.1 (Ord. 10-12 § 4, 2010)

15.17.126 Subsection 1003.1.2 Added – Point of Use Grease Interceptors.

The Chief Building Official, or designee, may allow the use of Point of Use Grease Interceptors in the following cases:

- A. A food service facility retrofit of a building that did not previously include a food service facility.
- B. A new food service facility moving into space previously occupied by another food service facility.
- C. Low fats, oils and grease-producing food service facilities such as churches, day care, etc.

In order for a Point of Use Grease Interceptor to be considered, a formal Request for Code Modification must be submitted for review to the Chief Building Official. All new food service facilities are subject to the same requirements to submit information per Section 15.17.130. When allowed, Point of Use Interceptors shall meet the following requirements: Made of light-weight, non-corrosive material; accessible solids screening basket; accessible, cleanable flow-control device; automatic skimmer, heat element; and a visible, easily-removable grease collection container. (Ord. 10-12 § 5, 2010)

15.17.127 Subsection 1003.3.1 Amended – Grease Interceptors. Grease interceptors shall be attached to the building sewer line and shall be connected to all interior fixtures that may introduce grease into the sanitary sewer system. Interior fixtures to be piped to the grease interceptor shall include but are not limited to: Three-compartment sinks, mop sinks, dishwashers, floor drains in food preparation and storage areas, and any other fixture determined to be a potential source of grease. Dishwashing machines with a booster heater shall include a cold water solenoid-operated valve or similar device that mixes cold water with the discharged hot water from the machine. Wastewater from toilets, restroom sinks, and other similar fixtures shall not be piped to the grease interceptor under any circumstances. (Ord. 10-12 § 6, 2010)

15.17.128 Subsection 1003.3.2 Amended – Food Waste Grinders. Food waste grinders are prohibited at new food service facilities. Food service facilities in operation prior to February 15, 2010 shall be allowed to operate existing food waste grinders pursuant to Olathe Municipal Code Section 14.10.010 pertaining to Waste Matter. (Ord. 10-12 § 7, 2010)

15.17.129 Subsection 1003.3.4 Amended – Grease Interceptors and Automatic Grease Removal Devices. Grease interceptors shall be installed below ground in a location outside the facility which is easily accessible for cleaning, inspection and sampling. The interceptor shall have a minimum of two compartments and shall be capable of separation and retention of grease and storage of settled solids. The interceptor shall have a manhole to surface grade over each compartment to facilitate inspection, cleaning and maintenance, including pumping. (Ord. 10-12 § 8, 2010)

15.17.130 Subsection 1003.3.4.1 Amended – Large-Capacity Grease Interceptor Sizing. External, Large-Capacity grease interceptor sizing must be sufficient to provide a 30-minute peak hydraulic detention time, calculated based on contributing plumbing fixture units. The professional engineer (licensed in the State of Kansas) responsible for the design of the grease interceptor shall submit signed and sealed calculations indicating the number of plumbing fixture units, the plumbing plan, the maximum contributing hydraulic flow rate of these fixtures, and the volume of tank required to provide the 30-minute detention. The minimum capacity of any single grease interceptor unit shall be one thousand (1,000) gallons and the maximum capacity shall be two thousand (2,000) gallons. Where sufficient capacity cannot be achieved with a single unit, installation of grease interceptors in series shall be required. Multiple connections to one external, Large-Capacity Grease Interceptor will be considered if the owner of each connecting contributors' properties submits an acceptable maintenance agreement. (Ord. 10-12 § 9, 2010)

15.17.131 Subsection 1003.3.4.3 Added – Construction Standards and Inspections. The connection of the building sewer to the interceptor shall conform to applicable plumbing codes as well as to the *Olathe Technical Specifications and Design Criteria for Public Improvements* manual as adopted in the Unified Development Ordinance. Interceptor and connections to the interceptor shall be made gas tight and water tight. Interceptor shall be acceptance tested in accordance with Section 3100 – Sanitary Sewer Manholes of the *Olathe Technical Specifications and Design Criteria for Public Improvements* manual.

The applicant, or agent, for the sewer connection permit shall notify Municipal Services when the building sewer or any interceptor is installed or connected to the public sanitary sewer and is ready for inspection prior to back filling. Any deviation from the requirements of this subsection may result in the uncovering and inspection of the sewer line or any interceptor or other pretreatment equipment at the applicant's expense. (Ord. 10-12 § 10, 2010)

15.17.132 Subsection 1003.3.4.4 Added – Pumping, Cleaning and Maintenance. Each food service facility shall be responsible for pumping, cleaning and maintaining its grease interceptor(s) in good working condition. Each food service facility shall have its grease interceptor(s) pumped at least once every ninety (90) days, unless it is determined that a more frequent pumping schedule is needed. All food service facilities requiring a greater than 90-day frequency of hauling shall implement kitchen BMPs as defined in Section 1003.3.4.4 More frequent pumping may be required by the City based on the following criteria:

The grease interceptor must be pumped before the combined thickness of the floatable fats, oils and grease and settleable solids exceed 25% of the total liquid depth of the grease interceptor.

A sanitary disposal contractor, licensed in Johnson County, Kansas, must be used to provide pumping, cleaning and disposal services. Pumping shall include the removal of all contents from the interceptor, including grease, floating materials, gray water, bottom sludge and solids. Cleaning shall include removal of solids from the walls, floors, baffles and pipe work in the interceptor.

It shall be the responsibility of each food service facility to verify that the interceptor is properly cleaned out and that all fittings and fixtures inside the interceptor are in good working condition. The owner must maintain a written log of the pumping record that includes copies of any receipts for repairs or maintenance to the interceptor(s), including pumping and cleaning on site. This log and any receipts shall be made available upon request. (Ord. 10-12 § 11, 2010)

15.17.133 Subsection 1003.3.4.5 Added – Recommended Food Service Facility Best Management Practices (BMPs). These BMPs are recommended for all food service facilities and shall be instituted in any food service facility where a greater than 90-day frequency of hauling is required:

A. Do not discharge grease or greasy food particles into the drains. Scrape grease and greasy food particles off of plates, pots, cooking equipment and utensils before washing. Discard the waste into the trash.

B. Recycle waste grease using a “yellow grease” recycling barrel or bin.

C. Train food service facility workers and complete and update fats, oil and grease kitchen BMP training logs showing that employees are trained and are implementing the fats, oils and grease kitchen BMPs. (Ord. 10-12 § 12, 2010)

CHAPTER 15.18

ENVIRONMENTAL SANITARY CODE

Sections:

15.18.010	Code Adopted.
15.18.020	Marked Copies of Code on File.
15.18.030	Section 1, Article 4, Chapter II, Amended
15.18.040	Section 4, Article 8, Chapter II, Amended
15.18.050	Section 3, Article 9, Chapter II, Amended
15.18.060	Administration and Prosecution.

15.18.010 Code Adopted. The Johnson County, Kansas Environmental Sanitary Code, 2004 Edition, as published by the Board of County Commissioners of Johnson County, Kansas, 111 South Cherry Street, Olathe, Kansas 66061, is hereby adopted by reference and made a part of this Chapter as though fully set forth herein. (Ord. 04-36 § 1, 2004; Ord. 95-27 § 1, 1995.)

15.18.020 Marked Copies on File. There shall not be less than three (3) copies of the Code adopted by reference in Section 15.18.010 kept on file in the office of the City Clerk, to which shall be attached a copy of the incorporating ordinance, which shall be marked or stamped. Official Copies as Incorporated by Ordinance No. 04-36, with all sections or portions thereof intended to be omitted clearly marked to show any deletion or change and available to the public at all reasonable hours. The police department, municipal judge(s) 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 the standard ordinance similarly marked, deleted and changed as may be deemed expedient. (Ord. 04-36 § 2, 2004; Ord. 95-27 § 1, 1995.)

15.18.030 Section 1, Article 4, Chapter II, Amended. Section 1 of Article 4 of Chapter II of the Johnson County, Kansas Environmental Code is hereby amended and shall read as follows:

Section 1. Permits Required. It shall be unlawful for any person, firm, or corporation to erect, construct or perform any structurally significant alteration, remove, convert or demolish any septic tank system regulated by this Code, without first obtaining a septic system permit from the Johnson County Environmental Department. Permits issued under this Article shall be subject to the following qualifications:

(A) Property Use: Permits may be issued under this Article only for single-family residences or duplexes, where each unit is occupied as a residence and where each unit shall be served by a separate septic tank and system.

(B) Minimum Lot Size: Unless a waiver or rule exception is granted pursuant to Article 1 of this Chapter, a minimum lot or tract size of three (3) acres per living unit shall be required for any permit issued under this Article.

(C) Term and Renewals: A permit issued under this Article shall be valid for a period of twelve (12) months following the date of issuance and may be renewed annually by order of the Director of the Environmental Department.

(D) Transfer: A permit issued under this Article shall not be transferrable.

(E) Standards: No permit shall be issued to any person, property or establishment which does not comply with and satisfy the specified requirements of all applicable sections of this Article. (Ord. 95-27 § 1, 1995.)

15.18.040 Section 4, Article 8, Chapter II, Amended. Section 4 of Article 8 of Chapter II of the Johnson County, Kansas Environmental Code is hereby amended to read as follows:

Section 4. Permit Qualifications. Any permit authorized under this Article shall be issued subject to the qualifications specified in this Section.

(A) Term and Renewal: Permits for holding tanks used for commercial, domestic or industrial wastes are valid for twelve (12) months from the date of issuance and are renewable annually. Applications for renewals shall be submitted no later than thirty (30) days prior to permit expiration with the applicable fee. Upon receipt of the application and fee, a permit will be issued for the following year.

(B) Minimum Lot Size: Unless a waiver or rule exception is granted pursuant to Article 1 of this Chapter, a minimum lot or tract size of three (3) acres per occupied unit shall be required for the use, operation or permissance of any holding tank for any property usage under this Article.

(C) Standards: No permit shall be issued to any person, property or establishment which does not comply with and satisfy the standards prescribed in this Article and all applicable terms, conditions and requirements of this Code.

(D) Transfer: Permits are not transferrable. (Ord. 95-27 § 1, 1995.)

15.18.050 Section 3, Article 9, Chapter II, Amended. Section 3 of Article 9 of Chapter II of the Johnson County, Kansas Environmental Code is hereby amended to read as follows:

Section 3. Permit Qualifications. Any permit or approval authorized under this Article shall be issued subject to the qualifications specified in this Section.

(A) Land Use: Permits may be issued under this Article only for single-family residences or duplexes, where each unit is occupied as a residence and where each unit shall be served by a separate system.

(B) Minimum Lot Size: Unless a waiver or rule exception is granted pursuant to Article 1 of this Chapter, a minimum lot or tract size of three (3) acres per living unit shall be required for any permit issued under this Article.

(C) Standards: No permit shall be issued to any person, property or establishment which does not comply with and satisfy standards prescribed for the alternative system by the Director of the Environmental Department, or his designee, consistent with standards imposed for the systems designated in this Chapter, and all applicable terms, conditions and requirements of this Code. (Ord. 95-27 § 1, 1995.)

15.18.060 Administration and Prosecution.

(A) The Director of the Johnson County, Kansas Environmental Department, and/or his designees, shall have the primary authority and responsibility for the administration and enforcement of this Code.

(B) The Johnson County, Kansas County Counselor, and/or his designee, shall have the authority to prosecute any and all violations of this Code. Prosecution shall be in accordance with the Johnson County, Kansas Code of Regulations for Procedure and Enforcement, Resolution No. 116-88, or any amendments or subsequent enactments, and shall be commenced in the County Codes Section of the District Court of Johnson County, Kansas. (Ord. 95-27 § 1, 1995.)

CHAPTER 15.20. PLUMBERS. Repealed 12/4/01. (Ord. 01-113, 2001; Ord. 92-63, 1992; Ord. 89-95, 1989.)

CHAPTER 15.28
HOUSING CODE

Sections:

15.28.010	Housing Code Adopted.
15.28.020	Marked Copies of Code on File.
15.28.025	Section 111 Amended – Means of Appeal.
15.28.030	Section 106 Amended – Violations.
15.28.040	Chapter 13 – Amended. (Repealed 8/21/01)
15.28.045	Code Official.
15.28.050	Civil Actions.
15.28.060	Separability.
15.28.070	Liability.

15.28.010 International Property Maintenance Code. The International Property Maintenance Code, 2000 Edition, save and except Sections 103, 302, 303 and 305, published by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, the Building Officials and Code Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California 90601-2298, and the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206, 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 15.28.025 through and including 15.28.045. (Ord. 01-81 § 1, 2001; Ord. 98-76 § 1, 1998; Ord. 93-28 § 1, 1993; Ord. 90-34 § 1, 1990; Ord. 86-127 § 1, 1986; Ord. 82-108 § 1, 1982; Ord. 920 § 2 (part), 1979.)

15.28.020 Marked Copies of Code on File. There shall be not less than three (3) copies of the code adopted by reference in Section 15.28.010 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. _____” 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 police 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. (Ord. 01-81 § 2, 2001; Ord. 98-76 § 2, 1998; Ord. 93-28 § 2, 1993; Ord. 90-34 § 2, 1990; Ord. 86-127 § 2, 1986; Ord. 82-108 § 2, 1982; Ord. 920 § 2 (part), 1979.)

15.28.025 Section 111 Amended – Means of Appeal. Section 111 of the International Property Maintenance Code entitled “Means of Appeal” is hereby amended to read as follows:

A) A Board of Code Review shall be created and empowered to act as a Housing Advisory and Appeals Board in order to provide reasonable interpretation of the provisions of this code, to mitigate specific provisions of this code which creates practical difficulties in their enforcement and to hear appeals provided for hereunder. Copies of all rules of procedures adopted by the board shall be delivered to the chief building official, who shall make them accessible to the public.”

B) Procedures for Conduct of Hearing Appeals.

General.

- (a) Hearing. The board shall conduct all hearings.
- (b) Record. A record of the entire proceedings shall be made by tape 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.

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 Uniform Housing Code Board of Appeals 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.

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 in 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

(i) notice of inspection shall be given to the parties before the inspection is made,

(ii) the parties are given an opportunity to be present during the inspection, and

(iii) 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.

Method and Form of Decision.

(a) Hearing Before the Board Itself. Where a contested case is heard before the board itself, 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.

(c) Effective Date of Decision. The effective date of the decision shall be as stated therein. (Ord. 01-81 § 3, 2001; Ord. 98-76 § 3, 1998; Ord 89-97 § 4, 1989.)

15.28.030 Section 106 Amended – Violations. Section 106 of the International Property Maintenance Code entitled “Violations” is hereby amended to read as follows:

It shall be unlawful for any person, firm or corporation, whether as owner, lessee, sublessee, or occupant, to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this code or any order issued by the building official hereunder. Any person violating the provisions of this section shall be guilty of a misdemeanor for each day such violation continues and shall be punished as provided in Section 1.16.010 of the Olathe Municipal Code. (Ord. 01-81 § 4, 2001; Ord. 98-76 § 4, 1998; Ord. 920 § 2 (part), 1979.)

15.28.040 Chapter 13--Amended. Repealed 8/21/01. (Ord. 01-81 § 7, 2001; Ord. 98-76 § 5, 1998; Ord. 920 § 2 (part), 1979.)

15.28.045 Code Official. The Chief Building Official or designee will be known as the code official or building official for the purposes of this chapter and will have the duty of enforcing provisions of this chapter. (Ord. 11-29 § 1, 2011; Ord. 01-81 § 5, 2001.)

15.28.050 Civil Actions. Notwithstanding the provisions of Section 106 Amended of the International Property Maintenance Code, the decisions of the building official or the decisions of the Board of Appeals reviewing the decision of the building official shall be enforceable in the District Court of Johnson County, Kansas, or any other court of competent jurisdiction upon action brought by the city attorney, or such other legal counsel authorized to maintain such action for enforcement of the provisions of this chapter. (Ord. 01-81 § 6, 2001; Ord. 920 § 2 (part), 1979.)

15.28.060 Separability. If any part or parts of this chapter shall be held to be invalid, such invalidity shall not affect the validity of the remaining parts of this chapter. The Governing Body hereby declares that it would have passed the remaining parts of this chapter if it had known that such part or parts thereof would be declared invalid. (Ord. 920 § 2 (part), 1979.)

15.28.070 Liability. The requirements stated in this chapter 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 defective construction or installation.

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 installation. (Ord. 920 § 2 (part), 1979.)

PAGES 15.24 THRU 15.50 RESERVED

CHAPTER 15.32

WATER CONDITIONING CONTROL

Sections:

- 15.32.010 Definitions.
- 15.32.020 Contractor--Registration and Bond.
- 15.32.030 Installations and Connections--Permit.
- 15.32.040 Drains--Piping and Connections.
- 15.32.050 Exemption from Plumbing Code.

15.32.010 Definitions.

(a) "Water conditioning contractor" means any person, firm, copartnership, association or corporation which engages in the business of installing, servicing or repairing water conditioning equipment.

(b) "Water conditioning equipment" means any water conditioning device, such as filters, softeners, hypochlorinators, aerators, chemical feeders, associated equipment and the like used in connection with the conditioning of water. (Ord. 131 § 1, 1972; prior code § 4-601.)

15.32.020 Contractor--Registration and Bond.

(a) Every water conditioning contractor shall be required to register with the city clerk and it is unlawful to engage in such business without said registration. The clerk shall issue a certificate of registration upon the contractor's satisfactory showing that he meets the requirements as set forth in subsection (b) and subsection (c) below; provided, that should the contractor show proof of registration in another city in this state, the city clerk may issue a certificate forthwith. Registration information shall include but be not limited to the following:

- (1) The name(s) and address(es) of the contractor, his organization(s) and his place(s) of business;
- (2) Other city or cities of registration of the contractor; and
- (3) The city clerk holding the contractor's surety bond as required in subsection (c) below.

(b) The clerk shall issue a certificate if the contractor has not:

- (1) Been convicted of a felony or any crime involving moral turpitude or fraud, deception or misrepresentation;
- (2) Been refused a certificate in another jurisdiction;
- (3) Knowingly given any false statement in his registration; and if said contractor has complied with insurance and bond requirements as set forth in subsection (c) below. The certificate may be revoked by the clerk should the contractor fall to maintain compliance with the above requirements.

(c) It is unlawful for a water conditioning contractor to engage in business in the state of Kansas without insurance and bond as set forth hereinafter. Every contractor shall be required to maintain general liability and product liability insurance in the minimum of Fifty Thousand Dollars (\$50,000.00). Each contractor shall also furnish to the clerk of the first city in which he registers an acceptable surety bond. The bond shall be held by the clerk and be executed by the contractor as principal, and by a solvent corporation authorized to do business in the state of Kansas, in the amount of Two Thousand, Five Hundred Dollars (\$2,500.00). The aggregate liability of the surety for all breaches of the conditions of the bond shall, in no event, exceed the amount of such bond. The surety on the bond shall have the right to cancel such bond upon giving thirty days notice to the city clerk of the first city in which the insured registered and thereafter shall be relieved of liability for any breach of condition occurring after the effective date of said cancellation. In lieu of the corporate surety bond, such contractor may file a bond signed by three or more good and sufficient sureties conditioned as hereinafter provided.

The bond shall be to the state of Kansas for use and benefit of such persons as may suffer by breach thereof; and shall be conditioned that the contractor will honestly and properly conduct his business, that the contractor will not fail or refuse to render to a customer services as agreed between the parties and for which compensation has been paid or tendered in accordance with the agreement of the parties, and that the contractor will not violate the laws of the state of Kansas or any political subdivision thereof. The bond and insurance requirements of this act may be waived by the city clerk for any corporate water conditioning contractor who submits proof of ability to respond in damages in an amount not less than Fifty Thousand Dollars (\$50,000.00) arising out of general liability and products liability claims. (Ord. 131 § 2, 1972; prior code § 4-602),

15.32.030 Installations and Connections--Permit. All installations and connections of water conditioning and associated piping to any pipe or main of the water system of the city shall comply with the codes of the city. No water conditioning contractor shall install or connect any water conditioning equipment in commercial or industrial facilities to any pipe or main of the water system of the city without first obtaining a permit from the city engineer. Such permit fee shall be adopted by the Governing Body of the City by resolution. (Ord. 02-148 § 1, 2002; Ord. 131 § 3, 1972; prior code § 4-603.)

15.32.040 Drains--Piping and Connections.

(a) DRAINS. No direct cross-connections (air gap required) shall be made to a sanitary sewer. Drains shall always be open-end to eliminate the possibility of back siphonage. The size of drain line shall depend upon unit specifications as set forth by the respective manufacturer.

(b) PIPING AND CONNECTIONS. All piping and fittings of water conditioning devices and equipment shall be of hard materials such as copper, galvanized or brass pipe, except service tank connections may be of special flexible hose especially designed and approved for this purpose. (Prior code § 4-604.)

15.32.050 Exemption From Plumbing Code. Registered water conditioning contractors shall not be deemed to be engaged in the business of plumbing. (Ord. 131 § 4, 1972.)

CHAPTER 15.36

DANGEROUS STRUCTURES*

Sections:

- 15.36.010 Definitions.
- 15.36.020 Governing Body Authority.
- 15.36.030 Repair, Demolition or Removal--Notification and Hearing Procedures.
- 15.36.040 Repair, Demolition or Removal--City to Perform Work When Costs--Certification Required.
- 15.36.050 Immediate Hazard Procedures Authorized When--Costs.
- 15.36.060 Structures Unfit for Use or Habitation When--Conditions Designated.
- 15.36.070 Enforcing Officer Authority and Powers.
- 15.36.080 Compliance Required--Violation--Penalty.

15.36.010 Definitions. The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section:

(A) "Enforcing officer" means the building official of the city, who is charged with the administration of the provisions of this chapter;

(B) "Structure" means and includes any building, wall or part thereof. (Ord. 339 § 2, 1975.)

15.36.020 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 morals or otherwise inimical to the welfare of the citizens of the city. (Ord. 339 § 3, 1975.)

15.36.030 Repair, Demolition or Removal--Notification and Hearing Procedures.

(A) Whenever the enforcing officer 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 agent, any lien holders 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.

(B) Such resolution shall be published once each week for two consecutive weeks on the same day of each week. At least thirty days shall lapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail within three days after its first publication to each such owner, agent, lien holder and occupant, at his or its last known place of residence and shall be marked "deliver to addressee only"; provided, that if the owner is a resident in Johnson County, the resolution shall be personally served within five days on such owner or delivered to their last known address in lieu of mailing the same, and, in this case, at least one week shall elapse between the service on such owner and the date set for the hearing.

(C) On the date fixed for hearing or any adjournment thereof, the Governing Body shall hear all evidence submitted by the owner, his agent, lien holders of record and occupants having an interest in such structure as well as evidence submitted by the enforcing officer 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, lien holders 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. (Ord. 345 § 1, 1975; Ord. 339 § 4, 1975.)

15.36.040 Repair, Demolition or Removal--City to Perform Work When Costs--Certification Required. 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 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. (Ord. 339 § 5, 1975.)

15.36.050 Immediate Hazard Procedures Authorized When--Costs. When, in the opinion of the enforcing officer, 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, lien holders, and occupants. The cost of any such action shall be assessed against the property and paid in the manner provided by Section 15.36.040. (Ord. 339 § 6, 1975.)

15.36.060 Structures Unfit for Use or Habitation When--Conditions Designated. The enforcing officer may determine that a structure is unfit for human use or habitation if he finds that conditions exist at such structure which are dangerous or injurious to the health, safety, or morals of the occupants of such buildings, or other residences of such municipality or which have a blighting influence on properties in the area. Such conditions may include the following without limitations:

Defects therein increasing the hazards of fire, accident or other calamities; lack of adequate ventilation, air pollution; light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness; overcrowding; inadequate egress or ingress; dead and dying trees or limbs or other unsightly natural growth; unsightly appearances that constitute a blight to adjoining property, the neighborhood or the city; unsightly stored or parked material, supplies, equipment, machinery, trucks or automobiles or parts thereof; vermin infestation; inadequate drains; or any violation of health, fire, building, or zoning regulations, or any other laws or regulations relating to the use of land and the use and occupancy of buildings and improvements. (Ord. 339 § 7, 1975.)

15.36.070 Enforcing Officer Authority and Powers. The enforcing officer is authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the following powers, in addition to others herein granted:

(a) To investigate the structure conditions in the city in order to determine which structures therein are unfit for human use or habitation;

(b) To administer oaths, affirmations, examine witnesses and receive evidence;

(c) To enter upon premises for the purpose of making examinations, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted;

(d) To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of this chapter; and

(e) To delegate any of his functions and power under this chapter to such officers, agents and employees as he may designate. (Ord. 339 § 8, 1975.)

15.36.080 Compliance Required--Violation--Penalty. It is unlawful for any person, corporation, association, partnership or individual to fail to comply with any lawful orders issued pursuant to the provisions of this chapter. Any person convicted of a violation of this chapter shall, upon conviction, be fined not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00), or be imprisoned in the city jail for not less than five days nor more than three months; or be both so fined and imprisoned. Each day during or on which a violation occurs or continues shall constitute a separate offense. (Ord. 339 § 9, 1975.)

*For statutory provisions pertaining to dangerous structures, see K.S.A. 12-1750 and the sections that follow.

CHAPTER 15.38

BUILDING AND PROPERTY MAINTENANCE

Sections:

15.38.010	Legislative Findings.
15.38.020	Scope.
15.38.030	Definitions.
15.38.040	Public Officer.
15.38.050	Responsibility.
15.38.060	Corporations; Responsibility.
15.38.070	Individual Liability for Corporate Violations.
15.38.080	Right of Entry; Unlawful Interference; Penalty.
15.38.090	Foundation.
15.38.100	Exterior Wall Surface.
15.38.110	Trim.
15.38.120	Windows and Doors.
15.38.130	Roofing and Guttering.
15.38.140	Attached Structures.
15.38.150	Fences.
15.38.160	Pools of Water.
15.38.170	Animal Sanitation.
15.38.180	Unsanitary Premises.
15.38.190	Land Maintenances.
15.38.200	Detached Sheds, Garages, or Other Out Buildings.
15.38.210	Hard Surfaces, Walkways and Driveways.
15.38.220	Outdoor Storage - One and Two-Family Dwellings.
15.38.230	Outdoor Storage - Other Property.
15.38.240	Maintenance after Casualty Damage.
15.38.250	Notice of Violation.
15.38.260	Penalty.
15.38.270	Appeals.

15.38.010 Legislative Findings. The Governing Body finds that there exists structures and lands within the City which have a blighting influence on surrounding properties and neighborhoods. These structures and lands cause blight because walls, sidings or exteriors are not painted or properly maintained; there is inadequate maintenance of building trim, windows, doors roofing, guttering foundations and detached structures; and there exists unsightly stored or parked material, equipment, supplies, machinery, inoperable trucks or automobiles, or parts thereof, upon the property. The Governing Body further deems it necessary to require or cause such structures and lands to be adequately maintained. (Ord. 97-24 § 1, 1997.)

15.38.020 Scope. The provisions of this chapter shall apply to residential and nonresidential structures, to residential and nonresidential lands and to vacant lots. (Ord. 97-24 § 1, 1997.)

15.38.030 Definitions. The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section unless otherwise defined in the text of the section:

- (a) 'Chapter' or 'this chapter' shall mean Chapter 15.38 of the Olathe Municipal Code.
- (b) 'Code' or 'this code' shall mean the Olathe Municipal Code.
- (c) 'Land,' except where specifically limited, or where the context would require limitation, the use of the terms 'land' or 'real property' shall refer to residential land, nonresidential land and vacant lots.

(d) 'Nonresidential land' shall mean the real property on which nonresidential structures are situated.

(e) 'Nonresidential structure' shall mean any structure which is used for other than residential purposes, or a part of such structure, or a structure a part of which is used for other than residential purposes and, where applicable, the premises on which such structures are situated.

(f) 'Occupant' shall mean any person (including an owner) having actual possession and use of a residential or nonresidential structure or land.

(g) 'Owner' shall mean any person, partnership or corporation who alone or jointly or severally with others has legal title to residential or nonresidential land and/or structures or vacant lots or any person, partnership or corporation who is trustee or guardian of the estate or person of the title holder.

(h) 'Person' shall mean an individual, firm, corporation, association, or partnership.

(i) 'Public officer' shall mean a Code Enforcement Officer, a Police Officer, or any other individual designated as a public officer by the City Manager.

(j) 'Residential land' shall mean the real property on which residential structures are situated.

(k) 'Residential structure' shall mean any building or structure or part thereof, used and occupied for human habitation, or intended to be so used if unoccupied and includes any appurtenances belonging thereto or usually enjoyed therewith.

(l) 'Sales inventory' shall mean all equipment, vehicles and products which are displayed or available for sale or temporarily stored on the premises for repair or service.

(m) 'Section' shall mean the stated section of the Olathe Municipal Code.

(n) 'Structure' except where specifically limited, or where the context would require limitation, the use of the word 'structure' within this chapter shall refer to both residential and nonresidential structures.

(o) 'Trim' shall mean all finish elements to the exterior of the structure including but not limited to finish elements surrounding windows, doors and other openings, ornamental features and fascia board.

(p) 'Vacant lot' shall mean any real property on which there is situated no residential or nonresidential structure. (Ord. 97-24 § 1, 1997.)

15.38.040 Public Officer. The Code Enforcement Director is hereby designated the public officer to exercise the powers prescribed by this chapter. In addition to the authority which may be specifically provided in this chapter, the public officer may exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter. The public officer may appoint and fix the duties of such officers, agents and employees as the public officer deems necessary to carry out the purposes of this chapter and may delegate any of the aforementioned functions or powers to such officer, agents and employees. (Ord. 97-24 § 1, 1997.)

15.38.050 Responsibility. Every person, either as owner or occupant of any land or structure described in this chapter, shall maintain such land or structure in compliance with the requirements of this chapter. (Ord. 97-24 § 1, 1997.)

15.38.060 Corporations; Responsibility.

(a) A corporation is responsible under this chapter for acts committed by its agents when acting within the scope or their authority.

(b) 'Agent' means any director, officer, servant, employee or other person who is authorized to act on behalf of the corporation. (Ord. 97-24 § 1, 1997.)

15.38.070 Individual Liability for Corporate Violation.

(a) An individual who violates any provision of this chapter, or causes such violations to exist, in the name of or on behalf of a corporation is legally responsible to the same extent as if such violations were in his or her own name or on his or her own behalf.

(b) An individual who has been convicted of a violation of this chapter based on conduct performed by him or her for and on behalf of a corporation is subject to punishment as an individual upon conviction of such violation. (Ord. 97-24 § 1, 1997.)

15.38.080 Right of Entry; Unlawful Interference; Penalty.

(a) Any authorized officer or agent of the City, pursuant to this chapter, shall be allowed to enter onto any land within the City Limits to investigate violations of this chapter, provided that such entries shall be made in such a manner as to cause the least possible inconvenience to the persons in possession and said officer or agent shall obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

(b) Any authorized officer or agent of the City pursuant to this chapter shall be allowed to enter onto any land within the City Limits to abate violations of this chapter.

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

(d) Any person who interferes with an officer or agent of the City pursuant to this chapter shall be punished as provided in Section 15.38.260 of this chapter. (Ord. 97-24 § 1, 1997.)

15.38.090 Foundation.

(a) The foundation of a structure shall be maintained higher than the adjacent ground level and have no openings, except for necessary ventilation holes. If ventilation holes are needed, the holes shall be adequately screened to prevent animals from entering under the structure.

(b) The foundation elements shall support the structure at all points.

(c) Any repair or replacement necessitated by this section shall be accomplished with materials that are compatible with the remaining foundation. (Ord. 97-24 § 1, 1997.)

15.38.100 Exterior Wall Surface. Exterior wall surfaces, including screened-off areas, doors and windows, shall be free of holes or breaks, loose or damaged construction materials and any other conditions which might admit rain, insects or animals to the interior portions of the walls or occupied spaces of the structure. Cracks in mortar between bricks or stone in excess of one-fourth (1/4) of an inch in size shall be sealed. All exterior wall surfaces shall be maintained and kept in repair using materials compatible with the remaining undamaged wall surfaces and recognized as acceptable pursuant to City building code. Where an existing painted wall surface has areas of chipping, peeling, scaling or missing paint greater than twenty-five percent (25%) of the painted area, then such surface shall be repainted or stripped of all paint and given a water-resistant coating if necessary. (Ord. 97-24 § 1, 1997.)

15.38.110 Trim. All trim shall be maintained in sound condition free of holes, breaks or loose or damaged construction materials. Areas that are damaged as described herein shall be repaired or replaced with material compatible with the remaining undamaged trim. Where trim has been previously painted and any trim surface contains areas of chipping, peeling, scaling or missing paint greater than twenty-five percent (25%) of the trim surface, then such surface shall be repainted or stripped of all paint and given a water-resistant coating if necessary. (Ord. 97-24 § 1, 1997.)

15.38.120 Windows and Doors.

(a) Every exterior opening shall be fitted with a window, door, basement hatchway cover or crawl space cover, as appropriate. Every doorway which gives access from a habitable room or area to the exterior of the structure shall be fitted with a door, equipped with hardware capable of ensuring security and privacy to the occupants of such habitable room or structure.

(b) Every window shall be in good condition and fit tightly within its frame. All windows shall be fully supplied with glass windowpanes without open cracks or holes. Windowpanes may only be repaired using a means specifically designed for glass repair and approved by the public officer, or another materials may be substituted for the glass if it is similar in appearance and form to glass and is approved by the public officer. An entire window unit may be replaced with a building material suitable for exterior use and finished to match the adjacent wall surfaces. If screens, frames for screens or storm windows are provided, the entire assembly shall be maintained in good effective working condition and repair. When present, awnings are to be kept in good repair. Every other opening located within four (4) feet of the ground level shall be protected against the possible entry of insets and rodents.

(c) Every exterior door shall be maintained in good condition and when closed shall fit well within its frame. Every door hinge and door latch shall be maintained in effective working condition. Every door available as an exit shall be capable of being easily opened from the inside. Where a door has been previously painted and any door surface contains areas of chipping, peeling, scaling or missing paint greater than twenty-five percent (25%) of the door surface, then such surface shall be repainted or stripped of all paint and given a water-resistant coating if necessary. (Ord. 97-24 § 1, 1997.)

15.38.130 Roofing and Guttering. The roof, eave and soffit shall be structurally sound, tight and shall not admit rain. Any roof surface that will allow water to enter the structure will be repaired at the point (s) of leaks by materials that are compatible with the existing roof material. If the roof has deteriorated and has lost its water repellent characteristics, the affected area will be replaced with materials compatible with the unaffected portions of the roof. Any guttering or downspouts that have been broken, rusted or damaged shall be repaired or replaced with materials that are compatible with the undamaged guttering and downspouts. Where guttering or downspouts have been previously painted and any surface contains areas of chipping, peeling, scaling or missing paint greater than twenty-five percent (25%) of the guttering or downspout surface, then such surface shall be repainted or stripped of all paint and given a water-resistant coating if necessary. (Ord. 97-24 § 1, 1997.)

15.38.140 Attached Structures. Porches, landings, fire escapes, decks, railing and exterior stairs shall be maintained in a safe and functional condition and kept in good repair. Any repair or replacement work required pursuant to this section shall be accomplished with materials that are compatible to the undamaged portions of the structure. (Ord. 97-24 § 1, 1997.)

15.38.150 Fences. All fencing (except agricultural fencing), including gates, shall be maintained in sound condition free of damage, breaks or missing structural members. Areas that are leaning, buckling, sagging or deteriorating shall be repaired or replaced with materials compatible with the undamaged portions of the fence or removed. Where fencing has been previously painted and there are areas of chipping, peeling, scaling or missing paint greater than twenty-five percent (25%) of the fence surface, then such surface shall be repainted or stripped of all paint and given a water-resistant coating if necessary. (Ord. 97-24 § 1, 1997.)

15.38.160 Pools of Water. Ponds, reservoirs, swimming pools or other receptacles of water shall be maintained free of trash, debris, garbage or other effluvia, and shall not serve as breeding ground for insects or other vectors. Fencing or other protective barriers around swimming pools shall be maintained to serve the intended purpose of restricting entry of small children. Holes in or under barriers shall be fixed or repaired. Malfunctioning self-closing, self-latching devices and locking materials on gates shall be repaired or replaced. (Ord. 97-24 § 1, 1997.)

15.38.170 Animal Sanitation. No excessive accumulation of animal waste shall be permitted on any property. Animal wastes shall not be disposed of in an open ditch or storm drain. Property owners or occupants of land shall be responsible for the proper burial or disposal of dead animals. (Ord. 97-24 § 1, 1997.)

15.38.180 Unsanitary Premises. No owner, occupant or other person shall allow the accumulation of garbage or refuse on any land which causes or creates a foul, unhealthy or offensive smell, or in which disease-carrying insects, rodents or other vermin may breed, or may reasonably be expected to breed. For the purposes of this section the word "garbage" shall mean animal and vegetable waste resulting from the handling, preparation, cooking, storage, or consumption of food. The word "refuse" shall mean all putrescible and nonputrescible solid wastes, including garbage, rubbish, debris, ashes, street cleanings, dead animals, abandoned or inoperable automobiles, abandoned or inoperable household appliances, movable furniture not designed for or modified to withstand the elements and outdoor use, and industrial wastes. (Ord. 97-24 § 1, 1997.)

15.38.190 Land Maintenance. Land, whether vacant or occupied by structures, shall be maintained in such manner to be free of conditions that constitute health and safety hazards, encourage abuse and trespassing by others, create a blighting effect in the neighborhood or otherwise adversely affect adjacent properties. (Ord. 97-24 § 1, 1997.)

15.38.200 Detached Sheds, Garages or Other Out Building. Detached sheds, garages or other out buildings shall be maintained in the same manner as provided in Sections 15.38.090 through 15.38.140 or removed. Provided, however, that out buildings on agriculturally zoned property and used for agricultural purposes shall be exempt from the requirements of this section. (Ord. 97-24 § 1, 1997.)

15.38.210 Hard Surfaces, Walkways and Driveways. Hard surfaces, parking lots, walkways and driveways on private property shall not be allowed to deteriorate to the extent they constitute a safety hazard. For the purposes of this section, the term 'safety hazard' shall include but not be limited to a paved surface which is broken, buckled, heaved, collapsed or missing to the degree that vehicles using the surface are at risk of being damaged or pedestrians walking on the surface are at risk of falling or tripping. (Ord. 97-24 § 1, 1997.)

15.38.220 Outdoor Storage - One and Two-Family Dwellings. No property owner or resident shall allow the placement, storage, installation or construction of any item, object or structure on any property zoned or used for a single-family or two-family residence except as specifically and explicitly permitted by this section. The following items, objects or structures are permitted:

(a) Any item, object or structure permitted under the applicable provisions of the Unified Development Ordinance and Municipal Code, in full compliance with the authorizing provision. The intent of this subsection is to permit only those items specifically permitted under the applicable zoning district regulations or the applicable accessory use regulations.

(b) Authorized trash containers stored and maintained in compliance with the requirements of Chapter 6.04 of the Olathe Municipal Code.

(c) Firewood, neatly stacked, provided that such storage shall not occur at any location on the property that is closer to a street than the nearest primary wall surface of the residence. For the purposes of this section, 'primary wall surface' shall mean any exterior wall surface of the residence that is visible from the street and not perpendicular to the street, but excluding porches, carports and minor building projections such as fireplaces or bay windows.

All other items. Any item, object or structure not specifically authorized in subsections (a), (b) or (c) must be located within a fully enclosed structure, or within the back yard and substantially screened from view from any adjacent property.

The Director of Planning may approve mature landscape materials as an acceptable screen if he/she determines that it provides the substantial equivalent of approved fence or wall materials. Materials for a fence or wall shall be of a type, material and quality compatible with the immediate neighborhood, as determined by the Director of Planning. Such screening shall be constructed and maintained in accordance with applicable City codes and shall be adequate to prevent substantial viewing of the enclosed objects from any place within the adjacent property or any structure located on that property.

Notwithstanding any other applicable provisions, permitted items, objects or structures shall occupy no more than twenty percent (20%) of the allowable outside storage area. In measuring the area occupied by such items, objects or structures to determine if the permitted twenty percent (20%) is exceeded, a rectangle shall be constructed to include all points where any such item, object or structure is located, and the area shall be calculated to include all that area within the rectangle. This method of calculating area shall not apply to those items specifically authorized in subsections (a), (b) or (c) above. (Ord. 97-24 § 1, 1997.)

15.38.230 Outdoor Storage - Other Property. No property owner or occupant shall allow the placement, storage, installation or construction of any item, sales inventory, object or structure on any property other than that property zoned or used for a single-family or two-family residence except as specifically and explicitly permitted by this section. The following items, objects or structures are permitted:

(a) Any item, sales inventory, object or structure permitted under the applicable provisions of the Unified Development Ordinance and Municipal Code, in full compliance with the authorizing provision. The intent of this subsection is to permit only those items specifically permitted under the applicable zoning district regulations or the applicable accessory use regulations.

(b) Authorized trash containers stored and maintained in compliance with the requirements of Chapter 6.04 of the Olathe Municipal Code. (Ord. 97-24 § 1, 1997.)

15.38.240 Maintenance after Casualty Damage. Within a period of ninety (90) days after casualty damage to any premises, the owner and operator shall take the following steps.

(a) Contract for the repair and restoration of damage areas and removal of debris.

(b) Contract for the demolition and removal of any part of the premises not to be repaired and restored and for the removal of debris in connection therewith.

Should an adjustment of insurance claims take longer than ninety (90) days, the Director of Code Enforcement may grant an extension in the period of time needed to comply with this section. (Ord. 97-24 § 1, 1997.)

15.38.250 Notice of Violation. Whenever the public officer shall find a violation of this Chapter, such officer shall issue a notice and order to the owner thereof of such violation. Such notice and order shall contain:

(a) The street address and a legal description sufficient for identification of the owner's property.

(b) A statement by the public officer that such officer has found the owner's property to be in violation of this chapter and a detailed description of the conditions of the property giving rise to the violation or violations.

(c) (1) For violations of sections 15.38.090, 15.38.100, 15.38.110, 15.38.120, 15.38.130, 15.38.140, 15.38.150, 15.38.200, and 15.38.210 a statement by the public officer that such officer has determined that the property must be repaired or properly maintained and an order requiring that all required permits be secured therefore and the work physically commenced within sixty (60) days, weather permitting, from the date of the notice and order and completed within such time as the public officer shall determine is reasonable under all of the circumstances. (2) For Violations of sections 15.38.160, 15.38.170, 15.38.180, 15.38.190, 15.38.220, 15.38.230, and 15.38.240, a statement by the public officer that such officer has determined the violation must be corrected within (10) days from the date of the notice and order.

(d) An information sheet listing the programs available to the public to help defray the costs of remedying a violation.

(e) A statement detailing the right to appeal a notice and order and the appeal procedures.

The notice and order shall be given or served upon the owner, operator, occupant or other person responsible for the condition or violation either by personal service, or by delivering the same to and leaving it with some person of suitable age and discretion upon the premises; or, if no person is found on the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises and by mailing a copy thereof to such person by registered or certified mail to his last known address. (Ord. 97-24 § 1, 1997.)

15.38.260 Penalty. Any person, firm or corporation violating Section 15.38.080 or with any notice or order issued under Section 15.38.250 shall be punished for the first conviction by a fine of not more than Two Hundred Fifty Dollars (\$250.00); for a second conviction within two (2) years thereafter such person shall be punished by a fine of not more than Five Hundred Dollars (\$500.00); and upon a third or subsequent conviction within two (2) years after the first conviction such person shall be punished by a fine of not more than One Thousand Dollars (\$1000.00). (Ord. 97-24 § 1, 1997.)

15.38.270 Appeal. Until January 1, 1998, any owner may appeal a notice and order issued under Section 15.38.250 to the City Council. From and after January 1, 1998, the appeal shall be made to the Property Maintenance Appeal Board. An appeal shall be initiated by submitting an appeal request to the City Clerk within ten (10) days of the date of the service of the notice and order, unless the tenth day falls upon a Saturday, Sunday or holiday, in which case the tenth day shall be the next business day. No precise form of appeal is required, but the City shall provide forms to assist those who want to use them. The City Clerk upon receiving the appeal report shall schedule the appeal and notify in writing the person taking the appeal, and any other person who asks in writing for notice. In considering the appeal, the Board may affirm, modify, extend or overrule the decision in a manner that is consistent with the provisions of this chapter. All decisions of the Board shall be in writing and the decision rendered shall be a final administrative decision. (Ord. 97-24 § 1, 1997.)

CHAPTER 15.40

MOVING BUILDINGS

Sections:

15.40.010	Definitions.
15.40.020	Permit Required.
15.40.030	Application--Fee.
15.40.040	Deposit for Expense to the City.
15.40.050	General Deposit.
15.40.060	Insurance Policy.
15.40.070	Duties of City Clerk.
15.40.080	Duties of Director of Finance.
15.40.090	Duties of Director of Community Development.
15.40.100	Duties of Deputy Director of Public Safety (Police).
15.40.110	Duties of Municipal Counsel.
15.40.120	Duties of Permittee.
15.40.130	General Provisions.
15.40.140	Enforcement.
15.40.150	Penalties.
15.40.160	Separability.
15.40.170	Liability.
15.40.180	Franchise Rights.
15.40.190	Ordinances Repealed.

15.40.010 Definitions. For the purposes of this ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(1) "City" is the City of Olathe, Kansas.

(2) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

(3) "Building" is a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. A structure of the following dimensions shall not fall within this definition: less than sixteen (16) feet in height from the surface of the roadway or eight (8) feet in width when loaded for moving. Note: Mobile homes, modular homes and camping trailers, for the purpose of this chapter are defined in Section 15.52. 010 (b)(h) and (l).

(4) "City Clerk" is the city clerk of Olathe, Kansas.

(5) "Director, Community Development" is the director of Community Development of Olathe, Kansas.

(6) "Deputy Director of Public Safety (Police)" is the deputy director of Public Safety (police) of Olathe, Kansas.

(7) "Moving permit" is the permit issued by the city clerk which permits a building to move over city highways, roads, streets, sidewalks or alleys. It also includes the functions of removal for the purpose of moving the building (not within the purview of Chapter 15.36 of the Olathe Municipal Code) and any relocation within the Olathe city limits. (Ord. 84-14 § 2, 1984.)

15.40.020 Permit Required. No person shall move any building over, along or across any highway, street, road or alley in the city without first obtaining a permit from the city clerk. One permit shall be required for each complete unit as constructed on the proposed site. 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 upon interstate 35 highway, U.S. 56 highway, Kansas 7 highway and/or Kansas 150 highway east of interstate 35 highway. (Ord. 84-14 § 2, 1984; Ord. 109 § 1, 1972; prior code & 4-901.)

15.40.030 Application--Fee. A person seeking issuance of a permit hereunder shall file an application for such permit with the city clerk not less than ten (10) working days prior to the commencement of the moving.

(1) Form. The application shall be made in writing, upon forms provided by the city clerk, and shall be filed in the office of the city clerk.

(2) Contents. The application shall set forth:

(a) A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior, and height, width, length and weight when loaded;

(b) A photograph of the building which was taken not more than five (5) years earlier;

(c) A legal description of the lot from which the building is to be moved, giving the lot, block and tract number, or other appropriate legal description, if located in the city;

(d) A legal description of the lot to which it is proposed such building will be removed to, giving lot, block and tract number or other appropriate legal description, if located in the city;

(e) The portion of the lot to be occupied by the building when moved;

(f) The highways, roads, streets and alleys over, along or across which the building is proposed to be moved;

- (g) Proposed moving dates and hours;
- (h) The name, address and phone number of the applicant;
- (i) The name and address of bonded mover;
- (j) Any additional information which the city shall find necessary to a fair determination of whether a permit should issue.

(3) Accompanying Papers.

(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 and any city charges against the same are paid in full.

(b) 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.

(4) Fee. The application shall be accompanied by a permit fee. Such permit fee shall be adopted by the Governing Body of the City by resolution. (Ord. 02-149 § 1, 2002; Ord. 87-171 § 1, 1987; Ord. 84-14 § 2, 1984.)

15.40.040 Deposit for Expense to the City. Upon receipt of an Application it shall be the duty of the City Clerk to procure from the City Engineer or designee, 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. Additionally, the City Clerk will obtain from the Police Chief or designee, an estimate of costs for police services, to include escort service. Prior to issuance of the permit the City Clerk shall require of the applicant a deposit of a sum of money equal to twice the amount of the estimated expense. (Ord. 11-30 § 1, 2011; Ord. 84-14 § 2, 1984.)

15.40.050 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-negligence 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 well and truly to be made we hereby bind ourselves, our heirs, executors, administrators, and successors, severally and firmly by these presents.

DATED this _____ day of, _____ 19_____, for the period of one year ending the _____ day of _____, 19_____.

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.

(Seal)

Principal

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. (Ord. 84-14 § 2, 1984.)

15.40.060 Insurance Policy. Any person filing an application hereunder must file with the city clerk a comprehensive general liability insurance policy with no exclusions (to include property damage and bodily injury coverage and to be combined single limit), issued by an insurance company authorized to do business in the state of Kansas. Such policy must be in a minimal amount of Five Hundred Thousand Dollars (\$500,000.00) and approved as to form by the municipal counsel. (Ord. 84-14 § 2, 1984.)

15.40.070 Duties of City Clerk. Upon receipt of the application the city clerk 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 the director of Community Development, deputy director of Public Safety (police) and municipal counsel for concurrence/approval as appropriate;
- (3) Deposit all fees and cash deposits with the director of finance.
- (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). (Ord. 84-14 § 2, 1984.)

15.40.080 Duties of Director of Finance.

- (1) Deposit all monies received into the city general operating fund. (Ord. 84-14 § 2, 1984.)

15.40.090 Duties of Director of Community Development.

(1) Inspection. The director may direct inspection of the building to determine whether the standards for issuance of a permit are met.

(2) Standards for Issuance. The director shall refuse to issue a permit if he finds:

- (a) That the building is too large to move without endangering persons or property in the city;
- (b) That 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) That the building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the city;
- (d) That 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.

(3) Return upon allowance for expense. After the building has been removed the director shall furnish the director of finance 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 finance 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.

(4) Designate Streets for Moving. The director may designate streets for moving buildings or he 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 director may require the planking of any street, bridges or culverts, or any part thereof, to support the building being moved to prevent damage. Further, the director may, at his discretion, inspect the progress of moving the building to ensure compliance with the provisions of this chapter. (Ord. 84-14 § 2, 1984.)

15.40.100 Duties of Deputy Director of Public Safety (Police).

(1) The director 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 city clerk of all police services costs. (Ord. 84-14 § 2, 1984.)

15.40.110 Duties of Municipal Counsel. Review the application for legal sufficiency and signify approval or in the event of recommended disapproval submit reasons therefor. (Ord. 84-14 § 2, 1984.)

15.40.120 Duties of Permittee. Every permittee under this ordinance shall:

(1) Use of Streets. Use only those streets and routes as approved by the permit.

(2) Notify of Revised Moving Time. Notify the city clerk in writing of a desired change in moving date and hours from those proposed in the application.

(3) Notify of Damage. Notify the director, Community Development, in writing of any and all damage done to property belonging to the city 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, unless an extension is granted by the director, Community Development.

(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 traffic officer that may be ordered by the city deputy director (police) of Public Safety to accompany the movement of the building to protect the public from injury.

(7) Clear Old Premises. 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. Foundation and slab floors may be left if another building is to be immediately erected on such foundation or flooring.

(8) 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.

(9) Permit Aboard Moving Vehicle. Ensure that at all times 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.

(10) Railroad Crossings. Notify railroad officials of times, location and direction of crossing of all railroad tracks on the route of travel.

(11) Compliance with Moving Provisions. Be responsible for furnishing his own escort and for complying with all provisions contained in Section 15.40.130 below. (Ord. 84-14 § 2, 1984.)

15.40.130 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. (Ord. 84-14 § 2, 1984.)

15.40.140 Enforcement.

(1) The director, Community Development and deputy director of Public Safety (police) shall enforce and carry out the requirements of this ordinance.

(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 municipal counsel 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 ordinance, 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 Chapter 15.36 of the Olathe Municipal Code. (Ord. 84-14 § 2, 1984.)

15.40.150 Penalties. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding Five Hundred Dollars (\$500.00) or be imprisoned in the county jail for a period not exceeding one (1) year or be so fined and imprisoned. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder. (Ord. 84-14 § 2, 1984.)

15.40.160. Separability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof. (Ord. 84-14 § 2, 1984.)

15.40.170 Liability. The requirements stated in this chapter 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 ordinance, and assumes all responsibility for injury to persons or damages to public or private property, and further agrees to hold the City of Olathe immune from all suits, claims and damages arising from the movement of the building. (Ord. 84-14 § 2, 1984.)

15.40.180 Franchise Rights. It is hereby expressly provided that this chapter shall not in any way interfere with, modify or abrogate the terms of any franchise or contract to which the city is a party. (Ord. 84-14 § 2, 1984.)

15.40.190 Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. These are:

Chapter 15.40 of the Olathe Municipal Code; code and ordinance provisions prior to Chapter 15.40 were Ordinance 109, 1972; Ordinance 328-C, 1970; prior code § 4-901, et seq. (Ord. 84-14 § 2, 1984.)

CHAPTER 15.48
SWIMMING POOLS

Sections:

- 15.48.010 Construction--Building Permit Required.
- 15.48.020 Fence Required.
- 15.48.030 Plans and Specifications.
- 15.48.040 Semi-public and Public Pools--Lifeguard Required.
- 15.48.050 Lighting.
- 15.48.060 Semi-public and Public Pools--Bathhouse and Toilet Facilities Required.
- 15.48.070 Semi-public and Public Pools--Hours of Operation.
- 15.48.080 Operation as a Nuisance Prohibited.
- 15.48.090 Safety Equipment--Inspection.

15.48.010 Construction--Building Permit Required. It is unlawful for any person, firm or corporation to construct or install a swimming pool without first obtaining a building permit for such pool. The fee for such permit shall be established by the Governing Body of the City by resolution. (Ord. 08-89 § 1, 2008; Prior code § 4-1101.)

15.48.020 Fence Required. Every private swimming pool constructed or installed in conjunction with one or two-family dwelling units shall meet the fencing requirements of Appendix G of the 2000 International Residential Code. Every semi-public or public swimming pool built shall be surrounded by a fence at least six (6) feet high. The type of fence material and the location of the fence shall be approved by the building inspector. (Ord. 01-82 § 1, 2001; Ord. 98-81 § 1, 1998; Ord. 93-23 § 1, 1993; Prior code § 4-1102.)

15.48.030 Plans and Specifications. Plans and specifications shall be drawn to scale and submitted with the application for a building permit. Such drawing shall be of sufficient clarity to indicate the nature and extent of the proposed work. They shall show the required distances from all property lines, pool dimensions, pool capacity in gallons, pool cross-section, details of filtering system and pipe layouts, the location and type of waste disposal and details of water service and the kinds of construction and location of fences. (Prior code § 4-1103.)

15.48.040 Semi-public and Public Pools--Lifeguard Required. All semi-public or public pools which make a charge for membership, admission, season ticket or for training, shall provide a sufficiently skilled individual to act as lifeguard and supervisor at all times. (Prior code § 4-1104.)

15.48.050 Lighting. No artificial lighting shall be maintained or operated in connection with any swimming pool herein authorized in such a manner as to be a nuisance or annoyance to the neighboring properties. (Prior code § 4-1105.)

15.48.060 Semi-public and Public Pools--Bathhouse and Toilet Facilities Required. All public or semi-public swimming pools shall furnish sufficient bathhouse and toilet facilities as required by the Planning Commission of the city. (Prior code § 4-1106.)

15.48.070 Semi-public and Public Pools--Hours of Operation. All semi-public or public swimming pools shall not operate or be used between the hours of ten-thirty p.m. and six a.m. (Prior code § 4-1107.)

15.48.080 Operation as a Nuisance Prohibited. All swimming pools herein authorized shall be used, maintained and operated in a manner that shall not constitute a public nuisance in the neighborhood where operated and any continued infringement thereof, or unreasonable noises shall constitute a public nuisance. (Prior code § 4-1108.)

15.48.090 Safety Equipment--Inspection. Each pool, whether private, semi-public or public shall furnish safety equipment as may be required by the State Board of Health or the city manager. All pools may be inspected by the city. (Prior code § 4-1109.)

CHAPTER 15.52

MOBILE HOMES

Sections:

15.52.010	Definitions.
15.52.020	Mobile Homes--Where Permitted.
15.52.030	Trailers--Where Permitted.
15.52.040	Mobile Homes and Trailers as Nonresidential Structures.
15.52.050	Mobile Home Parks--Minimum Standards.
15.52.060	Mobile Home Park--Plan Approval.
15.52.070	Mobile Home Subdivisions.
15.52.080	Mobile Homes--Structural Quality (Repealed).
15.52.090	Mobile Home Park or Subdivision--Management.
15.52.100	Mobile Home Park--License Required--Fee.
15.52.110	Nonconformance--License Cancellation.

15.52.010 Definitions.

(a) "Drive" means a right-of-way which affords principal means of vehicular access to or through a mobile home or trailer park, and which is owned and maintained by the owner or operator of the park.

(b) "Mobile home" means a residential structure, assembled in total or in not more than three sections at a factory, and transported over the road by truck or temporary wheel carriage to its destination.

(c) "Mobile home, double wide" means a mobile home, as defined above, and having been built in two sections at the factory, which two sections are transported over the road separately, with assembly into one structure of a width of not less than twenty feet occurring at the destination.

(d) "Mobile or modular home subdivision" means an area of land containing not less than sixty lots, and the public streets necessary to serve such lots, the purpose of which is to convey in fee the individual lots for the location of mobile homes or modular homes in a permanent fashion.

(e) "Mobile home park" means a tract of land containing suitable drives, utilities and other supporting elements, and devoted to the sole purpose of accommodating mobile homes on a permanent or semipermanent basis.

(f) "Mobile home, single wide" means a mobile home, as defined above, and being of a width of not more than twelve feet, measured between the permanent sidewalls thereof.

(g) "Mobile home space" means that area of land within a mobile home park set aside for use as a site for one mobile home, including the open spaces around the mobile home, as are required in this chapter.

(h) "Modular home" means a residential structure, assembled in total or in several sections at a factory, and transported over the road by truck to its destination. A modular home, as distinct from a mobile home, shall have exterior building materials and appearance similar to the customary single family structures in the neighborhood, and shall be permanently situated on a concrete slab or foundation.

(i) "Street" means a right-of-way which affords principal means of vehicular access to or through a mobile home or trailer park, and which is held in fee by the public or a governmental unit thereof.

(j) "Trailer" means a vehicle equipped with wheels, and normally towed over the road behind an automobile or light truck.

(k) "Trailer, advertising" means a trailer, as defined above, but carrying, or having attached thereto, a sign, billboard, or other media for advertising purposes, such advertising being the prime purpose and use of the trailer.

(l) "Trailer, camping" means a trailer, as defined above, and equipped with an enclosure for sleeping while on vacation or other trips of short duration. Such camping trailers may also contain cooking, bath and sanitary equipment. Size and furnishing of such camping trailers may vary widely, but in no case shall they be considered structures for residential use of a temporary or permanent nature, for purposes of this chapter.

(m) "Trailer, hauling" means a trailer, as defined above, and designed and normally used for over-the-road transportation of belongings, equipment, merchandise, livestock and other objects, but not equipped for human habitation.

(n) "Trailer park" means a tract of land containing sites for the overnight or short term parking of camping trailers. (Ord. 347-C § 1, 1970.)

15.52.020 Mobile Homes--Where Permitted.

(a) Within the corporate limits of the City of Olathe, a single-wide mobile home may be permitted only in an approved mobile homes park. A double-wide mobile home may be permitted in an approved mobile homes park or on a permanent slab or foundation on a lot which complies with all the regulations of the zoning and subdivision ordinances of the City of Olathe. Such double-wide structure to be located outside an approved park shall first be submitted to the Planning Commission for review as to architectural conformity with the surrounding neighborhood, based upon the following:

- (1) The physical condition of the structure is sound, well maintained and of neat appearance;
- (2) The proposed site of the structure is not in a neighborhood which contains homes of size and value sufficiently higher than will result from the establishment of the double-wide mobile home such that the contrast in appearance will depress property values in the neighborhood.

(b) A mobile home may also be permitted by the Governing Body, after public hearing, for the purposes of temporary relief from a local disaster, such as fire, wind, or flood damage, provided such mobile home shall be removed from the premises within six months of its original placement.

(c) A mobile home shall not be temporarily or permanently parked or located on any public street or alley, nor on any lot containing a residential or business structure, except when in complete conformity with the zoning and other ordinance of the City of Olathe. (Ord. 87-30 § 32, 1987; Ord. 347-C § 2, 1970.)

15.52.030 Trailers--Where Permitted.

(a) **CAMPING TRAILERS.** Camping trailers may be parked in a campground or trailer park, provided such camp area is in conformance with the zoning and other ordinances of the City of Olathe. No such camping trailer shall be used for permanent or semi-permanent residential purposes. Nothing in this chapter shall prohibit the use of tents, pick-up campers, and other such equipment from also utilizing an approved campground or camper park.

Camping trailers may also be stored, on the basis of one per family, in private garages, or in the side or rear yards of private homes, business or industrial areas, provided no such trailer shall be used for residential purposes.

(b) **ADVERTISING TRAILERS.** Advertising trailers may be permitted only on property zoned District C-2 to M-2, inclusive, and such trailers shall be off the public street, and conform to the setback height and area regulations for other signs in that district.

(c) **HAULING TRAILERS.** Hauling trailers, as defined herein, may be stored or rented in a District C-2 to M-2, inclusive. Hauling trailers, customarily towed behind passenger cars, and not exceeding eight feet of box length, may also be kept or stored, on the basis of one per family, in private garages, or in the side or rear yard of private homes. (Ord. 347-C § 3, 1970.)

15.52.040 Mobile Homes and Trailers as Nonresidential Structures. A mobile home may be used for the following nonresidential uses:

- (a) Temporary office or storage room on the site of a construction project;
- (b) Temporary classrooms in connection with public schools or private schools with equivalent curriculums;
- (c) Sales office on the site of a mobile homes sales yard or as a leasing or management office in a mobile homes park. An enclosed trailer may be used as a temporary office for sales of trailers and similar equipment, provided such trailer is located on the premises of a sales yard containing equipment to be sold. Any mobile home and trailer use as referred to in this section as temporary shall be permitted for not more than one year, except that a longer period may be allowed by special use permit. All mobile homes and trailers to be used as set out in this section shall be clean, in good condition, have the necessary sanitary facilities, parking areas and landscaping as determined by the building inspector. (Ord. 74 § 1, 1972; Ord. 347-C § 4, 1970.)

15.52.050 Mobile Home Parks--Minimum Standards.

(a) **MINIMUM PARK SIZE.** No mobile home park shall have a site smaller than will accommodate sixty mobile homes, or comprising less than ten acres.

(b) **MINIMUM SPACE SIZE.** Each mobile home space shall have dimensions of at least forty-five feet in width and ninety feet in depth. The maximum density for mobile homes parks shall be six mobile homes per acre of land after public street rights-of-way have been deducted,

(c) **STANDS AND SKIRTS.** Each mobile home space shall contain a Portland cement or asphaltic concrete stand upon which the mobile home will be situated and each home shall be equipped with skirts on all sides, such skirts to be of material harmonious to the mobile home structure.

(d) **STREETS AND DRIVES.** All public streets within the park shall be improved to city standards for residential streets. All private drives shall be not less than twenty-two feet in width, have Portland cement curbs, and be surfaced with at least six inches of compacted stone base with two inches of hot mix bituminous concrete as the surface course.

(e) **PARKING.** At least two parking spaces for each mobile home shall be provided within sixty feet of the mobile home. Such parking spaces shall be off the public street or private drive, and each shall be not less than nine feet by twenty feet in size, and shall be surfaced to at least the standard set out above for drives.

(f) **PARK AND PLAYGROUND SPACE.** Park and playground space shall be provided for occupants of the mobile homes park, on the basis of three hundred square feet for each space in the park. Such playground space shall be separate and aside from the open space provided on each mobile home space, and shall be equipped and maintained for the use of the residents of the park.

(g) **OPEN SPACE.** Each mobile home shall be located on the mobile home space so that no part of one mobile home structure, including canopies, awnings, carports and other protrusions, is closer than twelve feet to another mobile home, or to the edge of the surface of a drive. No mobile home shall be located closer than thirty feet to the boundary line of the mobile home park or to a public street.

(h) **UTILITIES.** All liquid waste shall be disposed of through a sanitary sewer system and treatment facility, the plans of which shall be approved by the city engineer prior to construction. All solid wastes shall be disposed of by accumulation in tight containers, and removed at regular intervals by methods to be approved by the city engineer. All power and telephone lines shall be underground, and shall be in compliance with standards of the utility corporation involved. All water supply and distribution shall be approved by the city engineer prior to construction.

The site of the park shall be graded so that surface water will not accumulate, but will run off in a manner that will not adversely affect the residential character of the park or adjacent property. The proposed drainage systems shall be approved by the city engineer prior to construction of streets or other portions of the park. (Ord. 74 § 2, 1972; Ord. 347-C § 5, 1970.)

15.52.060 Mobile Home Park--Plan Approval.

(a) Construction of a mobile home park within the City of Olathe shall begin only after a special use permit has been granted by the Governing Body, in compliance with the zoning ordinance. No such permit shall be granted, however, until a development plan for the proposed mobile homes park has been prepared and submitted by the developer to the Planning Commission, and found satisfactory by the Governing Body, and further submitted to the Governing Body with a recommendation for approval.

(b) Such plan shall be accurately drawn, at a scale acceptable to the city engineer, and shall show the following:

- (1) Proposed street and drive pattern;
- (2) Proposed mobile homes spaces and their approximate dimensions;
- (3) Any existing streets in or abutting the property;
- (4) Location and size of parking spaces;
- (5) Location and size of park and playground area;
- (6) Screening and landscaping;
- (7) Legal description of the tract;
- (8) Name of the developer and the firm preparing the plan;
- (9) North point, scale and date.

(c) The Planning Commission shall, upon submission of three copies of the plan and an application for a special use permit, publish notice and hold a hearing on the proposal, in conformance with the zoning ordinance. The decision of the commission to recommend approval or denial of the proposed mobile home park shall be based upon the following criteria:

- (1) The proposed property will be in harmony, in general, with the Comprehensive Plan of the City of Olathe;
- (2) Safe and efficient ingress and egress of vehicular and pedestrian traffic and an adequate level of utility and other services is assured;
- (3) A safe and healthful living environment will exist for the occupants of the park.

(d) Upon hearing and consideration of the project, the commission shall, within reasonable time, submit its recommendation and an endorsed copy of the plans to the Governing Body for final action. (Ord. 87-30 § 33, 1987; Ord. 48 § 1 1982; Ord. 8 § 1, 1972; Ord. 347-C § 6, 1970.)

15.52.070 Mobile Home Subdivisions. A subdivision for the purpose of selling individual lots in fee for the purpose of mobile home sites may be permitted under the subdivision ordinance of the City of Olathe. Only double wide or larger mobile homes or modular homes, or customary single family dwellings shall be permitted in a mobile homes subdivision. Such structures shall be located in compliance with the yard and lot area requirements of District R-1 of the zoning ordinance, and shall be attached to a permanent concrete foundation or slab. Off-street parking spaces shall be provided in compliance with the zoning ordinance. (Ord. 347-C § 7, 1970.)

15.52.080 Mobile Homes (Repealed). (Ord. 87-169 § 1, 1987; Ord. 347-C § 8, 1970.)

15.52.090 Mobile Home Park or Subdivision--Management. Each mobile home park or subdivision shall be operated in a sanitary, orderly and efficient manner, and shall maintain a neat appearance at all times. No damage or deteriorated remain, and suitable and effective rules for regulating the outside storage or equipment, the removal of wheels and installation of skirting, the collection of trash and garbage, and the attachment of appurtenances to the mobile homes shall be continually enforced.

A map shall be placed at the main entrance to the park, clearly showing the location of each space, and the name and address of the occupant. Such map shall be illuminated at all times, and be enclosed in a weatherproof case, within full view of persons entering the park. All drives, playground area and equipment, lawn and trees, and any recreation or accessory buildings shall be maintained at a level at least equal to the average residential neighborhood in the city. All portions of the mobile home park shall be open and accessible to fire, police and other emergency and protective vehicles and personnel, including city, county and state inspectors. (Ord. 347-C § 9, 1970.)

15.52.100 Mobile Home Park--License Required--Fee. All mobile home parks shall be subject to an annual license, which may be issued by the Governing Body. Compliance with this chapter and all other codes and ordinances of the city shall be necessary prior to the issuance or renewal of the license. A license fee shall be paid by the owner of the Mobile Home Park, upon establishing the park. Thereafter, an annual renewal fee shall be paid for each space occupied on the date of expiration of the previous license. The license fee and annual renewal fee shall be adopted by the Governing Body of the City by resolution. (Ord. 02-150 § 1, 2002; Ord. 87-30 § 34, 1987; Ord. 347-C § 10, 1970.)

15.52.110 Nonconformance--License Cancellation. The owner and/or operator of the mobile home park shall be responsible for conformance to all plans, codes and ordinances and any conditions set out in the special use permit, and any deviation or nonperformance or the occurrence of any nuisance or unhealthful or unsanitary condition, or the termination of a park operation for one year or more, shall constitute grounds for the cancellation of a license or special use permit, or refusal to renew a license on the part of the Governing Body. In addition, the city shall have all remedial and corrective powers conveyed by statutes of the state. (Ord. 87-30 § 35, 1987; Ord. 347-C § 11, 1970.)

CHAPTER 15.53

INSPECTION OF MOBILE HOMES

Sections:

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15.53.130	Use and Occupancy.
15.53.140	Location on Property.
15.53.150	Construction Standards.
15.53.160	Penalty for Violations--Actions.

15.53.010 Purpose. The purpose of this chapter is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction and quality of materials for building service equipment connections which are necessary to provide for the installation of manufactured homes on legally zoned lots for said uses within the City of Olathe and to provide for alterations, additions and repairs to such manufactured homes. (Ord. 87-170 § 1, 1987.)

15.53.020 Scope.

(a) The provisions of this chapter shall be applicable only to a manufactured home used as a single dwelling unit and shall apply to the following:

(1) Construction, installation, addition, alteration or repair or maintenance of the building service equipment which is necessary for connecting manufactured homes to water, fuel or power supplies and sewage systems.

(2) Alterations, additions or repairs to existing manufactured homes.

(b) The construction, alteration, moving, demolition, repair and use of accessory buildings and structures and their building service equipment shall comply with the requirements of the building, mechanical, plumbing and electrical codes adopted by the City of Olathe, Kansas.

(c) This chapter shall not be applicable to the design and construction of manufactured homes nor shall it be deemed to authorize either modifications or additions to manufactured homes where otherwise prohibited and shall supersede provisions of any other ordinance which may conflict with any provisions thereof. (Ord. 87-170 § 1, 1987.)

15.53.030 Application to Existing Manufactured Homes and Building Equipment.

(A) Additions, Alterations or Repairs.

(1) Additions made to a manufactured home shall conform to one of the following:

(a) Be certified under the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401, et. seq.).

(b) Be designed and constructed to conform with the applicable provisions of the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401, et seq.). A certificate of compliance issued by the manufacturer and verified by an approved agency shall be provided for such structure.

(c) Be designed and constructed in conformance with the building, mechanical, plumbing and electrical codes adopted by this jurisdiction or applicable federal standards.

(2) Additions shall be structurally separated from the manufactured home.

EXCEPTION: A structural separation need not be provided when structural calculations are provided to justify the omission of such separation.

(3) Alterations or repairs may be made to any manufactured home or to its building service equipment without requiring the existing manufactured home or its building service equipment to comply with all the requirements of this ordinance, provided the alteration or repair conforms to that required for new construction and provided further that no hazard to life, health or safety will be created by such additions, alterations or repairs.

(4) Alterations or repairs to an existing manufactured home which are nonstructural and do not adversely affect any structural member or any part of the building or structure having required fire protection may be made with materials equivalent to those of which the manufactured home structure is constructed.

EXCEPTION: The installation or replacement of glass shall be required for new installations.

(5) Minor additions, alterations and repairs to existing building service equipment installations may be made in accordance with the codes in effect at the time the original installation was made, subject to approval of the building inspector and provided such additions, alterations and repairs will not cause the existing building service equipment to become unsafe, unsanitary or overloaded.

(B) Existing Installations. Building service equipment lawfully in existence at the time of the adoption of the applicable codes may have their use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property has been created by such building service equipment.

(C) Existing Occupancy. Manufactured homes which are in existence at the time of the adoption of this chapter may have their existing use or occupancy continued if such use or occupancy was legal at the time of the adoption of this chapter, provided such continued cause is not dangerous to life, health and safety. The use or occupancy of any existing manufactured home shall not be changed unless evidence satisfactory to the building inspector is provided to show compliance with all applicable provisions of the codes adopted by this jurisdiction. Upon any change in use or occupancy, the manufactured home shall cease to be classified as such within the intent of this chapter.

(D) Maintenance. All manufactured homes and their building service equipment, existing and new, and all parts thereof shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by applicable codes or by the Manufactured Home Standards shall be maintained in conformance with the code or standard under which it was installed. The owner or his designated agent shall be responsible for the maintenance of manufactured homes, accessory buildings, structures and their building service equipment. To determine compliance with this subsection, the building inspector may cause any manufactured home, accessory building or structure to be reinspected whenever there is probable cause for such inspection.

(E) Manufactured Homes which are to be relocated or located within this jurisdiction shall comply with the provisions of this chapter. The building service equipment shall be inspected as provided in this chapter. (Ord. 87-170 § 1, 1987.)

15.53.040 Alternative Materials and Methods of Construction. The provisions of this chapter are not intended to prevent the use of any material or method of construction not specifically prescribed by this chapter or the applicable codes, provided any alternate has been approved and its used authorized by the building inspector.

The building inspector may approve any such alternate provided he finds the proposed design is satisfactory and complies with the provisions of this guideline and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this chapter or the applicable codes in suitability strength, effectiveness, durability, safety and sanitation. The building inspector shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the files of the enforcing agency. (Ord. 87-170 § 1, 1987.)

15.53.050 Enforcement.

(a) Authority. The building inspector is hereby authorized and directed to enforce all the provisions of this chapter. For such purposes he shall have the powers of a law enforcement officer.

(b) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the building inspector has reasonable cause to believe that there exists in any manufactured home, accessory building or upon any premises any condition or code violation which makes such manufactured home, accessory building or premises unsafe, dangerous or hazardous, the building inspector may enter such manufactured, accessory building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building inspector by this chapter provided that if such manufactured home, accessory building or premises be occupied, he shall first present proper credentials and request entry; and if such manufactured home, accessory building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the manufactured home, accessory building or premises and request entry. If such entry is refused the building inspector shall have recourse to every remedy provided by law to secure entry. (Ord. 87-170 § 1, 1987.)

15.53.060 Definitions. For the purpose of this chapter, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this chapter. Words used in the singular include the plural and the plural, the singular. Words used in the masculine gender include the feminine and the feminine, the masculine. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, Copy 1981, shall be considered as providing ordinary accepted meanings.

(a) "Accessory Building" is any building or structure, or portion thereof, located on the same property as a manufactured home which does not qualify as a manufactured home as defined herein.

(b) "Addition" is an extension or increase in floor area or height of a building or structure.

(c) "Approved" as to materials and types of construction refers to approval by the building inspector as the result of investigation and tests conducted by him, or by reason of accepted principals or by recognized authorities, technical or scientific organizations.

(d) "Approved Agency" is an established and recognized agency regularly engaged in conducting tests or furnishing inspection services when such agency has been approved by the building inspector.

(e) "Building" is any structure used or intended for support or sheltering any use or occupancy.

(f) "Building Code" is the Uniform Building Code promulgated by the International Conference of Building Officials as adopted by this jurisdiction.

(g) "Building Inspector" is the officer or other designated authority charged with the administration and enforcement of this chapter or his duly authorized representative.

(h) "Building Service Equipment" refers to the plumbing, mechanical and electrical equipment including piping, wiring, fixtures and other accessories which provided sanitation, lighting, heating, ventilation, cooling, refrigeration, fire protection and facilities essential for the habitable occupancy of a manufactured home or accessory building or structure for its designated use and occupancy.

(i) "Dwelling Unit" is a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

(j) "Electrical Code" is the National Electrical Code promulgated by the National Fire Protection Association as adopted by the City of Olathe.

(k) "Existing Building" is a building erected prior to the adoption of this ordinance, or one for which a legal building permit has been issued.

(l) "Footing" is that portion of the foundation of a structure which spreads and transmits loads directly to the soil or the piles.

(m) "Listed" and "Listing" are terms referring to equipment and materials which are shown in a list published by an approved testing agency, qualified and equipped for experimental testing and maintaining an adequate period inspection of current productions and whose listing states that the equipment complies with recognized safety standards.

(n) "Manufactured Home" as used in this chapter, is a dwelling unit which is fabricated in one or more sections at a location other than the home site by assembly line-type production techniques or by other construction methods unique to an off-site manufacturing process. Every section shall bear a label certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standards. For mobile homes built prior to June 15, 1976, a label certifying compliance to the Standard for Mobile Homes, NFPA 501, ANSI 119.1 in effect at the time of manufacture is required. For the purpose of this chapter, a mobile home shall be considered a manufactured home.

A manufactured home is designed to be towed on its own permanent chassis or be site delivered by alternative means. Modular homes shall be exempted from this definition.

(o) "Manufactured Home Installation" is a term referring to that construction which is required for the installation of a manufactured home including the construction of the foundation system, required structural connections thereto and the installation of on-site water, gas, electrical and sewer systems and connections thereto which are necessary for the normal operation of the manufactured home and to those manufactured homes being located or reinstalled in existing and legally zoned mobile home parks.

(p) "Manufactured Home Standards" are the Manufactured Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development.

(q) "Mechanical Code" is the Uniform Mechanical Code promulgated jointly by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials as adopted by the City of Olathe.

(r) "Occupancy" is the purpose of which a manufactured home or accessory building or part thereof is used or intended to be used. The term "occupancy" as used in this chapter shall include the manufactured home or accessory building or part thereof housing such use.

(s) "Permit" is an official document or certificate issued by the building inspector authorizing performance of a specified activity.

(t) "Person" is a natural person, his heirs, executors, administrators or assigns and also includes a firm, partnership or corporation, its or their successors or assigns or agent of any of the aforesaid.

(u) "Plumbing Code" is the Uniform Plumbing Code promulgated by the International Association of Plumbing and Mechanical Officials as adopted by the City of Olathe.

(v) "Public Way" is any street, alley or similar parcel of land essentially unobstructed from the ground to the sky which is deeded, dedicated or otherwise permanently appropriated to the public for public use and having a clear width of not less than 10 feet.

(w) "Repair" is the reconstruction or removal of any part of an existing manufactured home or accessory building, structure or building service equipment for the purpose of its maintenance.

(x) "Shall" as used in this chapter is mandatory,

(y) "Street" is any thoroughfare or public space which has been dedicated or deeded to the public for public use.

(z) "Structure" is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(aa) "U.B.C. Standards" is the Uniform Building Code Standards promulgated by the International Conference of Building Officials as adopted by the City of Olathe. (Ord. 87-170 § 1, 1987.)

15.53.070 Permits.

(a) Initial Installation. A manufactured home shall not be installed on a foundation system, reinstalled or altered without first obtaining a permit from the building inspector. A separate permit shall be required for each manufactured home installation. Plans and specifications shall not be required for installation of manufactured homes in an existing and legally zoned and approved mobile home park.

(b) Plans and Specifications for Accessory Buildings and Additions. Plans and specifications shall be required for new construction and installation of accessory buildings and additions to a manufactured home. When approved by the building inspector, an installation permit may be included additions, accessory buildings and structures, and their building service equipment when the addition, accessory building or structures will be constructed in conjunction with the manufactured home installation.

(c) Additions, Alterations and Repairs to a Manufactured Home. A permit shall be obtained to alter a manufactured home or to add accessory buildings or structures to a manufactured home subsequent to its initial installation. Permit issuance and fees therefor shall be in conformance with the codes applicable to the type of work involved.

An addition made to a manufactured home subsequent to its initial installation which is itself a manufactured home as defined in this chapter shall comply with this chapter. (Ord. 87-170 § 1, 1987.)

15.53.080 Application for Permit.

(a) Application. To obtain any permit, the applicant shall first file an application in writing on a form furnished by the building inspector for that purpose.

(b) Information on Plans and Specifications. Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provision of this chapter and all relevant laws, ordinances, rules and regulations. The building inspector shall determine what information is required on plans and specifications to ensure compliance. (Ord. 87-170 § 1, 1987.)

15.53.090 Permit Issuance.

(a) Issuance. The application, plans, specifications and other data filed by an applicant for permit shall be reviewed by the building inspector. Such plans may be reviewed by other departments of the City of Olathe to verify compliance with any applicable laws under the City of Olathe. If the building inspector finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this chapter and other pertinent codes, laws and ordinances, and that the fees specified in Section 15.53.100 have been paid, he shall issue a permit therefor to the applicant. When the building inspector issues the permit where plans are required, he shall endorse in writing or stamp the plans and specifications "APPROVED." Such approved plans and specifications shall not be changed, modified or altered without authorization from the building inspector, and all work shall be done in accordance with the approved plan.

(b) Validity of Permit. The issuance of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of any violation of any of the provisions of this chapter or other pertinent codes or of any other ordinances of the City of Olathe. No permit presuming to give authority to violate or cancel the provisions of this chapter shall be valid. The issuance of a permit based upon plans, specifications and other data shall not prevent the building inspector from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of this chapter or of any other ordinances of the City of Olathe.

(c) Expiration. Every permit issued by the building inspector under the provisions of this chapter shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which he may commence work under that permit when he is unable to commence work within the time required by this section for good and satisfactory reasons. The building inspector may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

(d) Suspension or Revocation. The building inspector may, in writing, suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this chapter. (Ord. 87-170 § 1, 1987.)

15.53.100 Fees. There is hereby established permit fees for each manufactured home installation. The permit fee shall be adopted by the Governing Body of the City by resolution. (Ord. 02-151 § 1, 2002; Ord. 87-170 § 1, 1987.)

15.53.110 Inspections.

(a) General. All construction or work for which a permit is required shall be subject to inspection by the building inspector.

It shall be the duty of the permit applicant to cause the work to be accessible and exposed for inspection purposes. Neither the building inspector nor the City of Olathe shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

(b) Inspection Requests. It shall be the duty of the person doing the work authorized by a manufactured home installation permit to notify the building inspector that such work is ready for inspection. The building inspector may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the building inspector.

It shall be the duty of the person requesting any inspections required either by this chapter or other applicable codes to provide access to and means for proper inspection of such work.

(1) Structural Inspections for Accessory Buildings and Structures. Inspections for accessory buildings and structures shall be made as set forth in the Building Code.

(2) Building Service Equipment Inspections. All building service equipment which is required as a part of a manufactured home installation, including accessory buildings and structures authorized by the same permit shall be inspected by the building inspector. Building service equipment shall be inspected and tested as required by the applicable codes. Such inspections and testing shall be limited to site installation and shall not include building service equipment which is part of the manufactured home itself, except that said building service equipment shall be in good and safe working condition. No portion of any building service equipment intended to be concealed by any permanent portion of the construction shall be concealed until inspected and approved. Building service equipment shall not be connected to the water, fuel or power supply or sewer system until authorized by the building inspector.

(c) Other Inspections. In addition to the called inspections specified above, the building inspector may make or require other inspections of any construction work to ascertain compliance with the provisions of the chapter or other codes and laws which are enforced by the building inspector. (Ord. 87-170 § 1, 1987.)

15.53.120 Utility Service. Utility service shall not be provided to any building service equipment which is regulated by this chapter or other applicable codes and for which a manufactured home installation permit is required by this chapter until approved by the building inspector. (Ord. 87-170 § 1, 1987.)

15.53.130 Use and Occupancy.

(a) Manufactured Homes. A manufactured home shall be limited to use as a single dwelling unit.

(b) Accessory Buildings. Accessory buildings shall be classified as to occupancy by the building official as set forth in the Building Code. (Ord. 87-170 § 1, 1987.)

15.53.140 Location on Property. Manufactured homes and accessory buildings shall be located on the property in accordance with applicable codes and ordinances of the City of Olathe. (Ord. 87-170 § 1, 1987.)

15.53.150 Construction Standards.

(a) Structural Additions. Accessory buildings shall not be structurally supported by or attached to a manufactured home unless engineering calculations are submitted to substantiate any proposed structural connection.

EXCEPTION: The building inspector may waive the submission of engineering calculations if he finds that the nature of the work applied for is such that engineering calculations are not necessary to show conformance to the requirements of this guideline.

(b) Building Service Equipment. The installation, alteration, repair, replacement, addition to or maintenance of the building service equipment within the manufactured home shall conform to regulations set forth in the Manufactured Home Standards. Such work which is located outside of the manufactured home shall comply with the applicable Plumbing, Mechanical or Electrical Code or other code or ordinance.

(c) Exits.

(1) Site Development. Exterior stairways and ramps which provided egress to the public way shall comply with applicable provisions of the Building Code.

(2) Accessory Buildings. Every accessory building or portion thereof shall be provided with exits as required by the Building Code.

(d) Occupancy, Fire Safety and Energy Conservation Standards. Alterations made to a manufactured home subsequent to its initial installation shall conform to the occupancy, fire safety and energy conservation requirements set forth in the "Manufactured Home Standards." (Ord. 87-170 § 1, 1987.)

15.53.160 Penalty for Violations--Actions. The violation of any provisions of this title is a misdemeanor and any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) and the city shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of this title and to abate nuisances maintained in violation thereof; and in addition to other remedies, institute, injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of the mobile home structure or land. Each day any violation of this section continues constitutes a separate violation. (Ord. 87-170 § 1, 1987.)

CHAPTER 15.54

SEVERE STORM SAFETY MEASURES FOR MOBILE AND MODULAR HOMES AND SUBDIVISIONS

Sections:

15.54.010	Definitions
15.54.020	Securing Mobile Homes To Ground By Approved Devices
15.54.030	Required Storm Sheltering For Mobile Home Parks
15.54.040	Resistive Wind Strength Of Storm Shelters
15.54.050	Total Storm Shelter Space
15.54.060	Distance Between Shelters
15.54.070	Multi-use Of Storm Shelters
15.54.080	Dedicated Storm Shelters
15.54.090	Provisions For Persons With Physical Disabilities
15.54.100	Ventilation
15.54.110	Utilities
15.54.120	Exits
15.54.130	Restroom Facilities
15.54.140	Accessibility
15.54.150	Disclosure
15.54.160	Registration Of Existing Shelters
15.54.170	Inspection
15.54.180	Enforcement

15.54.010 Definitions. For the purpose of this chapter the following terms, phrases, words and their derivations shall have the following meaning:

A) Mobile home: "Mobile home" means a residential structure assembled in total or in not more than three sections at a factory, and transported over the road by truck or temporary wheel carriage to its destination.

B) Mobile home space: "Mobile home space" means that area of land within a mobile home park set aside for use as a site for one mobile home, including the open spaces around the mobile home, as are required in this chapter.

C) Mobile home lot: "Mobile home lot" means exactly the same thing as "mobile home space."

D) Modular home: “Modular home” means a residential structure, assembled in total or in several sections at a factory, and transported over the road by truck to its destination. A modular home, as distinct from a mobile home, shall have exterior building materials and appearance similar to customary single family structures and shall be permanently situated on a concrete slab or foundation.

E) Mobile or modular home subdivision: “Mobile or modular home subdivision” means an area of land containing not less than sixty (60) lots, and the public streets necessary to serve such lots, the purpose of which is to convey in fee the individual lots for the location of mobile homes or modular homes in a permanent fashion.

F) Mobile home park: “Mobile home park” means a tract of land containing suitable drives, utilities and other supporting elements, and devoted to the sole purpose of accommodating mobile homes on a permanent or semi-permanent basis.

G) Tie down: “Tie down” means any device designed for the purpose of anchoring a mobile home to ground anchors.

H) Ground anchor: “Ground anchor” means any device designed to secure a mobile home to the ground.

15.54.020 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., unless such mobile home is secured to the ground on a permanent foundation.

15.54.030 Required storm sheltering for mobile home parks: From and after April 1, 1997, all newly-constructed mobile home parks or mobile home subdivisions are required to have storm shelters. Any mobile home park in existence prior to April 1, 1997, which is expanded to include additional acreage, will be required to construct approved storm shelters.

15.54.040 Resistive wind strength of storm shelters: Storm shelters shall protect their inhabitants from physical injury by 260 mile per hour tornado winds.

15.54.050 Total storm shelter space: Storm shelters shall provide at least 17.5 square feet of sheltered space for each mobile home lot.

15.54.060 Distance between shelters: A storm shelter must be within 600 feet walking distance of all mobile home park residents.

15.54.070 Multi-use of storm shelters: Storm shelters used as multi-purpose structures will be subject to all applicable building codes.

15.54.080 Dedicated storm shelters: Storm shelters dedicated to sheltering, used for no other purpose, and approved as such by the Olathe Department of Code Enforcement, shall be subject only to the special code requirements of dedicated storm shelters.

15.54.090 Provisions for persons with physical disabilities: Approved provision must be made for entry into and exit from the storm shelter by persons with physical disabilities. This provision will not exceed 5% of the residents of the mobile home park.

15.54.100 Ventilation: Shelters must have adequate ventilation in accordance with City building codes.

15.54.110 Utilities: Shelters must provide adequate lighting in accordance with City building codes. No utilities other than electrical will be allowed in a dedicated storm shelter.

15.54.120 Exits: Shelters must provide an approved number of exits. Unless otherwise specified, each shelter shall have a minimum of 2 exits. Exception: single family shelters may have one exit.

15.54.130 Restroom facilities: Restroom facilities are optional, but if provided must meet the following minimum requirements: (A) All water closets shall have running water, be in good working condition, be connected to a sewage disposal system in accordance with City codes, and afford privacy; and (B) a working lavatory shall be provided in the same room with the water closet.

15.54.140 Accessibility: Shelters must be accessible 24 hours a day. The mobile home park owner, or such owner's designated agent or representative, shall be responsible for making the storm shelter accessible and usable in times of need.

15.54.150 Disclosure: Mobile home parks which do not have approved storm sheltering must disclose orally and in writing in the sales or rental agreement that no sheltering is available in such park.

Mobile home parks which do have approved storm sheltering must disclose orally and in writing in the sales or rental agreement that sheltering is available. A map showing the location of the shelter(s) and policies for use shall be supplied to the applicant as part of the sales or rental agreement.

15.54.160 Registration of existing shelters: Every owner or operator or any mobile home park required to have storm sheltering shall submit a site plan and a written statement setting out the number of mobile home spaces in such park and a description of the existing shelter. This submission will be made upon application for a building permit.

15.54.170 Inspection: The building inspector is hereby authorized and directed to enforce all the provisions of this chapter.

15.54.180 Enforcement: The violation of any provisions of this chapter is a misdemeanor and any person, firm, association, partnership or corporation convicted thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) and the City shall further have the authority to maintain suits or actions in any court of competent jurisdiction for the purpose of enforcing any provisions of this chapter and to abate nuisances maintained in violation thereof. (Ord. 97-44 § 1, 1997.)

CHAPTER 15.57

MECHANICAL CODE

Sections:

15.57.010	Mechanical Code Adopted
15.57.020	Marked Copies on File
15.57.030	Section 106 Amended – Permits
15.57.040	Section 108 Amended – Violations and Penalties
15.57.050	Section 109 Amended – Means of Appeals
15.57.060	Conflicts
15.57.070	Liability
15.57.080	Separability
15.57.090	State Boiler Inspection
15.57.100	Code Official

15.57.010 Mechanical Code Adopted. The 2000 International Mechanical Code, save and except Section 103, published by the International Code Council, the Building Officials and Code Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California 90601-2298, and the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206, 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 15.57.030 through and including 15.57.100. (Ord. 01-78 § 1, 2001; Ord. 98-78 § 2, 1998; Ord. 93-26 § 1, 1993; Ord. 90-32 § 1, 1990; Ord. 86-126 § 1, 1986; Ord. 82-112 § 1, 1982; Ord. 915 § 2 (part), 1979.)

15.57.020 Marked Copies of Code on File. There shall be not fewer than three (3) copies of the code adopted by reference in Section 15.57.010 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. _____” 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 police 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. (Ord. 01-78 § 2, 2001; Ord. 98-78 § 2, 1998; Ord. 93-26 § 2, 1993; Ord. 90-32 § 2, 1990; Ord. 86-126 § 2, 1986; Ord. 82-112 § 2, 1982; Ord. 915 § 2 (part), 1979.)

15.57.030 Section 106 Amended – Permits. Section 106 of the International Mechanical Code entitled “Permits” is hereby amended to read as follows:

(a) Permits.

(1) It shall be unlawful for any person, firm or corporation to cause to be made any installation, alteration, repair, replacement or remodel any mechanical system regulated by this code, except as permitted in Subsection (c) of this section, without first obtaining a permit therefor.

(2) The permittee and the person doing the actual mechanical installation work do not have to be the same person. The actual mechanical installation shall be done by or supervised by a duly qualified and licensed mechanical installer as provided in Chapter 15.58 of the Olathe Municipal Code. Provided, however, that the bona fide owner of a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings and who resides in such dwelling, accessory buildings and quarters may install plumbing, gas or drainage piping within such dwelling, accessory buildings and quarters, without being licensed if he or she shall personally purchase all materials and shall personally perform all labor in connection therewith.

(3) Exempt Work. A mechanical permit will not be required for the following:

- (a) Any portable heating appliance, portable ventilating equipment, portable cooling unit or portable evaporative cooler.
- (b) Any closed system of steam, hot or chilled water piping within heating or cooling equipment regulated by this code.
- (c) Replacement of any component part or assembly of an appliance which does not alter its original approval and complies with other applicable requirements of this code.
- (d) Any refrigerating equipment which is part of the equipment for which a permit has been issued pursuant to the requirements of this code.
- (e) Any unit refrigerating system.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

(b) Application for permits.

(1) To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the code enforcement agency, for that purpose. Every such application shall:

- (a) Identify and describe the work to be covered by the permit for which application is made.
- (b) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
- (c) Indicate the use or occupancy for which the proposed work is intended.
- (d) Be accompanied by plans, diagrams, computations and specifications and other data as required in Subsection (b) of this section.
- (e) List the name, address and telephone number of the licensed mechanical installer or mechanical contractor who will perform the work.
- (f) Be signed by permittee or his authorized agent, who may be required to submit evidence to indicate such authority.
- (g) Give such other data and information as may be required by the building official.

(2) Plans and Specifications. Plans, engineering calculations, diagrams and other data shall be submitted in one or more sets with each application for a permit. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such.

Exception: The building official may waive the submission of plans, calculations or other data if he finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

(3) Information on Plans and Specifications. Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations.

(c) **Fees.** Permit fees for all applications shall be established by 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. (Ord. 11-31 § 1, 2011; Ord. 01-78 § 3, 2001; Ord. 98-78 § 2, 1998; Ord. 95-99 § 4, 1995; Ord. 93-26 § 3, 1993; Ord. 915 § 2 (part), 1979.)

Section 15.57.040 Section 108 Amended – Violations and Penalties. Section 15.57.040 of the International Mechanical Code entitled "Violations" is hereby amended to read as follows:

(a) **Unlawful Acts.** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain any mechanical systems or equipment or cause or permit the same to be done in violation of this code.

(b) **Notice of Violation.** 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 conviction of any such violation such person shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

(c) **Stop Work Orders.** Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than Two Hundred Dollars (\$200.00) or more than Five Hundred Dollars (\$500.00).

(d) **Unsafe Mechanical Systems.** A mechanical system that is unsafe, constitutes a fire or health hazard, or is otherwise dangerous to human life, as regulated by this code, is hereby declared as an unsafe mechanical system. Use of a mechanical system regulated by this code constituting a hazard to health, safety or welfare by reason of inadequate maintenance, dilapidation, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Such unsafe equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

(1) **Authority to condemn mechanical systems.** Whenever the code official determines that any mechanical system, or portion thereof, regulated by this code has become hazardous to life, health, property, or has become insanitary, the code official shall order in writing that such system either be removed or restored to a safe condition. A time limit for compliance with such order shall be specified in the written notice. A person shall not use or maintain a defective mechanical system after receiving such notice.

When such mechanical system is to be disconnected, written notice as prescribed in Section 108.2 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

(2) **Authority to order disconnection of energy sources.** The code official shall have the authority to order disconnection of energy sources supplied to a building, structure or mechanical system regulated by this code, when it is determined that the mechanical system or any portion thereof has become hazardous or unsafe. Written notice of such order to disconnect service and the causes therefor shall be given within 24 hours to the owner and occupant of such building, structure or premises, provided, however, that in cases of immediate danger to life or property, such disconnection shall be made immediately without such notice. Where energy sources are provided by a public utility, the code official shall immediately notify the serving utility in writing of the issuance of such order to disconnect.

(3) **Connection after order to disconnect.** A person shall not make energy source connections to mechanical systems regulated by this code which have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such mechanical systems. (Ord. 01-78 § 4, 2001; Ord. 98-78 § 2, 1998; Ord. 915 § 2 (part), 1979.)

15.57.050 Section 109 Amended – Means of Appeal. Section 109 of the International Mechanical Code entitled "Means of Appeal" is amended and changed to read as follows:

A Board of Code Review shall be created and shall act as a Board of Appeals in order to determine the suitability of alternate materials and methods of construction, to provide reasonable interpretations of the provisions of the code and to perform other such duties as defined in Chapter 2.74 of the Olathe Municipal Code. (Ord. 01-78 § 5, 2001; Ord. 98-78 § 2, 1998; Ord. 89-97 § 5, 1989; Ord. 915 § 2 (part), 1979.)

15.57.060 Conflicts. When conflicts between this code and the conditions of listing or the manufacturer's installation instructions occur, the building official shall make the final determination. (Ord. 01-78 § 6, 2001; Ord. 98-78 § 2, 1998; Ord. 915 § 2 (part), 1979.)

15.57.070 Liability. The requirements stated in this chapter 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 defective construction or installation. 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 installation. (Ord. 98-78 § 2, 1998; Ord. 915 § 2 (part), 1979.)

15.57.080 Separability. If any part or parts of this chapter shall be held to be invalid, such invalidity shall not affect the validity of the remaining parts of this chapter. The Governing Body hereby declares that it would have passed the remaining parts of this chapter if it had known that such part or parts thereof would be declared invalid. (Ord. 98-78 § 2, 1998; Ord. 915 § 2 (part), 1979.)

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

Exceptions:

- (1) Boilers serving individual dwelling units and their accessory structures.
- (2) Boilers serving apartment houses with less than five (5) families.
- (3) Pressure vessels that do not exceed 15 cubic feet and 250 psi. (Ord. 01-78 § 7, 2001.)

15.57.100 Code Official. The Chief Building Official or designee will be known as the “building official” or “code official” for the purposes of this chapter and will have the duty of enforcing provisions of this chapter. (Ord. 11-31 § 2, 2011; Ord. 01-78 § 8, 2001.)

CHAPTER 15.58. MECHANICAL CONTRACTORS. Repealed 12/4/01. (Ord. 92-63, § 3, 1992; Ord. 89-96 § 2, 1989; Ord. 83-94 § 1, 1983; Ord. 914 § 2 (part), 1979.)

CHAPTER 15.59

INTERNATIONAL FUEL GAS CODE

Sections:

15.59.010	Code Adopted
15.59.020	Marked Copies of Code on File
15.59.030	Code Official
15.59.040	Section 106 Amended – Permits
15.59.050	Section 108 Amended – Violations and Penalties
15.59.060	Section 109 Amended – Board of Appeals
15.59.070	Liability
15.59.080	Separability

15.59.010 Fuel Gas Code Adopted. The 2000 International Fuel Gas Code, save and except Section 103, published by the International Code Council, 5203 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, the Building Officials and Code Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, Illinois 60478-5795, the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California 90601-2298, and the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206, 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 15.59.040 through and including 15.59.080. (Ord. 01-79 § 1, 2001.)

15.59.020 Marked Copies of Code on File. There shall not be less than three (3) copies of the code adopted by reference in Section 15.59.010 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. _____" 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 police 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. (Ord. 01-79 § 1, 2001.)

15.59.030 Code Official. The Chief Building Official or designee will be known as the code official or building official for the purposes of this chapter and will have the duty of enforcing provisions of this chapter. (Ord. 11-32 § 1, 2011; Ord. 01-79 § 1, 2001.)

15.59.040 Section 106 Amended – Permits. Section 106 of the 2000 International Fuel Gas Code entitled "Permits" is hereby amended to read as follows:

A. Permits.

(1) It shall be unlawful for any person, firm or corporation to cause to be made any installation, alteration, repair, replacement or remodel any fuel gas systems regulated by this code, except as permitted in Subsection A (2) of this section, without first obtaining a permit therefor.

(2) The permittee and the person doing the actual fuel gas installation work do not have to be the same person, however, the actual fuel gas installation shall be done by or supervised by a duly qualified and licensed mechanical installer as provided by 15.58 of the Olathe Municipal Code and/or plumber as provided in Charter Ordinances Nos. 16 and 18 of the Olathe Municipal Code. Provided, however, that the bona fide owner of a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings and who resides in such dwelling, accessory buildings and quarters may install plumbing, gas or drainage piping within such dwelling, accessory buildings and quarters, without being licensed if he or she shall personally purchase all materials and shall personally perform all labor in connection therewith.

(3) Exempt Work. A fuel gas permit will not be required for the following:

(a) Any portable heating appliance, portable ventilating equipment, portable cooling unit or portable evaporative cooler.

(b) Replacement of any component part or assembly of an appliance which does not alter its original approval and complies with other applicable requirements of this code or does not make such equipment unsafe.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

B. Application for permits.

(1) To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the code enforcement agency, for that purpose. Every such application shall:

(a) Identify and describe the work to be covered by the permit for which application is made.

(b) Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.

(c) Indicate the use or occupancy for which the proposed work is intended.

(d) Be accompanied by plans, diagrams, computations and specifications and other data as required in Subsection (b) of this section.

(e) List the name, address and telephone number of the licensed fuel gas installer or contractor who will perform the work.

(f) Be signed by permittee or his authorized agent, who may be required to submit evidence to indicate such authority.

(g) Give such other data and information as may be required by the building official.

(2) Plans and specifications. Plans, engineering calculations, diagrams and other data shall be submitted in one or more sets with each application for a permit. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such.

Exception: The building official may waive the submission of plans, calculations or other data if he finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

(3) Information on Plans and Specifications. Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations.

C. Fees. Permit fees for all applications shall be established by 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. (Ord. 11-32 § 2, 2011; Ord. 01-79 § 1, 2001.)

15.59.050 Section 108 Amended – Violations and Penalties. Section 15.59.060 of the 2000 International Fuel Gas Code entitled "Violations" is hereby amended to read as follows:

A. Unlawful Acts. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain any fuel gas systems or equipment or cause or permit the same to be done in violation of this code.

B. Notice of Violation. 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 conviction of any such violation such person shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

C. Stop Work Orders. Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than Two Hundred Dollars (\$200.00) or more than Five Hundred Dollars (\$500.00).

D. Unsafe Fuel Gas Systems. A fuel gas system that is unsafe, constitutes a fire or health hazard, or is otherwise dangerous to human life, as regulated by this code, is hereby declared as an unsafe fuel gas system. Use of a fuel gas system regulated by this code constituting a hazard to health, safety or welfare by reason of inadequate maintenance, dilapidation, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Such unsafe equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

(1) **Authority to condemn fuel gas systems.** Whenever the code official determines that any fuel gas system, or portion thereof, regulated by this code has become hazardous to life, health, property, or has become insanitary, the code official shall order in writing that such system either be removed or restored to a safe condition. A time limit for compliance with such order shall be specified in the written notice. A person shall not use or maintain a defective fuel gas system after receiving such notice.

When such fuel gas system is to be disconnected, written notice as prescribed in subsection D (2) of this section shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

(2) **Authority to order disconnection of energy sources.** The code official shall have the authority to order disconnection of energy sources supplied to a building, structure or fuel gas system regulated by this code, when it is determined that the fuel gas system or any portion thereof has become hazardous or unsafe. Written notice of such order to disconnect service and the causes therefor shall be given within 24 hours to the owner and occupant of such building, structure or premises, provided, however, that in cases of immediate danger to life or property, such disconnection shall be made immediately without such notice. Where energy sources are provided by a public utility, the code official shall immediately notify the serving utility in writing of the issuance of such order to disconnect.

(3) **Connection after order to disconnect.** A person shall not make energy source connections to fuel gas systems regulated by this code which have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such fuel gas systems. (Ord. 01-79 § 1, 2001.)

15.59.060 Section 109 Amended – Means of Appeal. Section 109 of the 2000 International Fuel Gas Code entitled “Means of Appeal” is hereby amended to read as follows:

Section 109 Amended – Means of Appeal. A Board of Code Review shall be created and shall act as a Board of Appeals in order to determine the suitability of alternate materials and methods of construction, to provide reasonable interpretations of the provisions of the code and to perform other such duties as defined in Chapter 2.74 of the Olathe Municipal Code. (Ord. 01-79 § 1, 2001.)

15.59.070 Liability. The requirements stated in this chapter 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 defective construction or installation. 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 installation. (Ord. 01-79 § 1, 2001.)

15.59.080 Separability. If any part or parts of this chapter shall be held to be invalid, such invalidity shall not affect the validity of the remaining parts of this chapter. The Governing Body hereby declares that it would have passed the remaining parts of this chapter if it had known that such part or parts thereof would be declared invalid. (Ord. 01-79 § 1, 2001.)

CHAPTER 15.60

CONTRACTOR LICENSING AND PERMITS

Section:

15.60.010	County Contractor License – Required
15.60.020	Permit Requirements
15.60.030	License Display
15.60.040	Liability
15.60.050	Separability

15.60.010 County contractor License. It shall be unlawful for any person, firm, corporation, association, or combination thereof to engage in work as a contractor in the city without first having received a contractor license issued by Johnson County, Kansas in conformance with the Contractor Licensing Regulations and Johnson County Resolution 058-01. (Ord. 01-115, § 1, 2001.)

15.60.020 Permit Requirements. Any person, firm, corporation, co-partnership, association or combination thereof seeking any city of Olathe permit required by Title 15, Building Construction shall be required to be licensed by Johnson County, Kansas in accordance with the Contractor Licensing Regulations and Johnson County Resolution 058-01 prior to issuance of a city permit. (Ord. 01-115, § 1, 2001.)

15.60.030 License – Display. Every person, firm corporation, co-partnership, association or combination thereof doing any work in the city as a contractor shall, upon request of any officer of the city show or produce his/her county contractor license. (Ord. 01-115, § 1, 2001.)

15.60.040 Liability. The requirements stated in the chapter 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 defective construction or installation. 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 installation. (Ord. 01-115, § 1, 2001.)

15.60.050 Separability. If any part or parts of this chapter shall be held to be invalid such invalidity shall not effect the vailidity of the remaining parts of this chapter. The Governing Body hereby delcares that it would have passed the remaining parts of this chapter if it had known that such part or parts thereof would be declared invalid. (Ord. 01-115, § 1, 2001.)

NOTE: Chapter 15.60 previously existed as Underground Utilities and was repealed 10/20/92. (Ord. 92-52, § 3, 1992; Ord. 82-120 § 1, 1982; Ord. 81-06 § 1 (part), 1981.)

CHAPTER 15.61

OLATHE STREET NAMING AND NUMBERING ORDINANCE

Sections:

15.61.010	Definitions
15.61.020	Assignment of Street Names to New or Unnamed Streets
15.61.030	Assignment of Primary Address Numbers to New or Unnamed Streets
15.61.040	Changes to Existing Primary Address Numbers
15.61.050	Changes to Existing Street Names
15.61.060	Official Street File

15.61.010 Definitions.

DIRECTIONAL means any of the four basic compass directions, abbreviated as follows: N, S, E, or W. If a predirectional is used, it is the first element of a street name.

PRIMARY ADDRESS NUMBER means the number assigned to a particular structure of property.

ROOT STREET NAME means all parts of a street name except the street type and, where applicable, the directional. Components of the root street name, including compass directions and street types that are part of the root, are never abbreviated. Numeric root names are an exception; they are always presented as numeric abbreviations except when they must be spelled out to be distinguished from nearby streets with duplicate names.

SECONDARY ADDRESS UNIT means a designation of a particular subunit within a structure identified by a primary address number and street name. The secondary address unit consists of a designator presented as a standard abbreviation followed by a secondary address range of alphanumeric characters.

SITE ADDRESS means all elements necessary to identify a location in a given city; a site address consists of a primary address number, a street name and, in some cases, a secondary address unit.

STREET NAME means the full name of a street, which includes the following elements: a root street name, a street type, and, in some cases, a directional.

STREET TYPE means a road or street type presented as a standard abbreviation following the root street name. The street type is the last element of the street name. Street types that occur in any other position are actually components of the root street name.

15.61.020 Assignment of Street Names to New or Unnamed Streets. The City of Olathe Addressing Technician shall review all site plans prior to approval by the Olathe Planning Commission and shall review all plats prior to their being recorded. Street names are critical elements of site plans and plats; street names on approved site plans and plats may not be changed in any way without the written approval of the City of Olathe Addressing Technician. Site plans and plats must contain all proposed street names (including directionals and street type) and should conform to the City of Olathe Addressing Guidelines, which are on file at the GIS Division and are hereby adopted for use in the City of Olathe.

A. For the area designated as the Historic Olathe Addressing Grid:

1. The Historic Olathe Addressing Grid is hereby bounded by North/South Lakeshore Drive on the west, West 159th Street on the south, and South Renner Road and North/South Mur-Len Road on the east, and on the north by West 127th Street between North Lakeshore Drive and North K-7, West Harold Street between North K-7 and Northgate Street, Northgate Street between West Harold Street and West 119th Street, and West 119th Street between Northgate Street and South Renner Road.

2. The street name, if it is contained within the area known as the Historic Olathe Addressing Grid, must conform to the established name in the Historic Olathe Hundred Block Street Name Index.

B. For the area outside of the Historic Olathe Addressing Grid:

1. The street name, if it is outside of the area known as the Historic Olathe Addressing Grid, must conform to the established name in the Johnson County Hundred Block Street Name Index.

C. For street names deviating from the Johnson County Hundred Block Street Name Index:

1. The GIS Division shall approve only those street names that meet the following guidelines for clarity and uniqueness. The root street name is spelled and pronounced differently than any other street name in any part of Johnson County, Kansas. The City of Olathe Addressing Technician may submit written proposals of new street names to the Johnson County AIMS Division, which may assist the City of Olathe Addressing Technician in determining uniqueness. Immediately prior to determining the uniqueness of a street name, the City of Olathe Addressing Technician shall request a recent copy of reserved street names from the Johnson County AIMS Department. The City of Olathe Addressing Technician shall forward all newly assigned street names to the Johnson County AIMS Department so that they can be added to the list of reserved street names.

15.61.030 Assignment of Primary Address Numbers to New or Unnumbered Streets. New primary address numbers shall be assigned by the City of Olathe Addressing Technician. The City of Olathe Addressing Technician shall assign numbers according to the City of Olathe Addressing Guidelines. All site plans must include such dimensions and references to section lines as are necessary to calculate primary address numbers in accordance with the City of Olathe Addressing Guidelines.

15.61.040 Changes to Existing Primary Address Numbers. As far as possible, changes to primary address numbers shall be consistent with the City of Olathe Addressing Guidelines, which are on file at the GIS Division. Changes to primary address numbers will be considered should any of the following conditions exist:

A. The existing range of numbers overlaps an address range on a street in Johnson County, Kansas that has an identical or phonetically similar name.

B. Old primary address numbers are no longer applicable because the topography has changed due to redevelopment.

C. The existing numbers hinder the ability to locate the property or structure based on the assigned address.

The City of Olathe shall give written notice of a change in primary address numbers to the owners or occupants of the affected properties or buildings. Said notice shall contain the new primary address numbers and shall direct the owners or occupants to post the newly assigned numbers in a manner that complies with the provisions of the City of Olathe Building and Fire Codes. Said notice shall contain an explanation of the importance of displaying accurate primary address numbers and shall inform the owners that they have a grace period of ninety (90) days to post the newly assigned numbers. Failure to post newly assigned numbers within said ninety (90) day grace period shall constitute a violation of the City of Olathe Building and Fire Codes and shall be punishable according to the provisions therein.

15.61.050 Changes to Existing Street Names. Applications for street name changes may be submitted by the City of Olathe Addressing Technician or by anyone owning property on the street involved to the GIS Manager. An application for a street name change must contain:

A. A survey showing the exact location of the street/easement;

B. A map showing the locations and correct names of all streets within a five (5) mile radius of the proposed change;

C. An explanation, based on this Section of this Ordinance, of why the change should be considered; and

D. Verification of the uniqueness of the proposed new name, according to the guidelines in Section 15.61.040, by the City of Olathe Addressing Technician or the Johnson County AIMS Department.

Applications made by property owners must also contain either:

A. An endorsement by the City of Olathe Addressing Technician; or

B. A petition or other demonstrative form of approval by all other property owners on the street/easement.

The GIS Manager shall consider applications for changes to street names based on one or more conditions:

A. A street is unnamed.

B. A street name is identical or phonetically similar to one or more other street names within Johnson County, Kansas and the ranges of address numbers on these streets overlap or are likely to overlap with continued growth, and the elimination of these overlaps through renumbering is impractical or infeasible.

C. A street name is identical or phonetically similar to one or more other street names within Johnson County, Kansas, and unique ranges of address numbers are insufficient to mitigate the negative impacts on public health, safety, general welfare and convenience.

D. A contiguous street bears more than one name along its course.

E. The proposed change is demonstrated to be in the best interest of the community.

Changes to existing street names must be adopted by ordinance and approved by the City Council.

15.61.060 Official Street File. The GIS Division will maintain a Master Address database, which is hereby adopted as the official street and address file for the City of Olathe. Changes to street names, address ranges and addresses shall become official upon being posted to the Master Address database. (Ord. 03-75 § 1, 2003.)