

Members of the Governing Body will participate by video call-in only due to the COVID19 pandemic. The public will be able to view the meeting at <https://www.facebook.com/CityofPrairieVillage>

**COUNCIL MEETING AGENDA
CITY OF PRAIRIE VILLAGE
Council Chambers
Monday, March 01, 2021
6:00 PM**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PLEDGE OF ALLEGIANCE**
- IV. APPROVAL OF THE AGENDA**
- V. PRESENTATIONS**

COVID Heroes Week proclamation

VI. PUBLIC PARTICIPATION

If you would like to speak live during the public participation portion of the meeting, please notify City Clerk Adam Geffert at ageffert@pvkansas.com, and provide your name, address, and email address prior to 3 p.m. on March 1. The City will provide you with a link to join the meeting and will call on those who signed up to speak for up to 3 minutes once public participation begins.

To submit written comment to Council, please email ageffert@pvkansas.com prior to 3 p.m. on March 1 to be shared with Councilmembers prior to the meeting.

VII. CONSENT AGENDA

All items listed below are considered to be routine by the Governing Body and will be enacted by one motion (Roll Call Vote). There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the regular agenda.

By Staff

1. Approval of regular City Council meeting minutes - February 16, 2021
2. Consider appointment of committee members

VIII. COMMITTEE REPORTS

IX. MAYOR'S REPORT

X. STAFF REPORTS

XI. OLD BUSINESS

XII. NEW BUSINESS

COU2021-26 Consider approval of short-term special use permit for classic car show at Meadowbrook Park on April 10, 2021
Adam Geffert / Wes Jordan

COU2021-22 Consider addendum to the Renewables Direct participation agreement with Evergy
Rebecca Galati / Kevin Brannan

COU2021-25 Approve adoption of the ICC 2018 Building Codes
Jamie Robichaud / Mitch Dringman

XIII. COUNCIL COMMITTEE OF THE WHOLE (Council President presiding)

2022 Budget - goals and objectives
Nickie Lee / Wes Jordan

COU2021-27 Consider the contract agreement with Lexipol for Police Department policy manual management
Chief Roberson

XIV. ANNOUNCEMENTS

XV. ADJOURNMENT

If any individual requires special accommodations - for example, qualified interpreter, large print, reader, etc., please notify the City Clerk at 385-4616, no later than 48 hours prior to the beginning of the meeting. If you are unable to attend this meeting, comments may be received by e-mail at cityclerk@pvkansas.com.

CITY OF PRAIRIE VILLAGE

Proclamation

COVID Heroes Week

March 7 through 13, 2021

Whereas, Prairie Village, Kansas, like other communities across this great nation, has dealt with and continues to endure the impact of COVID-19; and

Whereas, many of us have either been infected or known someone who was who was infected with COVID-19; and

Whereas, individuals, corporations, and organizations have provided humanitarian assistance to ease the pain and burden of people and families due to COVID-19, including record donations to the Prairie Village Foundation to provide utility, food, rent assistance, and more to aid their neighbors in need; and

Whereas, health care professionals, educators, grocery store employees, restaurant staff, delivery drivers, police officers, firefighters, paramedics, public works, public servants, and so many others have worked continuously, and have taken extraordinary steps to ensure the health and safety of the entire community and provide essential services; and

Whereas, our community is built upon those who have made this City “The Star of Kansas;” and

Whereas, the Governing Body of Prairie Village would like to express appreciation and gratitude to the exceptional citizens who have made such positive impact on our City during this historic pandemic;

Now, therefore, I, Eric Mikkelsen, Mayor of the City of Prairie Village, do hereby designate the week of

March 7 through 13, 2021 as “COVID Heroes Week”

in The City of Prairie Village, and I urge all citizens to take time to thank those for their selfless commitment and determination to comfort, serve, and ensure our wellbeing.

Mayor Eric Mikkelsen

Adam Geffert, City Clerk



**CITY COUNCIL
CITY OF PRAIRIE VILLAGE
FEBRUARY 16, 2021**

The City Council of Prairie Village, Kansas, met in regular session on Tuesday, February 16, 2021, at 6:00 p.m. Due to the COVID-19 pandemic, Councilmembers attended a virtual meeting via the Zoom software platform. Mayor Mikkelson presided.

ROLL CALL

Roll was called by the Deputy City Clerk with the following Councilmembers in attendance remotely via Zoom: Chad Herring, Jori Nelson, Inga Selders, Ron Nelson, Tucker Poling, Bonnie Limbird, Sheila Meyers, Piper Reimer, Dan Runion, Courtney McFadden, Ian Graves and Terrence Gallagher. Staff present via Zoom: Byron Roberson, Chief of Police; Keith Bredehoeft, Director of Public Works; City Attorney David Waters, attorney with Lathrop & Gage; Wes Jordan, City Administrator; Jamie Robichaud, Deputy City Administrator; Meghan Buom, Assistant City Administrator; Tim Schwartzkopf, Assistant City Administrator; Nickie Lee, Finance Director; Mitch Dringman, Building Official; Ashley Freburg, Deputy City Clerk.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mayor Mikkelson reported that representatives from Evergy were unavailable to present; therefore, the addendum to the Renewables Direct participation agreement with Evergy would be removed from the agenda and considered during a future meeting.

Mrs. McFadden made a motion to approve the agenda for February 16, 2021. Mrs. Myers seconded the motion, which passed 12-0.

PUBLIC PARTICIPATION

No requests to address the Council were received.

CONSENT AGENDA

Mayor Mikkelson asked if there were any items to remove from the consent agenda for discussion.

1. Approval of regular City Council meeting minutes - February 1, 2021
2. Approval of Expenditure Ordinance #2999
3. Consider appointment of committee members
4. Consider approval of the 2021 agreements with Johnson County Park and Recreation District
5. Consider interlocal agreement with Kansas City, Missouri for Project STST0001: State Line Road - 71st Street to 75th Street
6. Consider 2021 recreation fee schedule

Mrs. McFadden made a motion to approve all items on the consent agenda with the exception of item #3. A roll call vote was taken with the following votes cast: “aye”: Herring, J. Nelson, Selders, R. Nelson, Poling, Limbird, Myers, Reimer, Runion, McFadden, Graves, Gallagher. The motion passed 12-0.

Mrs. Myers asked why some of the Diversity Committee members are appointed to one-year terms and others are appointed to two-year terms. Mayor Mikkelson explained that the difference is intended to stagger committee appointments to prevent the entire committee from being up for reappointment at the same time.

Mrs. Myers also asked how many terms each of the Planning Commission members up for reappointment had served, adding that she thought the majority of the current members represent Ward 5.

Mayor Mikkelson stated that the Planning Commission has seven members and is a highly technical committee that requires members with expertise as much as geographic location.

Ms. Nelson stated there are some Planning Commissioners who have served well over a decade and that it is important to have a new point of view.

Mr. Runion asked about tabling the appointments for the evening. He requested a breakdown of the appointments by ward as well as their tenures.

Ms. Robichaud shared the appointment dates and wards for each Planning Commission member.

Mr. Gallagher asked whether there were additional applicants to the Diversity Committee. Mayor Mikkelson stated there would be two additional appointments at the next Council meeting.

Ms. Limbird made a motion to approve item #3. The motion was seconded by Mr. Graves. After further discussion, a roll call vote was taken with the following votes cast: “aye”: Herring, Selders, R. Nelson, Poling, Limbird, Reimer, McFadden, Graves, Gallagher: “nay”: J. Nelson, Myers, Runion. The motion passed 9-3.

COMMITTEE REPORTS

- Mr. Herring reported that the Tree Board met this month and approved minutes from November. He said the board continues to appreciate the work of the Council in advancing a tree protection ordinance. The Tree Board spent some time discussing Arbor Day and City communications and has another meeting March 3.
- Ms. Limbird reported that the Arts Council had a virtual violin concert February 15 via Facebook Live called ‘My Patriotic Valentine’ and featuring a local violinist. The recording is available on Facebook. The Art of Photography call for entries is open now. A longtime member has stepped down from Arts Council, so there will be a

new appointment soon. Ms. Limbird requested a Roberts Rules training session for council members.

- Ms. Myers requested that staff consider adding committee members' appointment dates and ward information to the website.

MAYOR'S REPORT

- The Mayor provided an update on the COVID-19 pandemic, noting that vaccinations had now reached approximately 50,000 arms compared to 30,000 last meeting. Johnson County is still in Phase 2, (65+, emergency and pandemic responders, health care workers, long-term senior care facility staff and residents.) Those who qualify can fill out a survey online at jocogov.org to express interest in the vaccine. The Mayor noted positive trends in Prairie Village, stating that the percent positive fourteen-day moving average is down to 5.1% today, compared to 7.6% at the last meeting.
- Mayor Mikkelson stated he would not be asking Council for an extension of the local emergency health declaration that expired February 16, 2021.
- The Mayor thanked and congratulated Sgt. Joel Colletti, who retired after 20 years of service to the Police Department.
- Mayor Mikkelson provided a legislative update, reminding Council Members of the weekly updates sent by Stuart Little's legislative group and commented on pending legislation. He reported that all state legislators representing Prairie Village were on a Zoom call February 4 where the City's legislative platform was discussed.
- Mayor Mikkelson commented on the construction of the new Public Works facility being constructed for LEED platinum certification. Work is on schedule to be completed in early fall.
- Mayor Mikkelson thanked Public Works crews for working nights and weekends, keeping roads in Prairie Village safe. He extended gratitude to the Police Department as well.
- United Community Services has published its housing study.
- Mayor Mikkelson and Finance Director Nickie Lee will meet with the Johnson County Appraiser in the coming month. Property values have seen another increase in Prairie Village, which remains a strong market for homes and businesses.
- The City has received the Government Finance Officers Association's certificate of excellence in Financial Reporting.
- Stand Up for Black Lives + Prairie Village and the Johnson County NAACP will host a virtual Black History Month celebration Thursday, Feb. 25 virtual from 6:30 -7:30 p.m. Chief Roberson will be recognized during the event.

- Prairie Village won the Voter-to-Voter City competition, registering a high number of voters under the leadership of Ms. Limbird.
- The Mayors' Prayer Breakfast will be held virtually February 17.

STAFF REPORTS

- Mr. Jordan shared updates from Evergy regarding rolling blackouts that were implemented February 15 because of the arctic blast and resulting strain on the power grid in the Southwest Power Pool.
- Mr. Jordan reported that Amanda Stanley from the League of Kansas Municipalities is recording a training video on the Kansas Open Meetings Act. The video will be used as orientation for new committee members as well as Council Members and staff to ensure everyone receives consistent training. Staff is working on training on the Council Policy as well.
- Chief Roberson participated in an interview with KSHB for a piece on achievements of African Americans in Kansas City. The piece will air Thursday, February 18. On March 5, he will participate in a panel discussing various issues affecting African Americans in policing as well as issues in policing in general. The panel is led by Kansas City Tomorrow.
- Mr. Schwartzkopf reported that two warming centers are listed on the Johnson County Emergency Management website. One is the Salvation Army in Olathe. The other is the Merriam Community Center. There's also a warming bus at the transit center in Mission.
- Mr. Bredehoeft expressed his appreciation for the Public Works crews. He stated there has been a lot of weekend work, and many modified plans. He asked residents for their patience.

OLD BUSINESS

There was no old business to come before the Council.

NEW BUSINESS

Staff provided an update on deed restriction research.

Mr. Schwartzkopf summarized that the Prairie Village Homes Association has met their obligations within state statute and said there is nothing in state statute that would allow the City to modify any existing legal records at the county. A comprehensive summary is listed in the council packet.

Mr. Waters said that when the Prairie Village Homes Association took action it was recorded properly.

**COU2021-23 Consider design agreement with Affinis Corp. for the design of
MIRD0007 - Mission Road at 68th Street flood control project**

Mr. Bredehoeft reported a preliminary study had been done in the past. The City is moving forward with the design this year for construction next year. He described the project and explained there would be one final contract later in the year.

Ms. Nelson made a motion to approve the design agreement with Affinis Corp. for the design of MIRD0007 - Mission Road at 68th Street flood control project. Mr. Herring seconded the motion, which passed 12-0.

**COU2021-24 Consider traffic calming on Belinder Avenue from 71st Street to 75th
Street**

Mr. Bredehoeft said he has been working through the traffic calming process with the residents on Belinder Avenue. This is a resident-driven process. At this time, the request is for two speed display signs, with the potential for neckdowns to be added later.

Mr. Poling made a motion to approve traffic calming measures on Belinder Avenue from 71st Street to 75th Street. Ms. Limbird seconded the motion which passed 12-0.

COUNCIL COMMITTEE OF THE WHOLE

Ms. Lee presented the 2022 budget calendar.

She stated that it is important to make budget decisions early due to pending legislation. The first important discussion will be at the Council meeting on March 1 with the discussion of the goals and objectives. Once a month through the spring and summer there will be important decision-making meetings. Decision packages will be built into the budget process this year.

Ms. Limbird made a motion to approve the 2022 budget calendar. Mrs. Myers seconded the motion, which passed 12-0.

COU2021-25 Discuss adoption of the ICC 2018 Building Codes

Ms. Robichaud explained the building code adoption process. The City historically adopts new building codes every six years, a cycle staff recommends continuing. Mr. Dringman explained the technical aspect of the code. Ms. Robichaud then explained other recommended changes that were specific to Prairie Village.

Ms. Nelson stated the City is a leader in the community in regard to environmental initiatives. She stated the city has an opportunity to be a leader in building code standards and spoke of the efficiency standards in the ICC 2021 Building Codes. She suggested inviting Jeremy Knoll, associate principal of BNIM Architects and recent chair of US Green Building Council to speak about the differences between the 2018 codes and the 2021 codes before a decision is made.

Mr. Poling asked whether the Environmental Committee had reviewed the building code recommendations. The Climate Action KC playbook recommends adopting the International Green Construction Code. Mr. Dringman stated adopting the ICC codes does not preclude the Council from adopting another code in the future. Ms. Robichaud stated that staff made the decision to bring the building code discussion directly to the City Council rather than funneling it through each committee that may weigh in.

Mrs. McFadden stated that the ICC 2018 Codes would address several common resident complaints that are not currently addressed in City Code.

Ms. Robichaud clarified that adopting the 2018 code would not prevent the council from adopting the 2021 code in a year after staff has had time to research. She also stated that tabling adoption of new building codes would leave the 2012 codes in place.

Ms. Nelson made a motion to table the discussion. Mr. Poling/Mr. Runion seconded the motion. After further discussion, a vote was taken with the following votes cast: "aye": J. Nelson, Poling, Reimer, Runion; "nay": Herring, Selders, R. Nelson, Limbird, Myers, McFadden, Graves, Gallagher. The motion failed 4-8.

(Mr. Poling seconded the motion before Mrs. McFadden asked Mr. Waters a question about procedure. Mr. Runion seconded afterward.)

Mr. Gallagher made a motion to move forward with the ICC 2018 Building Codes to City Council for approval and adoption. Ms. Selders seconded the motion. After further discussion a vote was taken with the following votes cast: "aye": Herring, Selders, R. Nelson, Limbird, Myers, McFadden, Graves, Gallagher; "nay": J. Nelson, Poling, Reimer, Runion; "nay": The motion passed 8-4.

Mr. Runion made a motion to direct staff to contact the individual Ms. Nelson had spoken to or other experts who are already up to speed in the ICC 2021 code to provide a Cliff's Notes version of the material differences between 2018 and 2021 with emphasis on energy conservation. Mr. Poling seconded the motion. After further discussion, the motion passed 12-0.

Discuss the 2021 pool reopening plan

Ms. Buum discussed plans to safely operate the pool complex in 2021 amidst the COVID-19 pandemic. She stated there are two categories of modifications, those to the physical

environment of the pool, including capacity, signage, rules, configuration of the deck, and those to pool staffing and training. Ms. Buum said that pool rentals and the superpass would not be available in 2021. She also noted that recruitment of pool staff is currently underway and discussed training modifications.

Mr. Herring moved that the City Council end the Council Committee of the Whole portion of the meeting. The motion was seconded by Ms. Nelson and passed 12-0.

ANNOUNCEMENTS

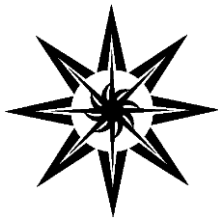
Announcements were included in the Council meeting packet.

ADJOURNMENT

Mr. Poling made a motion to adjourn the meeting. The motion was seconded by Mr. Nelson, and passed 12-0.

Mayor Mikkelsen declared the meeting adjourned at 8:58 p.m.

Ashley Freburg
Deputy City Clerk



MAYOR

**Council Meeting Date: March 1, 2021
CONSENT AGENDA**

Consider appointment of committee members

RECOMMENDATION

Mayor Mikkelson requests Council ratification of the appointment/reappointment of the following individuals:

Committee	First Name	Last Name	Term	New/Reappoint
Parks and Recreation	Lauren	Ozburn	2021-23	New
Parks and Recreation	Diane	Mares	2021-23	Reappointment
Parks and Recreation	Jerry	Loneragan	2021-23	Reappointment
Parks and Recreation	Carey	Bickford	2021-23	Reappointment
Parks and Recreation	Matthew	Moeder	2021-23	Reappointment
Arts Council	Karin	Jones	2021-23	New
Arts Council	Shelly	Trewolla	2021-23	Reappointment
Arts Council	Sheila	Evans	2021-23	Reappointment
Arts Council	Julie	Hassel	2021-22	Reappointment
Arts Council	Kathy	Clark	2021-23	Reappointment
Arts Council	Maddie	Kamphaus	2021-23	Reappointment
Arts Council	Nancy	Maxwell	2021-23	Reappointment
Civil Service Commission	George	Williams	2021-23	New
Civil Service Commission	Brodie	Hermann	2021-23	New (Alternate)
Environmental Committee	Laura	Lyons	2021-22	New
Environmental Committee	Magda	Born	2021-23	Reappointment
Environmental Committee	Margaret	Thomas	2021-23	Reappointment
Environmental Committee	Beth	Held	2021-23	Reappointment
Environmental Committee	Fred	Grunwald	2021-23	Reappointment
Environmental Committee	Penny	Mahon	2021-23	Reappointment
Environmental Committee	Nathan	Kovac	2021-22	Reappointment

BACKGROUND

The individuals listed above have expressed interest in service on the indicated Prairie Village committees. Committee Chairs and staff have reviewed all

applications, met with the individuals and desire to have these committee members appointed. New volunteer applications are attached.

ATTACHMENTS

Volunteer Applications

PREPARED BY

Adam Geffert
City Clerk

Date: February 23, 2021



City of Prairie Village APPLICATION TO VOLUNTEER

Please complete this form and return it to the City Clerk's Office, 7700 Mission Road, Prairie Village, Kansas 66208. If you have any questions, please contact the City Clerk's Office at 913-381-6464 or send an e-mail to cityclerk@pvkansas.com.

Name Lauren Ozburn Spouse's Name _____
Address 7753 Roe, Prairie Village Zip 66208 Ward _____
Telephone: Home 913-636-3511 Work 913-438-4338 Fax _____
E-mail lauren.ozburn@gmail.com Other Number(s): _____
Business Affiliation Consultant - Waters Edge Aquatic Design
Business Address 11205 W. 79th St, Lenexa, KS 66214
What Committee(s) interests you? Park & Recreation Committee

Please tell us about yourself, listing any special skills or experiences you have which would qualify you for a volunteer with the City of Prairie Village.

Parks and recreation has been my field of choice for over 20 years, both in a part-time and full-time capacity. I began my journey with the City of Overland Park as a Lifeguard, and continued as a Head Lifeguard, Pool Manager, Swim Lesson Instructor and Coordinator, and Assistant Building Supervisor at Matt Ross Community Center. In 2009, I became the Aquatics/Recreation Supervisor for the City of Bonner Springs, KS. Here, I operated the Bonner Springs Aquatic Park and oversaw recreational programs. In 2017 I joined the parks and recreation team with the City of Lenexa as the Recreation Supervisor - Aquatics, where I supervised and operated the city's three outdoor pools and indoor pool and the Lenexa Rec Center, and assisted with various recreational programs and events. I am currently the Operations Analyst for Waters Edge Aquatic Design, an aquatics engineering and design firm, where I coordinate planning projects, studies, public engagement, and business development for aquatic facilities. I am currently the outgoing Kansas Recreation Parks and Recreation (KRPA) - Aquatics Branch Chair and am a part of the Kansas City Metro Aquatics Council (KCMA) Leadership Team.

I am submitting my application for the Park & Recreation Committee because I am interested in serving my Prairie Village community through contributing to the development of the city's parks and recreational services. These services are integral to the growth of positive and enriching communities, which occurs through the investment in their citizens. My household commonly visits Porter Park and I grew up going to the Prairie Village Pool (where I have fond memories of cartoon characters joining me for my swim from the bottom of the pool). I have spent more time at the Prairie Village Pool and the parks, and although I may be a little late to start soccer or skateboarding, I look forward to continuing to get to know the parks system and the special events offered. It is for these reasons I am looking to get involved with the City's Park & Recreation Committee.

I would be more than happy to share my resume if that is preferred or desired.

Thank you for your interest in serving our community.

* Full Name
Karin Jones

* Full Address
7709 Rosewood Dr
Prairie Village KS 66208

* **Email**
karinarlene@gmail.com

* Phone
(913) 217-5852

* Select your City Ward
Ward 5

* **Please select your FIRST committee choice**
Arts Council

* **Please select your SECOND committee choice**
Civil Service Board

* **Please select your THIRD committee choice**
Environmental Committee

* **Please tell us about yourself, listing any special skills or experiences you have.**
Former museum curator and administrator (2005-2016), MA in art history, certified Project manager. Resident of Village since 2004.

Submission #	760653
IP Address	72.135.19.250
Submission Recorded On	02/02/2021 4:50 PM
Time to Take Survey	41 minutes, 13 seconds

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Full Name

George Russell Williams

Full Address

7801 Colonial Drive
Kansas Prairie Village 66208

***Email**

grwphd@gmail.com

Phone

(913) 558-9607

Select your City Ward ?

Ward 3

***Please select your FIRST committee choice** ?

Civil Service Board

***Please tell us about yourself, listing any special skills or experiences you have.**

• Executive director level leadership experience • Diversity, Equity and Inclusion development and training curricula • Nationally recognized relationship expert consultant • Professional public speaker, presenter • Authored fourteen curricula and training programs and a contributing author to, Why Fathers Count • Wrote, evaluated and managed grants and contracts • Programmer/Analyst software development • Proficient in Microsoft Office, Adobe Photoshop and HTML5 • Type 60 words per minutes

* Full Name
Ms. Laura Lyons

* Full Address
2012 West 71st Street
Prairie Village KS 66208

* **Email**
lh554@yahoo.com

* Phone
(913) 481-5656

* Select your City Ward
Ward 3

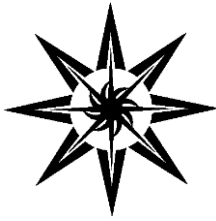
* **Please select your FIRST committee choice**
Environmental Committee

* **Please select your SECOND committee choice**
Civil Service Board

* **Please select your THIRD committee choice**
Planning Commission

* **Please tell us about yourself, listing any special skills or experiences you have.**

My name is Laura and I am currently a nurse practitioner at KU Medical Center. While I have never volunteered for a city service before, my healthcare background has taught me the importance of prioritization, the ability to discuss both difficult and/or important topics with efficiency and efficacy, and recognizing the importance of everyone's opinions while providing a safe space for conversation. I appreciate the potential opportunity to serve our community.



ADMINISTRATION

City Council Date: March 1, 2021

COU2021-26

Consider approval of short-term special use permit for classic car show at Meadowbrook Park on April 10, 2021

SUGGESTED MOTION:

I move that the City Council approve a short-term special use permit authorizing a classic car show at Meadowbrook Park on April 10, 2021.

DISCUSSION:

The Kansas City Automotive Museum has been working with the Johnson County Parks and Recreation District for several months to host a classic car show on Saturday, April 10th at Meadowbrook Park. The event is a joint fundraiser for the Kansas City Auto Museum and the Johnson County Parks and Recreation District's arts program.

If approved, the event would take place outdoors, with cars parked on both sides of Meadowbrook Parkway for visitors to view. Museum staff submitted a mass gathering plan to the Johnson County Health Department, and have received approval. The Police Department has been a part of the planning process as well to ensure officers will be present and streets are blocked off appropriately. Food trucks will be on site, but alcohol will not be served at the event.

ATTACHMENTS:

Application Documents

PREPARED BY:

Adam Geffert
City Clerk

Date: February 25, 2021



SHORT-TERM SPECIAL USE PERMIT
APPLICATION
City of Prairie Village, Kansas

Application Date: 2/10/21

\$25 Application fee

Name Kansas City Automotive Museum co. Jan Huckliberg

Email address janh@kansascityautomuseum.com (circle one) Mail copy OR Email copy to me

Organization Kansas City Automotive Museum Phone 913-322-4227

Address 15095 W 116th St. City/State/Zip Olathe, KS 66062

Is the organization (check all that apply):

☒ Non-profit ☐ Civic ☐ Incorporated
☐ Authorized to do business in the State of Kansas

USE: ☐ Sale / activity ☐ Trade show ☐ Street Fair
☐ Exposition ☒ Promotional venture / entertainment

Please give a complete description of proposed use: Meadowbrook Park will serve as the location for a community car show April 10 10AM-3 PM. This event is a joint benefit for the KC Auto Museum & The JCO Parks & Rec Foundation Art Program. Days events include the car show, food trucks, ~~live music~~ performed by school of rock & vendor displays.
Location: Meadowbrook Park

Attach any descriptive materials such as plans, maps or size dimensions, etc. to better illustrate the proposed use.

Please indicate what types of signs, flags or other devices will be used to attract attention:

Feather flags, garden flags, sandwich signs
will be used to attract attention

Date(s) of Event April 10, 2021

Hours of Operation: Show hours 10AM-3 PM. Site in use 12:00AM-4:00PM

Estimated accumulation of automobiles 100 and persons 1500

Other characteristics and effects on neighborhood: Meadowbrook Parkway will be barricaded at Nall, Rosewood, ~~at the intersection~~ Parkside and in front of the Kessler Residence. Barricades will be in place at midnight.

Submitted by:

Jan Huckliberg
(Signature of applicant)

See reverse for conditions of approval

Amount received \$25⁰⁰ Date 2/10/21 Rec'd by JV

As outlined in Chapter 19.34 of the Prairie Village Municipal Code, the City Council may, upon application by the proponent, issue a short-term temporary use permit for a period of no more than thirty days for the use of a specific parcel of land for such temporary uses as charitable, civic, or sales and activities, trade shows, street fairs, expositions, promotional ventures and entertainment, without publication or posted notice, provided the following conditions are met:

1. The applicant shall submit in written form a complete description of the proposed use, including drawings of proposed physical improvements, estimated accumulation of automobiles and persons, hours of operation, length of time requested, and other characteristics and effects on the neighborhood;
2. If approved, a specific time period shall be determined and the short-term permit shall not be operated longer than the period stipulated in the permit;
3. Upon the cessation of the short-term permit, all materials and equipment shall be promptly removed and the property restored to its normal condition. If, after giving full consideration to the effect of the requested short-term permit on the neighborhood and the community, the Mayor or his/her designee deems the request is reasonable, the permit for the short-term use may be approved. Conditions of operation, provision for surety bond, and other reasonable safeguards may be written into the permit. **In addition, the Chief of Police and/or the Fire Chief may impose requirements or restrictions when public safety or the general welfare of the public is a matter of concern based on the venue or expected volume of participants.** Such permit may be approved in any zoning district.
4. A fee of twenty-five dollars shall be charged for the applicant for each short-term special use permit.
5. If the applicant is not the property owner, a letter shall be supplied to the City from the Owner, and the tenant, if applicable; stating that the activity meets their approval.

If you plan on having a large tent or open flames, contact Consolidated Fire District No. 2 at 913-432-1105.

If you are serving food, contact the Kansas Department of Agriculture, Food Safety & Lodging at 785-296-5600.

Date application approved: _____

Conditions of approval:

Mayor Eric Mikkelson

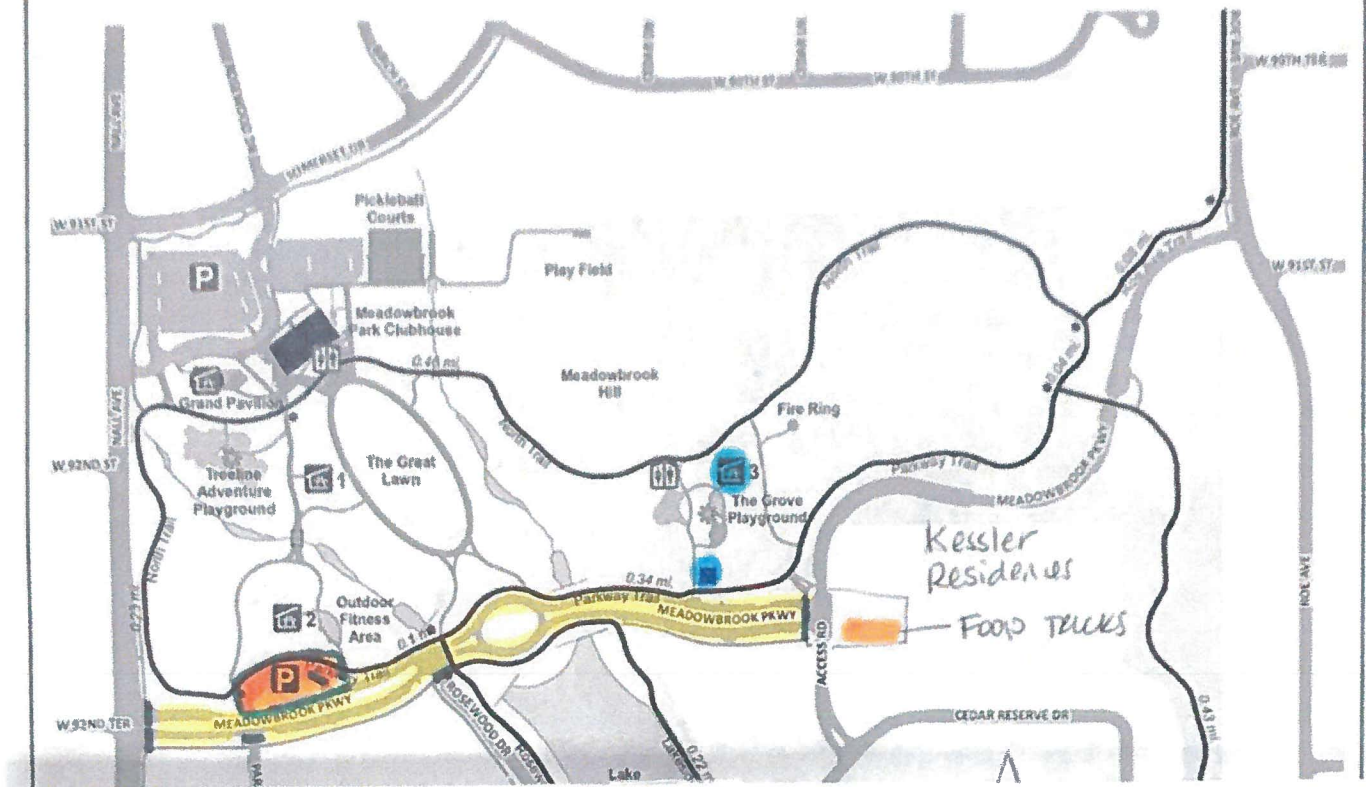
MEADOWBROOK PARK

9101 Nall Avenue, Prairie Village, Kansas 66207
(913) 438-7275

www.jcprd.com



JOHNSON COUNTY
Park & Recreation
District



Show Vehicles will be staged on Meadowbrook Parkway, highlighted in yellow.

Barricades will be placed at Nall, Rosewood, Parkside and in Access Road in front of the Kessler Residences. Indicated in green.

Food trucks will be positioned in the U parking lot east of Nall and one half of the parking lot at the Kessler Residences. Indicated in orange.

A beer truck will be stationed on the U parking lot east of Nall and the parking lot will be enclosed with barrier fencing to keep alcohol within this designated area. Outlined in green.

**NO
ALCOHOL**

Activities will take place at shelter #3 and the Info Tent highlighted in blue. Shelter #3 and Shelter #2 have been reserved and paid for for this event.

0 125 250 500 750 1,000
Feet

April 15, 2019

Meadowbrook Car Show, Saturday April 10
Schedule of Events

12:00 AM - 4:00 PM	Meadowbrook Parkway Closed
10:00 AM - 3:00 PM	Show Hours -- FREE for the public to attend

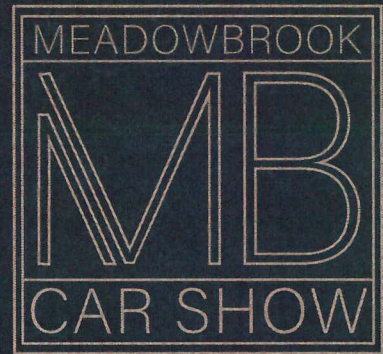
Vehicle Move In/ Move Out

7:30-8:30 AM	Vendor Move In
7:30-9:30 AM	Vehicle Check In / Move In
2:30-3:00 PM	Vehicle Move out

Activities

10:30 AM	Hagerty Youth Judging (AM) (<i>Shelter #3</i>)
11:00AM - 1:00 PM	Performance by the School of Rock (<i>Shelter #3</i>)
1:30 PM	Hagerty Youth Judging (PM) (<i>Shelter #3</i>)
2:00 PM	Raffle Drawing (<i>KCAM / Info Tent</i>)
2:30 PM	People's Choice Awards (<i>KCAM / Info Tent</i>)
Ongoing	Raffle Ticket Sales (<i>KCAM / Info Tent</i>)
Ongoing	Scavenger Hunt (<i>KCAM / Info Tent</i>)

FREE FOR SPECTATORS



Presented by

Mercedes-Benz of Kansas City



When

April 10, 2021 • 10 AM - 3 PM



Where

Meadowbrook Park
9101 Nall Ave, Prairie Village, KS



To Purchase Tickets

MeadowbrookCarShow.com • 913-322-4227

About the Event

The Meadowbrook Car Show will host 100 of Kansas City's most beautiful vehicles for spectators to enjoy. Staged on the picturesque parkway at Meadowbrook Park, we invite onlookers to join us in the celebration of car culture in Kansas City while supporting two local nonprofits. Exhibitors, food, raffles and entertainment will be available for all to enjoy.

For more information on the event, including accommodations and our current Covid-19 safety guidelines, please visit MeadowbrookCarShow.com.

This event is a family and pet friendly car show in support of both the Johnson County Parks and Recreation Foundation Public Art Program and the Kansas City Automotive Museum.

\$40 Registration Includes

- One vehicle registration
- Commemorative garden flag
- Polo shirt
- Two tickets to the Kansas City Automotive Museum
- One raffle ticket
- A discounted room rate at The Inn at Meadowbrook. Call The Inn at (913) 329-9000 with discount code **M3ad0Wc9r04** to book your stay.

Over \$100
Value

This is a rain or shine event. The venue can accommodate up to 100 vehicles. All ticket sales are considered a donation and therefore final.

Kansas City
AUTOMOTIVE MUSEUM



The Parks and
Recreation Foundation
of Johnson County



Meadowbrook Park
9101 Nall Ave
Prairie Village, KS



913-322-4227



MeadowbrookCarShow.com
info@KCAutoMuseum.com

Jennifer Vermillion

From: Luke Roth
Sent: Thursday, February 11, 2021 1:31 PM
To: Jennifer Vermillion; PW Work Request; Eric McCullough
Cc: Adam Geffert; Barbara Fisher
Subject: RE: ST Special Use Permit Application submitted by Kansas City Automotive Museum

At this point with it being a new event I am planning on 2-4 officers and volunteers to work the event...unless new details emerge which would suggest more. It is my understanding that Johnson County Parks Police will also be present.

The original plans and conversations discussed was having PW drop off barricades the day before to assist with shutting down Meadowbrook Parkway the night before the event to avoid people parking along the route where the car show is taking place. It should also be suggested the organizers pick up and place No Parking Signs along the route to assist with this issue.

My understanding is the organizers have also contacted local businesses and churches in the area to arrange parking so I do not believe that will create too big of an issue with traffic in the area. We may need to suggest placing no parking signs in the surrounding neighborhoods (OP and PV) to assist with any congestion issues.

The section they have marked off for the beer truck...that portion of the parking lot belongs to Johnson County Parks. They may want to reach out to them regarding any restrictions for use of that area. We only control Meadowbrook Parkway.

At this point that is all I see from the PD side.

Let me know if you need anything else.

Thanks!

***Sergeant Luke Roth #89
Patrol Operations
Prairie Village Police Department
7710 Mission Rd.
Prairie Village, KS 66208
(913) 385-4620
(913)385-7710 (Fax)***

From: Jennifer Vermillion <jvermillion@pvkansas.com>
Sent: Wednesday, February 10, 2021 3:17 PM
To: PW Work Request <pwworkrequests@pvkansas.com>; Luke Roth <lroth@pvkansas.com>; Eric McCullough <emccullough@pvkansas.com>
Cc: Adam Geffert <ageffert@pvkansas.com>; Barbara Fisher <bfisher@pvkansas.com>
Subject: ST Special Use Permit Application submitted by Kansas City Automotive Museum

Good Afternoon,

Please find attached the materials we have received so far for the auto show the applicant would like to host at Meadowbrook April 10.

It is our understanding that they will be making application also to ABC for the appropriate alcohol permit & to JoCo Health for "mass gathering."

Please send comments.

Thank You,

Jennifer Vermillion
Prairie Village City Clerk's Office
7700 Mission Road | Prairie Village, KS 66208
913-385-4684 | 913-381-7755 Fax
www.pvkansas.com

15095 West 116th Street
Olathe, Kansas 66062
P: (913) 322-4227
F: (913) 428-8549
info@kansascityautomuseum.com

Johnson County Board of Public Health

February 12, 2021

To whom it may concern,

The Kansas City Automotive Museum and The Parks & Recreation Foundation of Johnson County are submitting background information about the proposed Meadowbrook Car Show and mass gathering plan to inform Johnson County of the event planner's ability and intention to provide a community event that will ensure public safety during event operations.

Meadowbrook Car Show will take place at Meadowbrook Park on Saturday, April 10, 2021.

This is a joint benefit event for the Kansas City Automotive Museum and the Parks & Recreation Foundation of Johnson County's Public Art Program. This car show will be unlike any in the area – limited to only 100 vehicles, registrants will display their vehicles on the beautiful Meadowbrook Park Parkway, while enjoying exclusive gifts and experiences. This fundraising event will be free for spectators to attend.

This event is a planned collaboration between the Kansas City Automotive Museum, The Parks & Recreation Foundation of Johnson County, Johnson County Parks & Recreation District, Johnson County Parks & Rec Police Department, Prairie Village Police Department, VanTrust Real Estate and The Inn at Meadowbrook Park.

The day's events include food trucks, vendor displays, musical performance, people's choice judging, Hagerty youth judging, public artist display, scavenger hunt and a raffle. All activities will take place outdoors as outlined on the reference map attached.

Mass Gathering Plan

- Event Requestor: Kansas City Automotive Museum & The Parks & Recreation Foundation of Johnson County
- Venue: Meadowbrook Park
- Date of event: Saturday, April 10, 2011
- Attendees: This event requires registration and is limited to 100 vehicles and their owners.
- Venue capacity: The park has no capacity limit as it is an outdoor space.

Kansas City Automotive Museum | 15095 West 116th Street | Olathe, Kansas 66062
janh@kansascityautomotivemuseum.com | 913-322-4227

15095 West 116th Street
Olathe, Kansas 66062
P: (913) 322-4227
F: (913) 428-8549
info@kansascityautomuseum.com



mask as recommended by the CDC.

- JH*
2/25/21
- Mask requirements: All event participants, guests, staff, volunteers, vendors and others on site at the event must wear a ~~two-layered mask~~ *mask as recommended by the CDC*. Masks will be provided to anyone who does not have one. All guests above the age of 8 years old must always wear masks over the nose and mouth unless eating and drinking.
 - Physical distancing: The park venue enables appropriate physical distancing with ample space to allow car show participants to remain 6 feet apart. Signage and distance markers will be posted at event entrances and in food and drink and activity areas to remind park visitors to give others space and maintain a 6 foot distance. Activity areas will be monitored by event staff and volunteers to ensure group gathering is not permitted. Prairie Village Police Department will be on premises during the duration of the event and will assist in disbursing possible crowds.
 - Self Screening: Email notification will remind car show participants, staff, volunteers, vendors and other participants to stay home and not participate in the event should they exhibit fever, other COVID-19 symptoms or have been exposed to someone with COVID-19. Messaging will also be conveyed via the event website and social media reminding guests exhibiting a fever, other COVID-19 symptoms or who have been knowingly exposed to someone with COVID-19 to not attend the event.
 - Food and drink: All food and drinks will be provided in single serve containers and will be handed to guests by gloved servers. Food trucks will be required to follow current CDC guidelines for the distribution of food. Cashless transactions will be encouraged at all food trucks.
 - COVID communication plan prior to event: The following statement will be present in all communication outlets (event website, social media, promotional newsletters) **IN LIGHT OF THE CURRENT COVID-19 GUIDELINES OUTLINED BY STATE AND LOCAL HEALTH OFFICIALS, THE MEADOWBROOK CAR SHOW IS PLANNED WITH YOUR HEALTH AND SAFETY IN MIND. PHYSICAL DISTANCING, MASKS, AND COVID-19 SAFE PRACTICES WILL BE OBSERVED.**
 - COVID communication at the event: Signage reminding guests to mask, distance and practice hygiene will be placed at event entrances and in food truck and activity areas.
 - Sanitization: Several sanitization stations will be made available throughout the park

Questions regarding this plan can be directed to The Kansas City Automotive Museum at 913-322-4227 or janh@kansascityautomuseum.com, Johnson County Arts & Heritage Center at 913-715-2572 or Susan.Mong@jocogov.org or The Parks & Recreation Foundation Executive Director Erika Seward at 916-826-3448 or erika.seward@jocogov.org

Respectfully Submitted,

Jan Huckleberry

Jan Huckleberry

Adam Geffert

From: Jan Huckleberry <janh@kansascityautomuseum.com>
Sent: Thursday, February 25, 2021 1:13 PM
To: Adam Geffert
Cc: Mong, Susan, PRK
Subject: Fwd: Submitting Mass Gathering Plan

This is an EXTERNAL email. Please use caution. DO NOT open attachments or click links in unexpected emails or from unknown senders.

Adam,

Susan Maier's response to the amendment is below.

Please let me know if I need to change anything else with our application paperwork.

Best,

Jan

----- Forwarded message -----

From: **Maier, Susan, CMO** <Susan.Maier@jocogov.org>
Date: Thu, Feb 25, 2021 at 1:07 PM
Subject: RE: Submitting Mass Gathering Plan
To: Jan Huckleberry <janh@kansascityautomuseum.com>

Jan,

In reviewing the change that you have made regarding the type of mask that must be worn, it is still meeting the intent of the Johnson County Board of Public Health Order No. 002-20 and continues to take the necessary measures to ensure the safety of your guests.

Stay safe & healthy,

Susan.

Susan Maier

Senior Management Analyst

Johnson County Manager's Office

111 S. Cherry Street, Suite 3300 Olathe, Kansas 66061

Direct (913) 715-0741 | Cell 913-209-4144

Office 913-715-0725 | TDD 800-766-3777



www.jocogov.org | [@jocogov](https://twitter.com/jocogov) | [F/jocogov](https://www.facebook.com/jocogov)

From: Jan Huckleberry <janh@kansascityautomuseum.com>
Sent: Thursday, February 25, 2021 12:47 PM
To: Maier, Susan, CMO <Susan.Maier@jocogov.org>
Subject: Re: Submitting Mass Gathering Plan

Hi Susan,

Please see the attached amended mass gathering plan to clarify the type of mask required at our event.

Please let me know if this meets the recommendations by Johnson County Health Department.

Best Regards,

Jan

On Mon, Feb 22, 2021 at 2:59 PM Maier, Susan, CMO <Susan.Maier@jocogov.org> wrote:

Jan,

Thank you for submitting plans for your event. We have reviewed your plans and feel that you are meeting the intent of the Johnson County Board of Public Health Order No. 002-20 and are taking necessary measures to ensure the safety of your guests. While we have reviewed this plan, please note that mass gatherings are discouraged during this time of the pandemic. The measures as submitted represent a good faith effort to prevent the spread of the virus, but this in no way guarantees that the virus will not be spread during this event.

A few reminders: Please have household members stay together and discourage mixing of different households in gatherings. If anyone planning to attend your event is feeling ill before the event, please ask them not to attend. According to Governor Kelly's Order 20-52, masks must be worn when in public spaces. Masks must be worn consistently and appropriately for the best protection against contracting or spreading COVID-19.

Please note that the current public health crisis presents a fluid situation during which regulations may change. While this review is current, should any additional regulations be imposed they may impact the viability of your proposed event. Should the regulations change, the proposed event will be subject to the regulations in place at the time of the event.

The county review of a plan does not supersede any limitation that may be enforced by the venue hosting the event. Organizers are encouraged to consult with the venue prior to submission of plans for review.

We appreciate you taking time to send in your plan, and we wish you all the best.

Stay safe and healthy,

Susan.

Susan Maier

Senior Management Analyst

Johnson County Manager's Office

111 S. Cherry Street, Suite 3300 Olathe, Kansas 66061

Direct (913) 715-0741 | Cell 913-209-4144

Office 913-715-0725 | TDD 800-766-3777

www.jocogov.org | [@jocogov](https://twitter.com/jocogov) | [F/jocogov](https://www.facebook.com/jocogov)

From: Jan Huckleberry <janh@kansascityautomuseum.com>

Sent: Monday, February 15, 2021 10:49 AM

To: DHE-Submit Plans <submitplans@jocogov.org>

Subject: Submitting Mass Gathering Plan

This message came from outside of Johnson County Government - please use caution when opening attachments or links.

To whom it may concern,

Please find attached a Mass Gathering Plan for the proposed Meadowbrook Car Show planned for April 10 at Meadowbrook Park.

I look forward to your response.

Best Regards,

Jan Huckleberry

--



ADMINISTRATION

Council Meeting Date: March 1, 2021

COU2021-22: Consider Addendum to the Renewables Direct Participation Agreement with Evergy

CONSIDERATION

The City of Prairie Village entered into an agreement (attached) with Evergy for electric energy to be purchased from a renewable energy resource on March 18, 2019. However, this service did not begin until December 2020. At the time of the original agreement, a conservative capacity factor was used to determine the estimated wind generation in comparison to our annual usage. Now that the Ponderosa Wind Farm is on-line, Evergy has a more accurate value and believes the capacity factor should be lowered as outlined in the attached addendum. Representatives from Evergy will be present to explain the request and the potential benefit to Prairie Village.

Evergy has requested this addendum be approved by the Council. Staff does believe that Evergy likely has the ability to proceed with the action based on the original agreement; however, Evergy requested this specific change be formally approved.

ATTACHMENTS

- Addendum dated February 9, 2021
- Original Agreement & Consideration dated March 18, 2019

PREPARED BY

Wes Jordan
City Administrator
Date: February 11, 2021

**ADDENDUM
TO THE RENEWABLES DIRECT PARTICIPATION AGREEMENT FOR KANSAS CUSTOMERS**



February 9, 2021

Dear City of Prairie Village,

Thank you for enrolling in Evergy's Renewables Direct program to meet your renewable energy needs. The program provides your company with a path towards achieving your sustainability goals using abundant, affordable wind energy from the Ponderosa wind farm.

The Ponderosa Wind Farm went in service in December 2020. Prairie Village, Kansas is enrolled in a 20-year term and will substitute the Energy Cost Adjustment (ECA) surcharge with a Renewable Participation Charge (RPC) of \$0.01986 per kWh for a twenty-year Participation Agreement, which totals under the agreed upon not to exceed amount outlined in the original agreement.

When you enrolled in the program, a conservative capacity factor was used to determine the estimated wind generation in comparison to your annual usage. A wind turbine capacity factor is its average power output divided by its maximum power capability. The capacity factor is subject to the location of the farm, height of the turbines, average airspeeds in the area, among other influences. Now that the Ponderosa wind farm is online, we have a more accurate value. The capacity factor is estimated to be around 51%. Due to this change in capacity factor, your subscription amount **will change from 400 kW to 200 kW.**

This update in subscription size would better align with your estimated annual energy usage, and therefore could reduce your costs by mitigating the chance of oversubscription. At the end of each calendar year, any excess generation will be credited to the customers' bill at 80% of the Renewable Participation Charge rate.

By signing the following page, Evergy, Inc. and the Prairie Village, KS hereby acknowledge the final RPC amount and agree to amend Section 1(a) of the Renewables Direct Participation Agreement (dated April 1, 2019).

The Customer agrees to offset its traditional electric energy usage by the Customer's pro rata share from Resource 1 which the Customer agrees shall be a fixed monthly kilowatt (kW) amount of **200 kW**.

If you have any questions, please feel free to reach out.

Sincerely,

ADDENDUM
TO THE RENEWABLES DIRECT PARTICIPATION AGREEMENT FOR KANSAS CUSTOMERS



Rebecca Galati

Rebecca Galati
Senior Customer Solutions Manager

Customer: Prairie Village, KS

Representative/Title:

Signed: _____

Date: _____

Evergy, Inc.

Representative/Title: Kim Winslow, Senior Director, Energy Solutions

Signed: _____

Date: _____



COU2019-19: Consider Approval of KCP&L Renewables Direct Agreement

BACKGROUND:

KCP&L hosted a luncheon on March 6th to learn more about their Renewables Direct Program. Mayor Mikkelsen, Councilmember Jori Nelson, and I attended the luncheon on behalf of the City.

The Renewables Direct Program is a program offered by KCP&L which allows their large commercial and industrial customers to offset some or all of their energy usage through a renewable resource.

Drew Robinson with KCP&L will be present at the meeting to provide more information about the program.

If the Council would like to participate in the Renewables Direct Program, the City will be required to enter into the Renewables Direct Participation Agreement with KCP&L. The agreement is attached for the Council's review.

The City would have the option of choosing a renewable offset amount at 100%, 50%, or 25% of our annual energy use, or a custom capacity. If the City chooses to participate at 100% renewable energy, the subscribed kilowatt cap is recommended to be 400 and would result in an annual cost savings of 1.3%, or \$2,207.52 per year. This cost savings is based off of replacing the fuel factor charge on our current bill (known as the Energy Cost Adjustment - ECA) with a lower per-kWh price of no more than \$0.02 per kWh (which is known as the Renewable Participation Charge - RPC). If the ECA (fuel factor charge) goes down significantly from where it is today, the cost savings for the City would be less than currently projected. However, the history of the ECA shows a steady increase over the past 10 years, going from \$.00682 per kWh in October 2008 to \$0.02143 in March 2019, so it is not likely that this charge will go down significantly from where it is today based on historical rates. If the RPC ends up being higher than \$0.02 per kWh maximum that is set out in the agreement, the City has the option to terminate the Agreement by providing written notice within 90 days of receiving the finalized RPC amount.

The City also has the option of entering into a term of 5 years, 10 years, 15 years, or 20 years; however, if the City chooses any term besides the 20-year term, we will be charged an additional \$0.0003 per kWh as an administrative fee.

Entering into this agreement with KCP&L will place the City on the list of customers who have opted in to participate in this program. Participation is on a first-come, first-serve basis and only a certain amount of customers will be accepted into the program once the final renewable resource is purchased by KCP&L. KCP&L also reserves the right to void this agreement if a minimum program enrollment level is not met.

RECOMMENDATION

Make a motion to approve COU2019-18 and authorize the City to enter into the Renewables Direct Participation Agreement with KCP&L with a fixed monthly kilowatt amount of 400kW for a term of 20 years.

PREPARED BY

Jamie Robichaud
Deputy City Administrator
Date: March 13, 2019

Jamie Robichaud

From: Rebecca Galati <Rebecca.Galati@kcpl.com>
Sent: Monday, March 11, 2019 5:45 PM
To: Jamie Robichaud; Drew Robinson
Cc: Wes Jordan
Subject: RE: PV Council Meeting

Internal Use Only

Hi, Jamie -

The modeling for Prairie Village is provided below. Your 2018 usage was 1,294,488.02 (green box) kWh with an actual bill of \$169,504.21 (green box). The modeling provides what you save at 100% sign up (400 kW enrollment – orange box) could save \$2,207.52 which equates to 1.3% of your bill. All of this is dependent on the price matching what the model has set up today. Please let us know what other questions come up. We appreciate your interest in Renewables Direct.

Rebecca

Annual Offset (%)	100%	50%	25%	Custom Cap
Energy Use (kWh)	1,294,488.02	1,294,488.02	1,294,488.02	1,294,
Subscribed Cap. (kW)	351.84	175.92	87.96	

Fuel Savings

Avg Fuel Costs (\$)	\$ 27,831.49	\$ 27,831.49	\$ 27,831.49	\$ 27,
Renewable Direct Fuel (\$)	\$ 25,889.76	\$ 12,944.88	\$ 6,472.44	\$ 29,
Est. Total Fuel Cost (\$)	\$ 25,889.76	\$ 26,860.63	\$ 27,346.06	\$ 25,
Est. Fuel Savings (\$)	\$ 1,941.73	\$ 970.87	\$ 485.43	\$ 2,
Est. Fuel Savings (%)	6.98%	3.49%	1.74%	

Total Bill Savings

Actual Bill (\$)	\$ 169,504.21	\$ 169,504.21	\$ 169,504.21	\$ 169,
Green Tariff Bill (\$)	\$ 167,562.48	\$ 168,533.34	\$ 169,018.78	\$ 167,
Est. Bill Savings (\$)	\$ 1,941.73	\$ 970.87	\$ 485.43	\$ 2,
Est. Bill Savings (%)	1.15%	0.57%	0.29%	

kWh Difference

All-In Energy Cost (\$/kWh)	\$ 0.1309	\$ 0.1309	\$ 0.1309	\$
RD All-In Energy Cost (\$/kWh)	\$ 0.1294	\$ 0.1302	\$ 0.1306	\$

Capacity Factor	42%
Est. RPC (\$/kWh)	\$ 0.0200
Current ECA (\$/kWh)	\$ 0.0215



Energy companies

Renewables Direct

Businesses large and small benefit from renewables

Renewables Direct is a new program that allows commercial and industrial customers to offset a percentage of their energy usage through a renewable resource. This program is designed to provide large customers a path toward their sustainability goals with the abundant, affordable renewable energy of Kansas and Missouri.

Benefits to your business

- Renewable-sourced electricity at a price that reflects the cost of generation and delivery
- Cost-effective and customer friendly opportunities, all while providing clean energy to the grid
- The ability to claim a portion of the energy generated by the renewable source as their own and retain all of the renewable attributes
- Structure to add projects in the future to keep up with the growing appetite for renewable sources of our customers
- Hundreds of jobs are expected to be created for the construction and maintenance of the wind farm

Why renewables?

- Energy that fits your goals
- Fixed subscription charge
- Create new jobs
- Keep power local





A commitment to renewables is a commitment to economic and sustainability growth. In conjunction with our other economic tools, our Renewables Direct program can help attract and retain businesses in Kansas and Missouri. Our program offers cost-effective and customer friendly opportunities, all while providing clean energy to the grid. We recognize the role clean energy plays in attracting and retaining new business to the community, and we're here to help!

For more information about Evergy companies' renewable programs, please email Renewables@kcpl.com.



Evergy companies

Solar Subscription

Have you wanted to conveniently participate in solar without the maintenance, cost and hassle of installing panels on your roof? Or perhaps you just want to take the next step in reducing your carbon footprint and do more than recycle. Our Solar Subscription program will give you the opportunity to support solar growth throughout our community—no rooftop required!

Visit kcpl.com/solarsubscription or westarenergy.com/communitysolar to learn more.

Net Metering and Solar Rebates

Our Net Metering program encourages the use of solar technology, a renewable energy resource that has a positive impact on the planet. Customers who choose to be net metered will receive a one-for-one energy credit for excess energy that is exported to the grid. In addition, our rebate incentives in Missouri further encourage investment in solar energy by providing a rebate for customer-owned solar resources.

Visit kcpl.com/solar to learn more.

Westar Wind

Westar Wind is an easy, affordable means of supporting renewable energy and the development of wind power sources throughout Kansas. Choose to have more of your energy coming from wind resources, from 1–100% of your usage.

Visit westarenergy.com/wind to learn more.

Energy Efficiency

KCP&L currently offers an array of tools and programs to help you reduce your general energy usage, saving you money in your Missouri home or business.

Visit kcpl.com/energyefficiency to learn more.

Kansas City Power and Light Company

Renewables Direct Participation Agreement for Kansas Customers

This Renewables Direct Participation Agreement (the "Agreement") is entered into on this _____ day of _____, 20____ between Kansas City Power and Light Company (the "Company") and _____ (the "Customer") for electric energy to be purchased from a renewable energy resource ("Resource 1") under the Company's Renewable Energy Rider Tariff (the "RER Tariff").

Recitals

WHEREAS, the Customer desires to purchase, and the Company desires to provide, electric energy that is generated by Resource 1; and

WHEREAS, the Customer expects that the Customer will, during the term of this Agreement, have an average monthly peak demand of greater than 200 kW; and

WHEREAS, the Customer acknowledges and understands that participation in this Agreement is a voluntary choice by the Customer and is governed by the RER Tariff as approved by, and as may be changed from time to time by, the Kansas Corporation Commission (the "KCC").

Agreement

The Customer and the Company agree:

1. RER Tariff Subscription

- a. The Customer agrees to offset its traditional electric energy usage by the Customer's pro rata share from Resource 1 which the Customer agrees shall be a fixed monthly kilowatt (kW) amount of _____ kW.
- b. Subject to the terms and conditions set forth in this Agreement and the RER Tariff, the Company hereby grants the Customer a subscription to the electric energy output proportionate to the above kW share for the applicable term identified herein.
- c. The Customer agrees to the following payment terms:
 - i. Substitution of the Energy Cost Adjustment ("ECA") Surcharge with a fixed charge not to exceed \$0.020 per kWh generated by the Customer's pro rata share from Resource 1 plus an administration charge of \$0.0003 per kWh for less than twenty-year Participation Agreements and billed as the Renewable Participation Charge (the "RPC").
 - ii. The amount of energy subscribed to above will be a pro rata share based upon a fixed kW amount in 200 kW increments up to 1,000 kW and with additional increments in 500 kW thereafter, which will be converted to a pro rata share of Resource 1. The Customer will receive no additional capacity credit for their subscription.
 - iii. All charges, adjustments and surcharges, except the ECA, will be billed at the standard rates applicable to the Customer's rate class.
 - iv. Customers will receive a forecasted RPC credit, based on Resource 1's generating forecast, of their pro rata share's expected annual production spread evenly across

each month of the year. The Customer's usage and corresponding RPC substitution of the ECA will be trued-up at the end of the year with any additional ECA recovery billed to the Customer. Any true-up will be applied to the first bill, occurring after January 15, of each calendar year. This bill may also reflect an RPC annual credit adjustment based on Resource 1's year-prior actual generation.

- v. Excess energy generated by the Customer's pro rata share from Resource 1 and unused by the Customer in the calendar year will be credited to the Customer's bill at 80% of the RPC.

- 1. At the Company's discretion, and due to unforeseen Customer circumstances, such as a force majeure event, the Company may allow for RPC credits not utilized in a particular calendar year to be applied to the next calendar year.

- vi. Information pertaining to all accounts will be provided in Appendix A.

- 1. The Company may elect to credit the accounts list in Appendix A starting with the account that has the highest energy usage and working through the smallest.

- vii. Customers with recurring excess generation from this Agreement will have their contracted amount reduced to better match their usage at the Company's discretion.

- d. The Company will not be held responsible for unforeseen or force majeure events that impact Resource 1's energy generation.

- 2. The term of this agreement shall be selected from either paragraph 2.a. or 2.b. below:

- a. The agreed-upon term is (select only one):

- i. Five (5) years _____
 - ii. Ten (10) years _____
 - iii. Fifteen (15) years _____
 - iv. Twenty (20) years _____

- b. The agreed-upon term of _____, which is the term remaining on the power purchase agreement (the "PPA") through which the Company obtained Resource 1.

- 3. Additional Terms and Conditions

- a. Service hereunder is subject to the Company's RER Tariff and General Terms and Conditions as approved, and as may be changed from time to time, by the KCC.
- b. The Customer understands that if the minimum program enrollment level is not met, as outlined in the RER Tariff, then Resource 1 will not be procured, and this Agreement will be void.
- c. The Customer shall have the option to terminate this Agreement should the final RPC be higher than stated in Section 1.c.i. by providing written notice within 90 days of being notified of the finalized RPC.
- d. The Customer also understands that the RPC under this Agreement is based upon the procurement of Resource 1 and may be different than other RPC established for future resources.
- e. All provisions of the RER Tariff in which this Agreement relies upon are subject to changes made by order of the regulatory authority having jurisdiction.

- f. The Customer being served or having been served under this Agreement waives all rights to any billing adjustments arising from a claim that the Customer's service would be or would have been at a lower cost had it not participated in the Agreement.
- g. The Customer may maintain participation in this program when relocating facilities or service within Company's Kansas service territory.
- h. At the Customer's request and cost, the Company will transfer the Renewable Energy Credits (RECs) associated with the Customer's subscription on an annual basis. Should the Customer not make a request for transfer, the Company will retire the associated RECs on the Customer's behalf annually to a nationally recognized renewable energy tracking system and provide a statement to Customer stating the volume of RECs retired on Customer's behalf, all at no additional cost to Customer.
- i. The RPC price outlined within this Agreement is fully fixed and will not rise or fall with changes to the ECA. The RPC price stated in this Agreement shall not be changed by Company during the term of this Agreement. Should the KCC or a party other than the Company increase the RPC fixed charge under this Agreement, Company shall provide ninety (90) days written notice to Customer, and Customer shall have the option of providing thirty (30) days notice to Company to cancel this Agreement without penalty or cost to Customer.
- j. If the Customer ceases all operations within Company's service territory during the term of this Agreement, this Agreement will terminate upon final billing. Any remaining excess energy generated by Resource 1 within the last billing period will be credited to the Customer's bill at 80% of the Renewable Participation Charge.

Customer: _____

Representative/Title: _____

Signed: _____

Date: _____

Kansas City Power and Light Company

Representative/Title: Kim Winslow, Director, Energy Solutions

Signed: _____

Date: _____



COU2021-25: Consider Adoption of the 2018 International Building and Fire Codes

ACTION NEEDED

Each of the following ordinances must be voted on individually by the Council:

- Ordinance 2434 - Adoption of the 2018 International Building Code
- Ordinance 2435 - Adoption of the 2018 International Residential Code
- Ordinance 2436 - Adoption of the 2018 International Plumbing Code
- Ordinance 2437 - Adoption of the 2018 International Mechanical Code
- Ordinance 2438 - Adoption of the 2018 International Fuel Gas Code
- Ordinance 2439 - Adoption of the 2018 International Energy Conservation Code
- Ordinance 2440 - Adoption of the 2017 National Electrical Code
- Ordinance 2441 - Adoption of the 2018 International Existing Building Code
- Ordinance 2442 - Adoption of the 2018 International Swimming Pool & Spa Code
- Ordinance 2443 - Construction Site Screening and Project Sign Requirements
- Ordinance 2444 - Adoption of the 2018 International Property Maintenance Code
- Ordinance 2445 - Adoption of the 2018 International Fire Code

BACKGROUND

At the February 15 Council meeting, the Council Committee of the Whole voted to move forward the 2018 building code for final adoption at the March 1 meeting.

After extensive evaluation and collaboration with building officials in other Johnson County jurisdictions, staff is recommending approval of Ordinances 2434 - 2445, as outlined above. The International Codes Council (ICC) publishes updated editions of model building codes and standards every three years for consideration and adoption by local jurisdictions. These codes provide for a uniform set of model building codes developed through a consensus process at the national level. Prairie Village commonly historically has considered updates to our building codes on a six-year adoption cycle using the ICC model codes. Prairie Village currently operates under the 2012 building codes, and staff is recommending moving forward with adopting the 2018 ICC building codes as outlined in the attached ordinances.

The building and fire codes encompass 11 books with more than 4,000 pages of regulations. The local building officials in Johnson County formed the Johnson County Codes Committee to review and make recommendations on adoption and amendments to the 2018 building and fire code with the purpose of reaching consistent standards throughout the jurisdictions. The committee members met over a dozen times and were in constant communication during the 15 months spent evaluating the codes. As a result, the code review committee created a model code for the region with suggested additions and deletions. The purpose of the model code was to give each community a starting point in adopting the 2018 building and fire codes.

City staff then did a thorough review and put together the attached ordinances with the overall goals of Prairie Village in mind, to include sustainability, diversity, and housing attainability. Attached to this document the Council will find a summary of the suggested amendments and revisions to the building codes to provide further explanation as to what is included in each of the attached ordinances.

In addition to the above, staff is also recommending the adoption of an ordinance to require construction site fencing and project information signs at construction sites. This is something that has been requested by residents and some council members in the past, and it is something staff believes will help proactively address common code violations at construction sites and help mitigate the disruption major construction can cause in a neighborhood.

At the February 15 meeting, the Council Committee of the Whole also directed staff to begin research on the 2021 International Energy Conservation Code and bring in an expert at a future Council meeting to explain the differences between the 2018 and 2021 code as it relates to energy conservation. Staff continues to work on this and will be scheduling this presentation at an upcoming meeting.

The recommended effective date for the new building code going into effect is June 1, 2021 in order to provide adequate time to communicate the new code changes and make the necessary internal changes required for implementation.

ATTACHMENTS

Summary of staff recommended amendments

Ordinances 2434 - 2444

Summary of significant changes in the 2018 International Codes as provided by ICC

Red-lined version of existing building code ordinance with changes recommended for 2018 adoption

PREPARED BY

Mitch Dringman

Building Official

Jamie Robichaud

Deputy City Administrator

Date: February 24, 2021

Significant Changes for 2018 ICC Code Adoption

The following includes a list of substantive amendments to the published code books staff is recommending. The proposed amendments are broken down by each ICC Code Book that the City adopts.

International Building Code, 2018 Edition

- Added requirement that homeowners must reside at the property for a minimum of 3 months to get a permit for construction on their home without a valid contractor's license (this is to close a loophole on investors doing work on homes that are not licensed contractors).
- Added new section that gives the Building Official the ability to suspend or revoke a contractor's license when terms of building permit are knowingly violated.
- Clarified requirements that all construction documents must be prepared by a Kansas registered design professional.
- Clarified that the Building Official will use the ICC Building Valuation Data table as adopted by the Governing Body to determine the cost of work to establish permit and plan review fees.

International Residential Code, 2018 Edition (applies to one and two-family dwellings)

- Previous amendments to the City's 2012 code adoption regarding minimum uniformly distributed live loads, townhouses, emergency escape and rescue, carbon monoxide alarms, address numbers, exterior lighting, open web floor trusses, drilling and notching of studs, air leakage, air barrier and insulation installation, ducts, lighting equipment, and outdoor swimming pools were all removed. After review, staff felt that the language written in the IRC 2018 was sufficient as written and did not need to be amended.
- Clarified requirements for mechanical ventilation to require a blower door if a dwelling unit has less than 3 air changes per hour and that the dwelling unit should be provided with whole house ventilation. This is consistent with what is being adopted by other Johnson County municipalities after collaboration and research.
- Add requirements to provide a standard for minimum reinforcement in concrete driveways.
- Deleted section regarding automatic fire sprinklers for one and two-family dwellings to be in compliance with Kansas law, which prohibits municipalities from requiring fire sprinklers within one and two-family dwellings.
- Added standards to set minimum requirements for footing reinforcement and anchor bolt spacing to be consistent with Johnson County Building Officials foundation design guidelines.
- The fenestration U-factor performance is being recommended at 0.32 to match the 2018 code book (current U-factor under 2012 adopted code is 0.35 – a lower number indicates improved energy efficiency)
- The wood walls above grade R-value (insulation requirement) is being recommended as R-15 (current R-value requirements under the 2012 code is R-13).

Most area cities are recommending staying with R-13. After an analysis conducted by staff, we are recommending R-15 as it will result in improved energy efficiency and will not result in a drastically increased cost, which was the issue with R-15 in the past.

- Set Energy Rating Index score maximum of 68. The City's current ERI score maximum is 85. A lower score indicates improved energy efficiency. The 2018 IRC sets the recommended ERI at 62; however, most area municipalities have adopted ERI's much higher than 62 due to the increased costs associated with achieving a score of 62 and its impact on housing attainability and affordability. Below is a breakdown of the ERI adopted by other area cities who have adopted the 2018 IRC (cities not listed have not yet adopted the 2018 building codes to our knowledge):

City	Energy Rating Index in the 2018 IRC
Gardner	80
Leawood	80
Lenexa	80
Merriam	70
Mission Hills	80
Olathe	80
Overland Park	68
Prairie Village (proposed)	68
Shawnee	80
Kansas City, MO	75
Johnson County	80

International Plumbing Code, 2018 Edition

- Previous amendments to the City's 2012 minimum plumbing fixtures were removed. After review, staff felt that the language written in the IPC 2018 was sufficient as written and did not need to be amended.
- No other substantive amendments to the 2018 IPC were recommended.

International Mechanical Code, 2018 Edition

- Carried over amendment from previous code adoption that clarifies that the Kansas State Boiler inspector is required to inspect certain boilers.
- No other substantive amendments to the 2018 IMC were recommended.

International Fuel Gas Code, 2018 Edition

- Added clarification that appliances and gas meters cannot be installed in a location subject to vehicle impact unless they are protected from vehicle impact damage per the design criteria found in the International Fire Code.
- No other substantive amendments to the IFGC were recommended.

International Energy Conservation Code, 2018 Edition (does not apply to one- and two-family dwellings)

- Clarified that the IECC does not apply to one- and two-family dwellings, which shall comply with the energy code of the IRC 2018. The IECC does apply to all other residential and commercial dwellings.
- Previous amendments to the City's 2012 code adoption regarding thermal envelope requirements, insulation and fenestration requirements, air leakage, and service hot water system were all removed. After in-depth review, staff felt that the language written in to the IECC 2018 was sufficient as written and did not need to be amended. This change results in significantly stricter requirements for energy conservation in Prairie Village once the 2018 code is in effect.
- The Energy Rating Index requirement is recommended to be 62, which is what the code book requires, so no amendments are needed. Below is a breakdown of other cities who have adopted the 2018 codes and the ERI that was adopted for the IECC:

City	ERI for 2018 IECC
Gardner	Did not adopt IECC
Leawood	62
Lenexa	62
Merriam	62
Mission Hills	62
Olathe	80
Overland Park	62 (and directed staff to look into the 2021 IECC when released for potential adoption)
Prairie Village	62
Shawnee	80
Kansas City, MO	Did not adopt 2018; issued resolution to explore adopting 2021 IECC when released;
Johnson County	62

National Electrical Code, 2017 edition

- Previous amendments to the City's 2012 code adoption regarding arc fault circuit interrupter protection and uses permitted were removed. After in-depth review, staff felt that the language written directly in the code book is sufficient as written and did not need to be amended.
- No other substantive amendments to the NEC 2017 were recommended.

International Existing Building Code, 2018 Edition

- This is a new code not previously adopted by Prairie Village. Chapter 34 of the IBC in previous editions governed existing buildings, and it was removed in the 2018 code cycle, so staff is recommending adopting the 2018 International Existing Building Code in its place.

- Amendment was made regarding protection of adjoining and neighboring properties and requiring notification no less than 10 days prior to beginning excavation.
- No other substantive amendments to the IEBC 2018 were recommended.

International Swimming Pool and Spa Code, 2018 Edition

- This code has not been previously adopted by Prairie Village. Barrier requirements were removed in the 2018 edition of the IRC, so staff is recommending adopting this code to ensure all proper barrier requirements are in place.
- No other substantive amendments are recommended.

International Property Maintenance Code, 2018 Edition

- Updated some language for clarity and specifically gave code enforcement officers ability to address excess leaves and unkempt landscaping (two common code complaints)
- Updated fines for code violations as follows:
 - First offense – remained the same with a maximum of \$500
 - Second offense – increased the minimum from \$100 to \$250 and maximum from \$500 to \$750
 - Third offense – increased the minimum from \$250 to \$500 and the maximum remained the same at \$1,000

International Fire Code, 2018 Edition

- The amendments being brought forward for the International Fire Code are at the request of CFD 2.

New Screening and Project Information Sign Requirements

- Staff is recommending adopting an ordinance to require opaque fencing around major construction sites and the display of a 24x36 project information sign that will provide the contact information of the contractor and the allowable construction hours. We believe this will help mitigate some of the disruption major construction can have on the neighborhood and will also help control code violations. Staff will still be enforcing code violations on construction sites.

ORDINANCE NO. 2434

AN ORDINANCE AMENDING CHAPTER IV OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED "BUILDINGS AND CONSTRUCTION" BY AMENDING ARTICLE 1 ENTITLED "INTERNATIONAL BUILDING CODE" TO INCORPORATE BY REFERENCE THE "INTERNATIONAL BUILDING CODE, 2018 EDITION," ADDING NEW AND SUBSTITUTE PROVISIONS THERETO, AND REPEALING THE PREVIOUS ARTICLE SO AMENDED.

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

Section I.

Existing Article 1 of Chapter IV of the Prairie Village Municipal Code is hereby deleted in its entirety and amended to read as follows:

ARTICLE 1. INTERNATIONAL BUILDING CODE

4-101 INTERNATIONAL BUILDING CODE ADOPTED

The *International Building Code, 2018 Edition*, published by the International Code Council, hereafter referred to as the 2018 IBC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Building Code, 2018 edition* will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. 2434," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

4-102 AMENDMENTS TO SECTION 101.1 - TITLE

Section 101.1 of the 2018 IBC is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the *Building Code of the City of Prairie Village*, hereinafter referred to as "this code."

4-103 AMENDMENTS TO SECTION 101.4 – REFERENCED CODES

Section 101.4 of the 2018 IBC is hereby amended to read as follows:

101.4 Referenced Codes. The other codes listed in Sections 101.4.1 through 101.4.9 and referenced elsewhere in this code shall be considered to be part of the requirements of this code to the prescribed extent of each such reference.

101.4.1 Gas. The provisions of the *International Fuel Gas Code* (PVMC

Chapter 4, Article 5) shall apply to the installation of gas piping from the point of delivery, gas appliances, and related accessories as covered in this code. These requirements shall apply to the gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

101.4.2 Mechanical. The provisions of the *International Mechanical Code* (PVMC Chapter 4, Article 4) shall apply to the installation, alterations, repairs, and replacement of mechanical systems, including equipment, appliances, fixtures, fittings, and/or appurtenances, including ventilation, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems.

101.4.3 Plumbing. The provisions of the *International Plumbing Code* (PVMC Chapter 4, Article 3) shall apply to the installation, alteration, repair, and replacement of plumbing systems, including equipment, appliances, fixtures, fittings, and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the *International Private Sewage Disposal Code* shall apply to private sewage disposal systems.

101.4.4 Property maintenance. The provisions of the *International Property Maintenance Code* (PVMC Chapter 8, Article 2), shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators, and occupants; and occupancy of existing premises and structures.

101.4.5 Fire prevention. The provisions of the *International Fire Code* (PVMC Chapter 7, Article 2), shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property, or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

101.4.6 Energy. The provisions of the *International Energy Conservation Code* (PVMC Chapter 4, Article 6) shall apply to all matters governing the design and construction of buildings for energy efficiency.

101.4.7 Electrical. The provisions of the *NFPA 70 National Electrical Code* (PVMC Chapter 4, Article 7) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.

101.4.8 Existing buildings. The provisions of the *International Existing Building Code* (PVMC Chapter 4, Article 9) shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

101.4.9 Swimming Pools. The provisions of the *International Swimming Pool and Spa Code* (PVMC Chapter 4, Article 10) shall apply to the construction, alteration, movement, renovation, replacement, repair, and maintenance of aquatic recreation facilities, pools, and spas.

4-104 DELETION OF SECTION 103.2 – APPOINTMENT

Section 103.2 of the 2018 IBC is hereby deleted.

4-105 AMENDMENTS TO SECTION 105.1 – PERMIT REQUIRED

Section 105.1 of the 2018 IBC is hereby amended to read as follows:

105.1 Permit required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, plumbing, fire alarm, fire detection, automatic fire extinguishing, or where flammable and combustible liquids are produced, processed, transported, stored, dispensed, or used, the installation of which is regulated by this Code, or to cause any such work to be done, shall first make application to the Building Official to obtain the required permit.

105.1.1 Annual permit. Section 105.1.1 of the 2018 IBC is hereby deleted.

105.1.2 Annual permit records. Section 105.1.2 of the 2018 IBC is hereby deleted.

105.1.3 County and city license required. All persons undertaking work which requires a permit as outlined in Section 105, or seeking to obtain that permit from the City, are required to have a currently valid contractor's license from Johnson County Contractor's Licensing Program and a valid contractor's license from the City of Prairie Village.

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

1. The homeowner currently occupies the dwelling and has been residing at the property for a minimum of three (3) months.
2. The homeowner undertakes the work themselves, without

compensation, and no person shall be employed to assist the homeowner in any way on such work except a builder or building contractor licensed by the City.

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

105.1.4 City license suspension and revocation. The Building Official is hereby authorized to suspend and/or revoke a city-issued contractor's license when there is evidence that the contractor knowingly violated the City's municipal code. If the building official suspends a contractor's license, he or she shall give the reasons therefore in writing and mail a copy to the license holder. The license holder may appeal such suspension by filing a written notice thereof with the City Clerk within 15 days after the notice of suspension or revocation was given. Appeals from suspensions or revocations shall be governed by Section 19.54.024 of the Prairie Village Zoning regulations.

4-106 AMENDMENTS TO SECTION 105.2 – WORK EXEMPT FROM PERMIT

Section 105.2 of the 2018 IBC is hereby amended to read as follows:

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

Building:

1. Sidewalks and driveways not more than 30 inches above grade and not over any basement or story below and are not part of an accessible route. Note: Right-of-way permits are required for sidewalk or driveway installation or replacement in the public right-of-way. All right-of-way permits are to be obtained from the Prairie Village Public Works Department.
2. Re-siding the dwelling or structure with materials other than stucco or EIFS.
3. Minor maintenance or repair work consisting of painting, papering, tiling, carpeting, cabinets, countertops, and similar work.
4. Temporary motion picture, television, and theater stage sets and scenery.
5. Prefabricated swimming pools accessory to Group R-3 occupancy, as applicable in Section 101.2, which are less than 24 inches deep, do not exceed 5,000 gallons, and are installed entirely above ground. Note: said swimming pools must be located in rear yard.

6. Swings and other playground equipment accessory to one-and two-family dwellings that do not exceed the 30% building coverage limit and do not exceed 120 square feet for lots under 10,000 square feet or 200 square feet for lots over 10,000 square feet.
7. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
8. Non-fixed and movable fixtures, cases, racks, counters, and partitions not over 5 feet, 9 inches in height.

Electrical:

1. Listed cord and plug-connected temporary decorative lighting.
2. Minor repair work or replacement of lamps, or branch circuit over current devices of the required capacity in the same location.
3. Repair or replacement of electrical wiring, devices, appliances, apparatus, or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy, and not part of a fire alarm system.
4. Reinstallation of attachment plug receptacles, but not the outlet therefore.
5. Portable motors or other portable appliances energized by means of a cord having an attachment plug end to be connected to an approved receptacle, when that cord is permitted by this code.
6. Repair or replacement of fixed motors, transformers, or fixed approved appliances of the same type and rating in the same location.
7. A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

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

Mechanical:

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

Plumbing:

1. The stopping of leaks in drains, water, soil, waste, or vent pipe; provided, however, that if any concealed trap, drain pipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures and the removal and reinstallation of water closets, sinks, and lavatories in the same location.

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

105.2.2 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, or metering or other related equipment that is under the ownership and control of public service agencies.

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

4-107 AMENDMENTS TO SECTION 105.3 – APPLICATION FOR PERMIT

Section 105.3 of the 2018 IBC is hereby amended to read as follows:

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

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitively locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as

required in Section 107.

5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the Building Official.

It shall be unlawful for any person to erect or cause to be erected within the City of Prairie Village any building or structure of any kind or enlarge or add to the outside dimension thereof, or relocate any building or structure within the City without a building permit being first obtained upon approval by the Building Official or his or her duly authorized designee. The application for such permit shall be made and the permit obtained before work is commenced upon any building or structure of the foundation thereof, or before the removal of any building begins.

105.3.1 Performance Bonds. The Building Official may require from the contractor a good and sufficient surety performance bond in the amount of \$5,000 at the time of issuance of the building permit for significant construction projects. The performance bond shall be issued by a surety company licensed and qualified to operate in the State of Kansas and approved by the City with a duly appointed agent.

Significant construction projects are defined as construction projects which will exceed \$100,000. The Building Official and the Public Works Director will determine whether a bond will be required and the amount not to exceed \$5,000 for those situations involving individual homeowners filing permit applications for minor buildings, structures, or additions. The performance bond will be approved by the Building Official predicated and guaranteed upon the fact that the permit applicant shall be and is, in fact, a guarantor that the streets and sidewalks in the area that they are working in shall remain free and clear of dirt, mud, gravel, and other debris. When the area does not remain free and clear of dirt, mud, gravel, and other debris, the Building Official shall provide notice of same to the permittee. Upon receipt of such notification, the permittee shall be allowed a period of two hours in which to remedy any and all defects caused by the acts of the contractor. If action has not been taken within the two hour period, or if such action fails to adequately remedy all defects within the affected area, then the Building Official or his/her authorized representative may direct the City to perform such duties and assess all cleanup charges against the performance bond. The cleanup charge will be based upon the cost to the City for actual cleanup, as determined by the Building Official and the Director of Public Works.

105.3.2 Action on Application. The Building Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or construction documents do not conform to the requirements of pertinent laws, the

Building Official shall reject such application in writing, stating the reasons therefore. If the Building Official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the Building Official shall issue a permit therefore as soon as practicable.

105.3.3 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

105.3.4 Application for permit to move a building or other structure. Application for a permit to move a building or other structure shall include the information as required in Sections 105.3.4.1 or 105.3.4.1. The application shall be made not less than 14 calendar days prior to the commencement of the move and be accompanied by a fee of \$500. Buildings or structures shall not be lifted off their foundation until a permit to move the building or structure has been obtained. No person, firm, or corporation shall move, haul, or transport any building or structure of the height when loaded for movement of 16 feet or more from the surface of the highway, road, street, or alley, or a width of eight feet or more without first obtaining a permit therefore.

105.3.4.1 Moving building or structures within or into the City limits. A permit for a foundation, or new single-family dwelling or a remodel permit shall be secured prior to the issuance of a permit to move a building or structure. The foundation shall be constructed prior to the building or structure being moved. All applications for permits to move building or structures within the City limits of Prairie Village or into the City shall include the following information:

1. The dimensions of the building or structure as to length, width, and height at its highest point when loaded for moving.
2. A letter verifying that all utilities have been disconnected, i.e. gas, electric, water, and sewer. A verbal or electronic communication from the utility company is acceptable in lieu of a letter.
3. A letter or electronic communication from any utility company having overhead lines along the proposed route, indicating they have approved the route.
4. Letters from the Prairie Village Police Department and Public Works Department approving the date, time, and route of the move.
5. A letter indicating the day and hour when the move is to start;

the length of time required for the move; and the number of escort vehicles. In no event will a move be allowed on a Saturday or Sunday or a holiday unless specifically allowed by the Public Works Director and Chief of Police.

6. A map showing the route of the move.
7. A copy of the state highway move permit, if applicable.
8. Copies of written notices to the owners of adjacent lots along the route who may be affected by utility disconnects. The letter will provide the date and time of the move.
9. Written permission from the private property owners(s) to trim any trees on private property necessary to provide clearance for the move along the approved route.
10. Written permission from the City of Prairie Village Public Works Department to trim trees in the public right-of-way necessary to provide clearance for the move along the approved route.
11. Sewer permit from Johnson County Wastewater.
12. Water meter permit from WaterOne.
13. Verification from the Codes Department that the building or structure to be moved is compatible with adjacent building or structure in the area where the building or structure is to be moved.
14. Verification from the Codes Department that the building or structure meets current adopted codes and standards.
15. A plot plan, sealed by a Kansas design professional, showing the property or lot where the building or structure is to be moved. A legal description of the property shall be included.

105.3.4.2 Buildings or structures being moved out of the City or passing through the City. All permit applications for moving buildings or structures out of or through the City shall include the following:

1. The dimensions of the building or structure as to length, width, and height at its highest point when loaded for moving.
2. A letter verifying that all utilities have been disconnected, i.e. gas, electric, water, and sewer. A verbal or electronic communication from the utility company is acceptable in lieu of a letter.
3. A letter or electronic communication from any utility company having overhead lines along the proposed route indicating that they have approved the route.
4. A letter indicating the day and hour when the move is to start; the length of time required for the move; and the number of escort vehicles. In no event will a move be allowed on a Saturday or Sunday or a holiday unless specifically allowed by the Public Works Director and the Chief of Police.
5. A map showing the route of the move.
6. A copy of the state highway move permit, if applicable.
7. Letters from the Police Department and the Public Works

Department approving the route of the move and the date and time of the move.

8. Copies of written notices to the owners of adjacent lots along the route who may be affected by utility disconnects. The letter will provide the date and time of the move.
9. Written permission from the private property owner(s) to trim any trees on private property necessary to provide clearance for the move along the approved route.
10. Written permission from the City of Prairie Village Public Works Department to trim trees in the public right-of-way to provide clearance for the move along the approved route.
11. A plot plan, sealed by a Kansas design professional, showing the property or lot where the building is to be removed. A legal description of the property is to be included

105.3.4.3 Bond and insurance required. It shall be the duty of any person at the time of making application for permit as provided in Section 105.3 to execute in favor of this City a good and sufficient bond to the City in the sum of \$10,000 with good and sufficient security, conditioned, among other things, that the principal shall pay any and all damages which may be caused to any property, public or private, within the City when such injury or damage shall be inflicted by the principal or his or her agent, servant, employee, workman, contractor, subcontractor, and such bond shall be conditioned so that the principal will serve, indemnify, protect and save harmless the City from any and all liability, and that he or she will, in all respects, comply with all ordinances of the City, the terms of his or her permit, and be conditional upon his or her faithful performance of the move. The form of such bond must be approved by the City Attorney.

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

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

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

The City will only accept coverage from an insurance carrier

meeting these criteria:

1. Is licensed to do business in the State of Kansas; and
2. Carries a Best's policyholder and financial rating of A;
3. Carries at least a Class X financial rating;
4. Or is a company mutually agreed upon by the City and the applicant.
5. The City shall be notified in writing not less than 30 days prior to cancellation or material modification of any policy provisions.

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

1. Move a building or structure only over streets approved by the Department of Public Works and the Chief of Police and designated for such use in the written application.
2. Notify the Building Official within 48 hours of move in writing of a desired change in moving date and route of move as proposed in the application. Change of route must be approved by the Building Official, the Director of Public Works, and the Chief of Police prior to initiating the move.
3. Notify the Building Official in writing of any and all damages to the public and private property within 24 hours after damage has occurred.
4. It shall be the duty of any persons moving any building or structure to display red lanterns or other warning devices used in compliance with City traffic ordinances or state statutes thereon in such a manner as to show the extreme height and width thereof from 30 minutes after sunset to 30 minutes before sunrise, and shall have sufficient escort as provided by City ordinance, state statutes, or as determined as necessary for public safety by the Chief of Police.
5. No building or structure or any part of a building or structure being moved shall be left in the street or in the dedicated right-of-way line between the curb and the front property line of any lot.
6. Any open foundation or excavation shall be protected by a four foot high fence minimum. Erosion and sediment control measures shall be put in place as needed and shall remain in place until vegetation has been established.
7. Within 30 days of the move, all debris and miscellaneous building materials shall be removed from the site. The existing foundation shall be demolished and removed, and all excavations shall be filled to grade.

Section 105.4 of the 2018 IBC is hereby amended to read as follows:

105.2.2 Validity of permit. The issuance or granting of a permit shall not be construed to be permit for, or an approval of, any violation of any of the provisions of this code or any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents and other data. The Building Official is also authorized to prevent occupancy or use of a structure wherein violation of this code or any other ordinances of this jurisdiction.

4-109 AMENDMENTS TO SECTION 105.5 - EXPIRATION

Section 105.5 of the 2018 IBC is hereby amended to read as follows:

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 90 days after the work has commenced. All work shall be documented by an inspection as described in Section 110 of this code. Failure to request an inspection of newly completed work for any period of 90 days or more shall constitute suspension or abandonment of work, at which time said permit shall become invalid. It shall be unlawful for any person, firm, or corporation to allow a permit to become invalid. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. The Building Official may place reasonable conditions as necessary on the issuance of extensions.

4-110 AMENDMENTS TO SECTION 107.1 – SUBMITTAL DOCUMENTS - GENERAL

Section 107.1 of the 2018 IBC is hereby amended to read as follows:

107.1 General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report, and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a Kansas registered design professional as required by the municipal code of the City of Prairie Village, Kansas. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a Kansas registered design professional.

Exception: The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that a review of construction documents is not necessary to obtain compliance with this code.

107.1.1 One and two-family dwellings. Construction documents for residential structures designed in accordance with the 2018 edition of the *International Residential Code* shall be prepared by a registered design professional, duly registered in the State of Kansas and in good standing. The drawing shall bear the professional seal of the design professional.

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

4-111 AMENDMENTS TO SECTION 109 – FEES

Section 109 of the 2018 IBC is hereby amended as follows:

109.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment or revision to a permit be released until the additional fee, if any, has been paid.

109.2 Schedule of permit fees. A fee for each permit shall be required, in accordance with the schedule as established by resolution of the Governing Body.

109.3 Building permit valuations. The applicant for a permit shall provide an estimated building cost at time of application. Building cost shall include total value of work, including materials and labor, for which the permit is being issued. If, in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. The Building Official shall use the ICC Building Valuation Data Table of the most current issue to establish a minimum criteria for cost analysis. The higher value of the two comparisons shall establish the cost of work to establish permit and plan review fees.

109.4 Work commencing before permit issuance. Any person who commences any work before obtaining the necessary permits shall be subject to a fee established by the Building Official that shall be in addition to the required permit fees. Said fee is hereby established at “double” the required permit fee.

109.5 Related fees. The payment of the fee for construction, alteration, removal, or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from payment of other fees that are prescribed by law. These related fees may include, but are not limited to, the following: Board of Zoning Appeals, Planning Commission, right-of-way permits, or drainage permits.

109.6 Refunds. The Building Official may authorize the refund of any fee which was erroneously paid or collected, subject to the following conditions:

1. The Building Official may authorize a refund of not more than 80% of the permit fee paid when no work has commenced for a permit issued in accordance with

this code.

2. No permit fee may be refunded if work has commenced on a project.

4-112 AMENDMENTS TO SECTION 114.4 – VIOLATION PENALTIES

Section 114.4 of the 2018 IBC is hereby amended to read as follows:

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, demolishes, or repairs a building or structure in violation of the approved construction documents or directive of the Building Official or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law, or other references incorporated, is guilty of a public offense and may be subject to punishment as provided in PVMC Chapter 1, Article 1, Section 1-116.

4-113 AMENDMENTS TO SECTION 116.1 – NUISANCES AND UNSAFE STRUCTURES – LEGISLATIVE FINDINGS

Section 116.1 of the 2018 IBC is hereby amended to read as follows:

116.1 Legislative findings. The purpose of this section is to provide reasonable controls restricting and prohibiting the allowance of nuisances and unsafe structures to exist on property within the City; to declare that certain conditions constitute public nuisances or structures, which are unsightly; a menace dangerous to the health of the inhabitants of the City; are offensive to the general public health, safety, and welfare of the community; to provide a method of enforcement of this section; to provide procedures to notify property owners or those in control of real property; to provide a method of assessment or collection of costs for abatement by the City; to declare that the existence of such violations are unlawful; and to provide penalties for enforcement through the Municipal Court system.

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

4-114 AMENDMENTS TO SECTION 116.2 – NUISANCES AND UNSAFE STRUCTURES – DEFINITIONS

Section 116.2 of the 2018 IBC is hereby amended to read as follows:

116.2 Definitions.

- a) City – the City of Prairie Village.
- b) Graffiti – any drawing, painting, writing, inscription, figure or mark, regardless of its content, of the type which is commonly known and referred to as graffiti, which is written, drawn, painted, sprayed, scratched, or otherwise placed or affixed, regardless of the nature of the material used, on any wall, window, rock, building portion thereof, fence, gate, sign, other structure, tree, or other real or personal property.
- c) Nuisance – any condition which causes or creates an unreasonable interference with the rights of the general public and shall include, but not be limited to, graffiti, rank vegetation, rank or infested compost heaps, dense smoke, excessive dust, ash or fine particles in the air, rank ponds or standing water including swimming pools, water receptacles, and undrained areas, cesspools, rank odors, unkempt trash, refuse, brush and limbs, debris or building materials, rank sewage or septic system, excessive accumulation of animal waste, exposed animal carcasses after death, sheds, garages or other accessory structures allowing infestation of rodents or insects or left unsecured to allow the entry of animals, humans, or the natural elements such as rain, hail, and snow, or otherwise left unkempt or unsightly, except for outdoor dog or pet houses maintained in a clean and reasonable manner; trees, shrubs, or plants which are dead, diseased, or infested which present a harmful or dangerous condition to the public; exposed refrigerators or freezers or other appliances left unsecured; and any other condition which is determined to present a dangerous or harmful condition to the public.
- d) Perennial violator – Any person who shows an annual pattern of failing to comply with this section which may be shown by repeated notices of abatement notices of costs, or previous violations.
- e) Person – Any individual; individual's partnership; corporation; unincorporated association; other business organization; committee; board; trustee; receive; agent; or any representative who has charge, care, or responsibility of maintenance of any property, lot, or parcel of land regardless of status of owner, tenant, or lessee, and regardless of whether such person has possession.
- f) Property owner – The named property own as indicated in official records maintained by Johnson County, Kansas.
- g) Qualified expert – A person who is regularly employed to conduct structural inspections to comply with life, safety, mechanical, plumbing, health, and building codes or a licensed professional in the field of engineering or architecture.
- h) Representative – Any person or entity listed in the Johnson County, Kansas Appraiser's Office or Treasurer's Office for the purposes of paying taxes; a registered agent with the Kansas Secretary of State's Office for corporate or partnership owners; an agent or manager directed by the property owner, estate, or court order to represent the interests of the property or to otherwise control activities on the real property; or a corporate officer.
- i) Tenant – Any person who has a severable or non-severable interest in the real property either oral or written lease or covenant or by other methods of conveying a limited interest in such lands; or by any person who occupies or has possession

of such real property.

- j) Unsafe structure – Any structure or part of a structure which remains or is damaged to present a dangerous or unsafe condition to the public, including, but not limited to, structures damaged by fires, damaged by natural events or elements such as wind, tornadoes, earthquakes, flooding, or settling of the ground; damaged by insect infestation; damaged due to the failure to provide reasonable maintenance; structures occupied or unoccupied which have broken windows, missing boards or siding, unsecured doors, or unsecured openings which allow the harboring of animals, insects, transients, or create an attraction to children; structure which, due to the opinion of Qualified Experts or inspectors, including but not limited to, fire, engineering, or architectural experts; present an unsafe or dangerous condition to those on or near the property; unfinished structures where no occupancy permit has been issued, and any building permit has lapsed for more than 90 days; structures which remain unfinished, or without an occupancy permit, after 18 months from the date of the first building permit and where no inspection for newly-completed work has been requested within the last 90 days.

4-115 AMENDMENTS TO SECTION 116.3 – NUISANCE AND UNSAFE STRUCTURES – UNLAWFUL; RESPONSIBILITY TO ABATE

Section 116.3 of the 2018 IBC is hereby amended to read as follows:

116.3 Nuisance and unsafe structure unlawful; responsibility to abate. It shall be unlawful for any property owner, owner's agent, or tenant of real property to allow or maintain a nuisance or unsafe structure on any lot or parcel of ground within the City, including any areas between the property lines of said property and the center line of any adjacent street or alley, including sidewalks, streets, alleys, easements, and rights-of-way. The property owner, owner's agent, or tenant shall be responsible for the removal or abatement of any nuisance or unsafe structure.

4-116 AMENDMENTS TO SECTION 116-4 – ENFORCEMENT AGAINST NUISANCES; DESIGNATION OF OFFICER; NOTICE TO APPEAR; NOTICE OF ABATEMENT; HEARING

Section 116.4 of the 2018 IBC is hereby amended to read as follows:

116.4 Enforcement against nuisances; designation of officer; notice to appear; notice of abatement; hearing. The Building Official shall assist the Governing Body with the administration and enforcement of this section with regards to nuisances. The Building Official shall authorize the investigation of nuisances by his or her designated agents. If it is determined that a nuisance exists and is not remedied by the property owner in timely manner after receiving notice of violation, then the Building Official, or his or her designated agent, shall file a written report with the Governing Body describing the situation, its location, and the circumstances supporting the determination that the matter is a nuisance. If the Governing Body concurs with the report, it shall issue an Order of Abatement directing the property owner, owner's agent, or tenant to remove and abate the nuisance within 10 days.

The Order of Abatement shall state:

1. A common or legal description of the property, or both;
2. That the property is in violation of this section;
3. The nature of the nuisance, including relevant ordinances or statutes, with sufficient information to reasonably enable the recipient to determine the nature of the violation to allow for self-abatement;
4. That the recipient should remove and abate the nuisance within 10 days of receipt of the order;
5. That the recipient, upon written request, may obtain a hearing before the Governing Body or its designated representative, provided that such request is received by the City Clerk within the 10 day period;
6. That failure to comply with the order shall result in the City's right to remove and abate the nuisance with assessment of the City's costs being made against the property and the recipient;
7. That failure to pay such assessment within 30 days of the City's notice of costs of such removal and abatement shall result in the filing of a tax lien against the property, or the filing for a personal judgement against the recipient, or both;
8. That such violations are subject to prosecutions, and that such prosecution shall be independent of any enforcement of the order.

The Order of Abatement shall be served on the property owner, owner's agent, or tenant by certified mail, return receipt requested, or by personal service; provided any order served on a tenant shall also be served on the owner or owner's agent. If the property is unoccupied and the owner is a non-resident, then the order will be mailed by certified mail, return receipt requested, to the owner's last known address. If, during the preceding 24 month period, the owner, owner's agent, or tenant has failed to accept delivery or to otherwise effectuate receipt of a notice or order sent pursuant to this section, in addition to the methods of service described above, the Governing Body may serve on such person any further order by other methods, including but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail; provided, if the property is unoccupied and the owner is a non-resident, any alternative notice provided for in this paragraph shall be given by telephone communication or first class mail.

If a recipient of an Order of Abatement makes a written request for a hearing within the 10 day period, a hearing shall be immediately scheduled before the Governing Body or its designated representative. At such hearing, all relevant parties, interest holders, and City officials shall be allowed to present evidence concerning the status of property and the conditions creating the nuisance. Thereafter, the Governing Body or its designated representative may rescind, modify, or uphold the Order of Abatement. In making such a determination, the Governing Body or its designated representative shall describe the relevant facts and specific statute or code provisions being relied upon and state any such other stipulations, methods or removal, and abatement of orders as deemed necessary. If the Order of Abatement is either modified or upheld, the property owner, owner's agent, or tenant shall be given a reasonable time to remove and abate the nuisance, not to exceed 10 days,

subject to any extensions as may be permitted or required by law.

If the Building Official or designated representative determines that a violation of this section exists, he or she may issue a notice to appear in municipal court for such violation. No other procedures are required as a prerequisite to the issuance of a notice to appear. The imposition of any removal and abatement action described herein shall not preclude any appropriate prosecution or penalties. Likewise, the imposition of any prosecution or penalties shall not preclude any appropriate action described herein, or otherwise provided by applicable laws, to remove or abate a nuisance or to collect removal and abatement costs.

4-117 AMENDMENTS TO 116.5 – ABATEMENT OF NUISANCE BY CITY; NOTICE OF COSTS; ASSESSMENT AND COLLECTION

Section 116.5 of the 2018 IBC is hereby amended to read as follows:

116.5 Abatement of nuisance by city; notice of costs; assessment and collection. If the recipient of the notice of abatement fails to comply with the Order of Abatement, or, if appropriate, with any order after a hearing on the matter, the City shall have the right to go onto the property to remove and abate the nuisance in a reasonable manner or as otherwise permitted under applicable law. It shall be unlawful for any person to interfere with or attempt to prevent the City or its agents from such action. The City and its agents shall not be responsible for damage to any real or personal property due to reasonable methods of gaining entrance onto the property or for damages to any real or personal property in the reasonable exercise of the removal and abatement of the nuisance. The City may use its own employees or contract for services to remove and abate the nuisance.

If the City removes and abates the nuisance, the City shall give a Notice of Costs to the property owner or owner's agent by certified mail, return receipt requested, stating the costs of such removal and abatement incurred by the City; See K.S.A. 12-1617e(d).

The costs shall include the City's cost of providing the notice, including any postage. The recipient shall have 30 days from the date of receipt of such notice to make full payment. The Notice of Costs shall state:

1. The common or legal description of the property, or both;
2. The nature of the nuisance, including relevant ordinances;
3. The nature of the work performed to remove and abate the nuisance;
4. The costs incurred for the abatement of the nuisance in either a lump sum or in an itemized form (including the cost of the notice);
5. That payment is due and payable within 30 days of receipt of the notice
6. That payment should be made payable to the City of Prairie Village, Kansas, and submitted to the City Clerk with a written indication of the purpose of the payment and the address of the property where the nuisance occurred;
7. That failure to pay the entire amount within the 30 day period shall allow the City to file a lien against the property or to pursue litigation for recovery of the costs,

or both; and

8. That such additional remedies to recover costs shall include additional amounts, including interest, court costs, attorney fees, and administrative costs.

If the costs are not paid within the 30 day period, the costs shall be collected in a manner provided by Kansas state statute or shall be assessed as a special assessment against the property. The City Clerk at the time of certifying other City taxes, shall certify the unpaid portion of the costs, and the County Clerk shall extend the same on the tax roll of the county against the property, and it shall be collected by the County Treasurer and paid to the City as other City taxes are collected and paid. The City may pursue collection both by levying a special assessment, and in the manner provided by Kansas state statute, but only until the full costs, including applicable interest, court costs, attorney's fees, and administrative costs have been paid in full.

4-118 ADDITION OF SECTION 116.6 – ENFORCEMENT AGAINST UNSAFE STRUCTURES; DESIGNATION OF OFFICER; NOTICE TO APPEAR; HEARING; RESOLUTION

A new Section 116.6 is hereby added to the 2018 IBC, as adopted by the City, to read as follows:

116.6 Enforcement against unsafe structures; designation of officer; notice to appear; hearing; resolution. The Building Official shall be charged with the administration and enforcement of this section as it concerns unsafe structure. The Building Official shall authorize the investigation of violations of this section by his or her designated agents. If it is determined that a violation of this section exists, then the Building Official or his or her designated agent shall file a written report with the Governing Body of the City describing the situation, its location, and the circumstances that support the determination that the structure is unsafe. The Governing Body shall then fix a time and place at which the owner, representative, tenant, or lienholders of record may appear and show cause why such structure should not be condemned and ordered repaired or demolished. Such resolution shall be published once each week for two consecutive weeks. At least 30 days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail, return receipt requested, within 3 days after its first publication to each such owner, representative, tenant, or lienholder of record, as can reasonably be determined, at the last known place of residence, and shall be marked "deliver to addressee only."

On the hearing date fixed by the Governing Body's resolution, all relevant parties, interest holders and relevant city officials shall be allowed to present evidence concerning the status of the property. The Governing Body shall subsequently make findings by resolution. If the Governing Body finds that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired or removed and the premises made safe and secure. Such resolution shall be published once in the official city newspaper and a copy mailed to the owners, representatives, tenants, or lienholders of record by certified mail, return receipt requested. The resolution shall

affix a reasonable time within which the repair or removal of such structure within the time stated, or fails to diligently commence such action until the work is completed, the Governing Body will cause the structure to be razed and removed.

If an authorized agent determines that a violation of this section exists, he or she may issue a notices to appear in municipal court for such violations. No other procedures are required as a prerequisite to the issuance of a notice to appear.

4-119 ADDITION OF SECTION 116.7 – EXCAVATION FILL

A new Section 116.7 is hereby added to the 2018 IBC, as adopted by the City, to read as follows:

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

4-120 ADDITION OF SECTION 116.8 – REMOVAL OF UNSAFE STRUCTURES; SALVAGE; SALE; ASSESSMENT AND COLLECTION OF COSTS; PROCEDURE

A new Section 116.8 is hereby added to the 2018 IBC, as adopted by the City, to read as follows:

116.8 Removal of unsafe structures; salvage; sale, assessment and collection of costs; procedure. If the owner of any structure has failed to commence the repair or removal of such structure within the time stated in the resolution, or has failed to diligently prosecute the same thereafter, the City may proceed to raze and remove such structure and make the premises safe and secure. The City may perform this work through its own employees or contract for services to perform the work. The City shall keep an account of the costs for such work and may sell the salvage from such structure and apply the proceeds or any necessary portion thereof to pay the cost of removing such structure and making the premises safe and secure. All moneys in excess of that necessary to pay such costs after the payment of all associated invoices shall be paid to the owner of the premises upon which the structure was located.

The City shall give notice to the owner of such structure by certified mail, return receipt requested, of the total cost incurred by the City in removing such structure and making the premises safe and secure. Such notice shall also state that payment of such costs is due and payable within 30 days following receipt for such notice. If the cost is not paid within the 30 day period, and if there is no salvageable material

or if moneys received from the sale of salvage or from the proceeds of any insurance policy in which the City has created a lien pursuant to Kansas state statute are insufficient to pay the cost of such work, the balance shall be collected in a manner provided by Kansas state statute, but only until the full cost and applicable interest has been paid in full. Whenever any structure is removed from any premises under the provisions of this section, the City Clerk shall certify to the County Appraiser that such structure has been removed.

4-121 ADDITION OF SECTION 116.9 – PROOF OF REPAIRING OR REBUILDING

A new Section 116.9 is hereby added to the 2018 IBC, as adopted by the City, to read as follows:

116.9 Proof of repairing or rebuilding. In lieu of the payment of proceeds, the insured may present satisfactory proof to the Building Official that the insured has or will remove debris and repair, rebuild, or otherwise make the premises safe and secure. Upon presentation of such sufficient evidence, the Building Official, along with the City Clerk, shall certify that adequate proof of repairing or rebuilding has been given and that payment of insurance proceeds to the City shall not be paid, subject to any lien created by the City

4-122 ADDITION OF SECTION 116.10 – CITY NOT PARTY TO INSURANCE CONTRACT

A new Section 116.10 is hereby added to the 2018 IBC, as adopted by the City, to read as follows:

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

4-123 ADDITION OF SECTION 116.11 – FAILURE TO PAY INSURANCE PROCEEDS OR TO OBTAIN A CERTIFICATE IN LIEU OF PAYMENT PROCEEDS

A new Section 116.11 is hereby added to the 2018 IBC, as adopted by the City, to read as follows:

116.11 Failure to pay insurance proceeds or to obtain a certificate in lieu of payment of proceeds. It is unlawful for any person to fail to provide the payment of insurance proceeds as required by this section unless a certificate

in lieu of payment of proceeds has been obtained through the City.

4-124 ADDITION OF SECTION 116.12 – IMMEDIATE HAZARDS

A new Section 116.12 is hereby added to the 2018 IBC, as adopted by the City, to read as follows:

116.12 Immediate hazards. In the event the public officer under this section determines that a nuisance or unsafe structure exists which creates an immediate hazard, then the City shall proceed, without delay, to take steps to abate the situation and without prior notice to or hearing of the owner, representative, or tenant. The cost of such action shall be assessed as permitted by Kansas State Statute.

4-125 ADDITION OF SECTION 116.13 – RIGHT OF ENTRY; UNLAWFUL INTERFERENCE; PENALTY

A new Section 116.13 is hereby added to the 2018 IBC, as adopted by the City, to read as follows:

116.13 Right of entry; unlawful interference; penalty. Any authorized officer or agent of the City pursuant to this Article, shall be allowed to enter onto any land within the city limits to investigate violations of this Article or for the abatement of violations pursuant to this Article. 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 article whether investigation or abating violations. Any person who interferes with an officer or agent of the City pursuant to this Article shall be punished as provided in Section 116.14.

4-126 ADDITION OF SECTION 116.14: PENALTY

A new Section 116.14 is hereby added to the 2018 IBC, as amended by the City, to read as follows:

116.14 Penalty. Any property owner, representative, tenant or person found in violation of this article shall be subject to prosecution in municipal court. Any such person found guilty of violating the provisions of this article shall be subject to a fine of not less than \$50 nor more than \$500 and not more than 10 days in jail, or both. Any person found guilty of violating the provisions of this article two or more times within any one year period, or determined by the municipal court to be a perennial violator, shall be fined not less than \$250 nor more than \$500 and shall be subject to a sentence not to exceed 30 days in jail, or both. Prosecution of any offender under this article does not limit the City's right to pursue assessment or collection of costs as stated in this article,

or by other laws. Each day that any violation shall continue shall constitute a separate offense.

Section II. Repeal of Prior Ordinances.

Article 1 of Chapter IV of the Prairie Village Municipal Code, in existence as of and prior to the adoption of this Ordinance, and all other ordinances and parts thereof that are inconsistent with any provision of this Ordinance, are hereby repealed.

Section III. Effective Date

This ordinance shall take effect and be in force beginning June 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Prairie Village, Kansas on March 1, 2021

APPROVED by the Mayor on March 1, 2021.

Eric Mikkelson, Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Adam Geffert
City Clerk

David E. Waters
City Attorney

ORDINANCE NO. 2435

AN ORDINANCE AMENDING CHAPTER IV OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED "BUILDINGS AND CONSTRUCTION" BY AMENDING ARTICLE 2 ENTITLED "INTERNATIONAL RESIDENTIAL CODE" TO INCORPORATE BY REFERENCE THE "INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION", AND ADDING NEW AND SUBSTITUTE PROVISIONS THERETO, AND REPEALING THE PREVIOUS ARTICLE SO AMENDED.

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

Section I.

Existing Article 2 of Chapter IV of the Prairie Village Municipal Code is hereby deleted in its entirety and amended to read as follows:

ARTICLE 2. INTERNATIONAL RESIDENTIAL CODE (IRC)

4-201 INTERNATIONAL RESIDENTIAL CODE ADOPTED

The *International Residential Code, 2018 Edition*, published by the International Code Council, hereafter referred to as the 2018 IRC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Residential Code, 2018 edition*, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. 2435," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

4-202 AMENDMENTS TO SECTION R101.1 - TITLE

Section R101.1 of the 2018 IRC is hereby amended to read as follows:

R101.1 Title. These provisions shall be known as the *Residential Code for One and Two Family Dwellings of the City of Prairie Village*, hereinafter referred to as the 2018 IRC.

4-203 AMENDMENTS TO SECTION R101.4 – ADMINISTRATION

A new Section R101.4 is hereby added to the 2018 IRC, as adopted by the City, to read as follows:

R101.4 Administration. The administrative and enforcement provisions for this code shall be those provisions found in Sections 103 through 116 of the International Building Code.

4-204 AMENDMENTS TO SECTION R102.5 – APPENDICES ADOPTED

Section R102.5 of the 2018 IRC is hereby amended to read as follows:

R102.5 Appendices adopted. The following appendices are adopted as part of this code:

- a. Appendix H – Patio Covers
- b. Appendix K – Sound Transmission

4-205 AMENDMENTS TO TABLE R301.2(1) OF SECTION R301 – CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Table R301.2(1) of the 2018 IRC is hereby amended to read as follows:

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

GROUND SNOW LOAD	WIND DESIGN 1.Speed-mph 2.Topographic Effects	SEISMIC DESIGN CATAGORY	SUBJECT TO DAMAGE FROM 1.Weathering 2.Frost Line Depth 3.Termite	WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
20	1. 115 mph 2. No	A	1.Severe 2. 36" 3.Moderate to Heavy	6°	YES	CURRENT FIRM	1000	54°

4-206 AMENDMENTS TO SECTION R302.3 – TWO-FAMILY DWELLINGS

Section R302.3 of the 2018 IRC is hereby amended to read as follows:

R302.3 Two-family dwellings. Two-family dwellings shall comply with the same fire separation requirements as townhouses per Section R302.2.

4-207 AMENDMENTS TO SECTION R303.4 – MECHANICAL VENTILATION

Section R303.4 of the 2018 IRC is hereby amended to read as follows:

R303.4 Mechanical ventilation. Where the air infiltration rate of a dwelling unit is less than three (3) air changes per hour when tested with a blower door at a pressure of 0.2 inch w.c (50 Pa) in accordance with Section N1102.4.1.2, the dwelling unit shall be provided with whole-house ventilation in accordance with Section M1505.4.

4-208 ADDITION OF SECTION R309.6 – RESIDENTIAL DRIVEWAYS

Section R309.6 of the 2018 IRC is hereby amended to read as follows:

R309.6. Residential driveways. Residential concrete and asphalt driveway slabs shall be a minimum of 4 inches thick. The driveway shall have a constant slope so as to avoid ponding of water. The slope shall be away from the house or building or drain. Concrete driveways shall be provided with #4 rebar at 24" on center spacing in both directions as a minimum standard, and installed in accordance with ACI318-11 concrete quality and field practices.

4-209 DELETION OF SECTION R313.2 – ONE- AND TWO-FAMILY DWELLINGS AUTOMATIC FIRE SPRINKLER SYSTEMS

Section R313.2 of the 2018 IRC is hereby deleted.

4-210 AMENDMENTS TO SECTION R401.2 - REQUIREMENTS

Section R401.2 of the 2018 IRC is hereby amended to read as follows:

R401.2 Requirements. Foundation construction shall be capable of accommodating all loads according to Section R301 and of transmitting the resulting loads to the supporting soil. Fill soils that support footings and foundations shall be designed, installed and tested in accordance with accepted engineering practice.

R401.2.1 Design required. A design in accordance with accepted engineering practice shall be provided for concrete or masonry foundation walls when any of the following conditions exist:

1. Walls subject to hydrostatic pressure from groundwater.
2. Walls supporting more than 48 inches of unbalanced fill that do not have permanent lateral support at the top and bottom.
3. Sites containing CH, MH, OL, or OH soils as identified in Table R405.1.
4. Foundation walls exceeding 10 feet in height, measured from the top of the wall to the bottom of the slab.
5. Lots identified on the grading plan as having more than 6 feet of fill or having a finished slope steeper than 4 units horizontal to 1 unit vertical before grading.
6. Footings and foundations with existing fill soils below the footing level.
7. Sloping lots greater than 4 to 1 before grading.
8. Lots where some of the footings bear on soil and other footings bear on rock.
9. Areas where problems have historically occurred.
10. Stepped footing and foundation walls.

R401.2.2 Continuous footing reinforcement. Continuous footings for basement foundation walls shall have a minimum horizontal reinforcement consisting of not less than two (2) No. 4 bars, uniformly spaced, located a minimum 3 inches clear from the bottom of the footing.

R401.2.3 Foundation anchorage. The spacing of anchor bolts or foundation anchor straps required by Section R403.1.6 shall be reduced to a maximum of 3 feet on center for basement foundation walls.

4-211 AMENDMENTS TO SECTION R405.1 – CONCRETE OR MASONRY FOUNDATIONS

Section R405.1 of the 2018 IRC is hereby amended to read as follows:

R405.1 Concrete or masonry foundations. Drains shall be provided around all concrete or masonry foundations that retain earth and enclose habitable or usable spaces located below grade. Drainage tiles, gravel, or crushed stone drains, perforated pipe, or other approved systems or material shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an approved drainage system. Gravel or crushed stone drains shall extend at least 1 foot beyond the outside edge of the footing and 6 inches above the top of the footing and be covered with an approved filter membrane material. The top of open joints of drain tiles shall be protected with strips of building paper. Perforated drains shall be surrounded with an approved filter membrane or the filter membrane shall cover the washed gravel or crushed rock covering the drain. Drainage tiles or perforated pipe shall be placed on a minimum of 2 inches of washed gravel or crushed rock at least one sieve size larger than the tile joint opening or perforation and covered with not less than 6 inches of the same material.

Exceptions:

1. A drainage system is not required when the foundation is installed on well-drained ground or sand-gravel mixture soils according to the Unified Soil Classification System, Group I Soils, as detailed in Table R405.1 This exception must be verified and documented by a soils engineer and/or a certified testing agency.
2. A filter membrane is not required where perforated drains are covered with at least 18 inches of washed gravel or crushed rock.
3. For gravel or crushed stone drains, a filter membrane is not required when the gravel or crushed stone extends at least 18 inches above the top of the footing.

4-212 ADDITION OF SECTION R506.3 – DESIGN REQUIRED

A new Section R506.3 is hereby added to the 2018 IRC, as adopted by the City, to read as follows:

R506.3 Design required. A design in accordance with accepted engineering practice shall be provided for concrete floors when the limitations for fill material set forth in Section R506.2.1 are exceeded.

4-213 ADDITION OF SECTION R506.4 – BASEMENT FLOOR SLAB ISOLATION

A new Section R506.4 is hereby added to the 2018 IRC, as adopted by the City, to read as follows:

R506.4 Basement floor slab isolation. Basement floor slabs shall be isolated from column pads, interior columns, and interior bearing walls to facilitate differential movement. Nonbearing walls supported on basement floor slabs shall be provided with a minimum 1 inch expansion joint to facilitate differential movement between the floor slab and the floor framing

above. Isolation and/or expansion joint is not required within 6 inches of exterior walls.

4-214 AMENDMENTS TO TABLE N1102.1.2 IN SECTION R401.1.2 – INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT

Table N1102.1.2 in Section R401.1.2 of the 2018 IRC is hereby amended to read as follows:

TABLE N1102.1.2 (R402.1.2)
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT^a

Climate zone	Fenestration U-factor (b)	Skylight (b) U-factor	Glazed Fenestration SHGC (b)(e)	Ceiling R-value	Wood Frame wall R-value	Mass wall R-value (i)	Floor R-value	Base-ment wall R-value (c)	Slab (d) R-value & Depth	Crawl space(c) Wall R-value
4 not marine	0.32	0.55	0.40	49	15	8/13	19	10/13	10/2ft	10/13

For SI: 1 foot = 304.8 mm.

NR = Not Required.

- R-values are minimums. U-factors and SHGC are maximums. Where insulation is installed in a cavity, that is less than the label or design thickness of the insulation, the installed R-value shall not be less than the R-value specified in the table.
- The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- "10/13" means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement walls.
- R-5 insulation shall be provided under the full slab area of a heated slab.
- There shall be no SHGC requirements in the Marine zone.
- Basement wall insulation shall not be required in warm-humid locations as defined by figure N1101.7 and Table N1101.7
- Alternatively, insulation sufficient to fill the framing cavity providing not less than R-value of R-19.
- The first value is cavity insulation, the second value is continuous insulation. Therefore, as an example, "13+5" means R-13 cavity insulation plus R-5 continuous insulation.
- Mass walls shall be in accordance with section N1102.2.5. The second R-value applies where more than half of the insulation is on the interior of the mass wall.

4-215 AMENDMENT TO SECTION N1102.4.1.2 – TESTING

Section N1102.4.1.2 of the 2018 IRC is hereby amended to read as follows:

N1102.4.1.2 Testing. Where required by the building official, the building or dwelling unit shall be tested and verified as having an air leakage rate not

exceeding 5 air changes per hour. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the building official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope. During testing:

1. Exterior windows and doors, fireplace, and stove doors shall be closed, but not sealed beyond the intended weather-stripping or other infiltration control measures;
2. Dampers, including exhaust, intake, makeup air, backdraft, and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, shall be open;
4. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling systems, if installed at the time of the test, shall be turned off; and
6. Supply and return registers, if installed at the time of the test, shall be fully open.

4-216 AMENDMENT TO SECTION N1106.4 - ERI-BASED COMPLIANCE.

A new Section N1106.4 is hereby added to the 2018 IRC, as adopted by the City, to read as follows:

N1106.4 ERI-based compliance. Compliance based on an ERI analysis requires that the rated design be shown to have an ERI less than or equal to the appropriate value of 68 when compared to the ERI reference design. Where on-site renewable energy is included for compliance using the ERI analysis of Section N1106.4, the building shall meet mandatory requirements of Section N1106.2, and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table N1102.1.2 or Table N1102.1.4.

4-217 AMENDMENTS TO SECTION E3902.5 – UNFINISHED BASEMENT RECEPTACLES

Section E3902.5 of the 2018 IRC is hereby amended to read as follows:

E3902.5 Unfinished basement receptacles. 125-volt, single-phase, and 15- and 20-ampere receptacles installed in unfinished basements shall have ground-fault circuit-interrupter protection for personnel. For purpose of this section, unfinished basements are defined as portions or areas of the basement not intended as habitable rooms.

Exceptions: A receptacle supplying only a permanently installed fire alarm, burglar alarm system, or where a dedicated single-use style receptacle is installed for the sole purpose to supply power to a sump pump and the face

of the receptacle is labeled not GFCI protected. Receptacles installed in accordance with this exception shall not be considered as meeting the requirement of Section E3901.9.

Section II. Repeal of Prior Ordinances.

Article 2 of Chapter IV, consisting of Sections 4-201 through 4-226 (inclusive), of the Prairie Village Municipal Code, in existence as of and prior to the adoption of this Ordinance, and all other ordinances and parts thereof that are inconsistent with any provision of this Ordinance, are hereby repealed.

Section III. Effective Date.

This ordinance shall take effect and be in force beginning June 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Prairie Village, Kansas on March 1, 2021.

APPROVED by the Mayor on _____, 2021.

CITY OF PRAIRIE VILLAGE, KANSAS

Eric Mikkelson, Mayor

ATTEST:

Adam Geffert, City Clerk

APPROVED AS TO LEGAL FORM:

David E. Waters, City Attorney

ORDINANCE NO. 2436

AN ORDINANCE AMENDING CHAPTER IV OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED "BUILDINGS AND CONSTRUCTION" BY AMENDING ARTICLE 3 ENTITLED "INTERNATIONAL PLUMBING CODE" TO INCORPORATE BY REFERENCE THE "INTERNATIONAL PLUMBING CODE, 2018 EDITION," AND ADDING NEW AND SUBSTITUTE PROVISIONS THERETO, AND REPEALING THE PREVIOUS ARTICLE SO AMENDED.

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

Section I.

Existing Article 3 of Chapter IV of the Prairie Village Municipal Code is hereby deleted in its entirety and amended to read as follows:

ARTICLE 3. INTERNATIONAL PLUMBING CODE (IPC)

4-301 INTERNATIONAL PLUMBING CODE ADOPTED

The *International Plumbing Code, 2018 Edition*, published by the International Code Council, including Appendices B, C, D, and E, hereafter referred to as the 2018 IPC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Plumbing Code, 2018 edition*, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. 2436," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

4-302 AMENDMENTS TO SECTION 101.1 - TITLE

Section 101.1 of the 2018 IPC is hereby amended to read as follows:

101.1 Title. These provisions shall be known as the *International Plumbing Code of the City of Prairie Village*, hereinafter referred to as "the 2018 IPC," "the IPC" or "plumbing code."

4-303 ADDITION OF SECTION 101.5 – ADMINISTRATION AND ENFORCEMENT

A new Section 101.5 is hereby added to the 2018 IPC, as adopted by the City, to read as follows:

101.5 Administration and enforcement. The administrative and enforcement provisions for this code shall be those provisions found in Sections 103 through

4-304 AMENDMENTS TO SECTION 107.4 – TESTING

Section 107.4 of the 2018 IPC is hereby amended to read as follows:

107.4 Testing. Plumbing work and systems shall be tested as required in Section 312 and in accordance with Sections 107.4.1 through 107.4.3. Tests shall be made by the permit holder and observed by the code official as deemed necessary.

107.4.1 New, altered, extended, or repaired systems. New plumbing systems and parts of existing systems that have been altered, extended, or repaired shall be tested as prescribed herein to disclose leaks and defects, except that testing is not required in the following cases:

1. In any case that does not include addition to, replacement alteration, or relocation of any water supply, drainage, or vent piping.
2. In any case where plumbing equipment is set up temporarily for exhibition purposes.

107.4.2 Equipment, material, and labor for tests. All equipment, material, and labor required for testing a plumbing system or part thereof shall be furnished by the permit holder.

107.4.3 Re-inspection and testing. Where any work or installation does not pass any initial test or inspection, the necessary correction shall be made to comply with this code. The work or installation shall then be re-submitted to the code official for inspection and testing.

4-305 AMENDMENTS TO SECTION 305.4 - FREEZING

Section 305.4 of the 2018 IPC is hereby amended to read as follows:

305.4 Freezing. Water, soil, and waste pipes shall not be installed outside of a building, in attics, or crawl spaces, concealed in outside walls, or in any other place subjected to freezing temperatures unless adequate provision is made to protect such pipes from freezing by insulation, heat, or both. Exterior water supply system piping shall be installed not less than six inches (6") below the frost line. The frost line depth for the City of Prairie Village is thirty six inches (36").

Section II. Repeal of Prior Ordinances.

Article 3 of Chapter IV, of the Prairie Village Municipal Code, in existence as of and prior to adoption of this Ordinance, and all other ordinances and parts thereof that are inconsistent with any provision of this Ordinance, are hereby repealed.

Section III. Effective Date

This ordinance shall take effect and be in force beginning June 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Prairie Village, Kansas on March 1, 2021

APPROVED by the Mayor on March 1, 2021.

Eric Mikkelsen, Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Adam Geffert
City Clerk

David E. Waters
City Attorney

ORDINANCE NO. 2437

AN ORDINANCE AMENDING CHAPTER IV OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED "BUILDINGS AND CONSTRUCTION" BY AMENDING ARTICLE 4 ENTITLED "INTERNATIONAL MECHANICAL CODE" TO INCORPORATE BY REFERENCE THE "INTERNATIONAL MECHANICAL CODE, 2018 EDITION," AND ADDING NEW AND SUBSTITUTE PROVISIONS THERETO, AND REPEALING THE PREVIOUS ARTICLE SO AMENDED.

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

Section I.

Existing Article 4 of Chapter IV of the Prairie Village Municipal Code is hereby deleted in its entirety and amended to read as follows:

ARTICLE 4. INTERNATIONAL MECHANICAL CODE (IMC)

4-401 INTERNATIONAL MECHANICAL CODE ADOPTED

The *International Mechanical Code, 2018 Edition*, published by the International Code Council, including Appendix A thereof, hereafter referred to as the 2018 IMC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Mechanical Code, 2018 edition*, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. 2437," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

4-402 AMENDMENTS TO SECTION 101.1 - TITLE

Section 101.1 of the 2018 IMC is hereby amended to read as follows:

101.1 Title. These provisions shall be known as the *International Mechanical Code of the City of Prairie Village*, hereinafter referred to as the "2018 IMC," "the IMC" or "mechanical code."

4-403 ADDITION OF SECTION 101.5 – ADMINISTRATION AND ENFORCEMENT

A new Section 101.5 is hereby added to the 2018 IMC, as adopted by the City, to read as follows:

101.5 Administration and enforcement. The administrative and enforcement provisions for this code shall be those provisions found in Sections 103 through

116 of the International Building Code, 2018 edition, as adopted by the City.

4-404 ADDITION OF SECTION 102.12 – STATE BOILER INSPECTOR

A new Section 102.12 is hereby added to the 2018 IMC, as adopted by the City, to read as follows:

102.12 State boiler inspector. Where permits are issued and portions of the work require inspection and approval of boilers and pressure vessels in accordance with K.S.A. 44-913 et. Seq. by the State of Kansas, those portions of the work shall comply with the state requirements in lieu of compliance with the technical provisions of this Code. Contact the State Boiler Inspector at the State of Kansas Fire Marshalls Office for complete information regarding state requirements.

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 fifteen (15) cubic feet and 250 psi.

Section II. Repeal of Prior Ordinances.

Article 4 of Chapter IV of the Prairie Village Municipal Code, in existence as of and prior to the adoption of this Ordinance, and all other ordinances and parts thereof that are inconsistent with any provision of this Ordinance, are hereby repealed.

Section III. Effective Date

This ordinance shall take effect and be in force beginning June 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Prairie Village, Kansas on March 1, 2021.

APPROVED by the Mayor on March 1, 2021.

Eric Mikkelson, Mayor

ATTEST:

Adam Geffert
City Clerk

APPROVED AS TO LEGAL FORM:

David E. Waters
City Attorney

ORDINANCE NO. 2438

AN ORDINANCE AMENDING CHAPTER IV OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED "BUILDINGS AND CONSTRUCTION" BY AMENDING ARTICLE 5 ENTITLED "INTERNATIONAL FUEL GAS CODE" TO INCORPORATE BY REFERENCE THE "INTERNATIONAL FUEL GAS CODE, 2018 EDITION," AND ADDING NEW AND SUBSTITUTE PROVISIONS THERETO, AND REPEALING THE PREVIOUS ARTICLE SO AMENDED.

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

Section I.

Existing Article 5 of Chapter IV of the Prairie Village Municipal Code is hereby deleted in its entirety and amended to read as follows:

ARTICLE 5. INTERNATIONAL FUEL GAS CODE (IFGC)

4-501 INTERNATIONAL FUEL GAS CODE ADOPTED

The *International Fuel Gas Code, 2018 Edition*, published by the International Code Council, including Appendix A thereof, hereafter referred to as the 2018 IFGC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Fuel Gas Code, 2018 edition*, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. 2438," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

4-502 AMENDMENTS TO SECTION 101.1 - TITLE

Section 101.1 of the 2018 IFGC is hereby amended to read as follows:

101.1 Title. These provisions shall be known as the *International Fuel Gas Code of the City of Prairie Village*, hereinafter referred to as the "2018 IFGC," "the IFGC" or "fuel gas code."

4-503 ADDITION OF SECTION 101.5 – ADMINISTRATION AND ENFORCEMENT

A new Section 101.6 is hereby added to the 2018 IFGC, as adopted by the City, to read as follows:

101.5 Administration and enforcement. The administrative and enforcement provisions for this code shall be those provisions found in Sections 103 through

116 of the *International Building Code, 2018 edition*.

**4-504 AMENDMENTS TO SECTION 303.4 – PROTECTION FROM
VEHICLE IMPACT DAMAGE**

A new Section 303.4 is hereby added to the 2018 IFGC, as adopted by the City, to read as follows:

303.4 Protection from vehicle impact damage. Appliances and gas meters shall not be installed in a location subject to vehicle impact damage unless protected from vehicle impact damage per Section 312 of the *International Fire Code, 2018 edition*.

Section II. Repeal of Prior Ordinances.

Article 5 of Chapter IV, of the Prairie Village Municipal Code, in existence as of and prior to the adoption of this Ordinance, and all other ordinances and parts thereof that are inconsistent with any provision of this Ordinance, are hereby appealed.

Section III. Effective Date

This ordinance shall take effect and be in force beginning June 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Prairie Village, Kansas on March 1, 2021.

APPROVED by the Mayor on March 1, 2021.

Eric Mikkelson, Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Adam Geffert
City Clerk

David E. Waters
City Attorney

ORDINANCE NO. 2439

AN ORDINANCE AMENDING CHAPTER IV OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED "BUILDINGS AND CONSTRUCTION" BY AMENDING ARTICLE 6 ENTITLED "INTERNATIONAL ENERGY CONSERVATION CODE" TO INCORPORATE BY REFERENCE THE "INTERNATIONAL ENERGY CONSERVATION CODE, 2018 EDITION," AND ADDING NEW AND SUBSTITUTE PROVISIONS THERETO, AND REPEALING THE PREVIOUS ARTICLE SO AMENDED.

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

Section I.

Existing Article 6 of Chapter IV of the Prairie Village Municipal Code is hereby deleted in its entirety and amended to read as follows:

ARTICLE 6. INTERNATIONAL ENERGY CONSERVATION CODE (IECC)

4-601 INTERNATIONAL ENERGY CONSERVATION CODE ADOPTED

The *International Energy Conservation Code, 2018 Edition*, published by the International Code Council hereafter referred to as the 2018 IECC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Energy Conservation Code, 2018 edition*, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. 2439," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

4-602 AMENDMENTS TO SECTION C101.1 – TITLE, DESIGN CRITERIA, APPLICABILITY

Section 101.1 of the 2018 IECC is hereby amended to read as follows:

C101.1 Title. These provisions shall be known as the *International Energy Conservation Code of the City of Prairie Village*, hereinafter referred to as the "2018 IECC", "the IECC" or "energy conservation code."

C101.1.1 Design criteria. City of Prairie Village design criteria for energy code compliance shall be Climate Zone 4, Not Marine.

C101.1.2 Applicability. One- and two-family dwellings and townhouses shall comply with the IRC 2018 as amended for energy code compliance. All other residential occupancies identified in the IBC 2018, Chapter 3, such as R-1, R-2, R-3, and R-4 shall comply with IECC 2018.

Exception: R-3 and R-4 facilities that are allowed within one- or two-family dwellings shall use the IRC 2018 for energy code compliance.

4-603 ADDITION OF SECTION C101.6 – ADMINISTRATION AND ENFORCEMENT

A new Section C101.6 is hereby added to the 2018 IECC, as adopted by the City, to read as follows:

C101.6 Administration and enforcement. The administrative and enforcement provisions for this code shall be those provisions found in Sections 103 through 116 of the *International Building Code, 2018 edition*, as adopted by the City.

Section II. Repeal of Prior Ordinances.

Article 6 of Chapter IV of the Prairie Village Municipal Code, in existence as of and prior to the adoption of this Ordinance, and all other ordinances and parts thereof that are inconsistent with any provision of this Ordinance, are hereby repealed.

Section III. Effective Date

This ordinance shall take effect and be in force beginning June 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Prairie Village, Kansas on March 1, 2021

APPROVED by the Mayor on March 1, 2021.

Eric Mikkelson, Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Adam Geffert
City Clerk

David E. Waters
City Attorney

ORDINANCE NO. 2440

AN ORDINANCE AMENDING CHAPTER IV OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED "BUILDINGS AND CONSTRUCTION" BY AMENDING ARTICLE 7 ENTITLED "NFPA 70 – NATIONAL ELECTRICAL CODE TO INCORPORATE BY REFERENCE THE "NFPA70 – NATIONAL ELECTRICAL CODE, 2017 EDITION," AND ADDING NEW AND SUBSTITUTE PROVISIONS THERETO, AND REPEALING THE PREVIOUS ARTICLE SO AMENDED.

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

Section I.

Article 7 of Chapter IV of the Prairie Village Municipal Code is hereby deleted in its entirety and amended to read as follows:

ARTICLE 7. NFPA70 – NATIONAL ELECTRICAL CODE

4-701 NFPA 70 – NATIONAL ELECTRICAL CODE INCORPORATED

The *NFPA 70: National Electric Code, 2017 edition*, published by the National Fire Protection Association, Inc. hereafter referred to as the NEC 2017, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *NFPA 70: National Electrical Code, 2017 edition*, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. 2440," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

4-702 ADDITION OF SECTION 90.10 – ADMINISTRATION AND ENFORCEMENT

A new Section 90.10 of the NEC 2017 is hereby added to the NEC 2017, as adopted by the City, to read as follows:

90.10. Administration and enforcement. The administrative provisions for this code shall be those provisions contained in Sections 103 through 116 of the *International Building Code, 2018 edition*.

Section II. Repeal of Prior Ordinances.

Article 7 of Chapter IV of the Prairie Village Municipal Code, in existence as of and prior to the adoption of this Ordinance, and all other ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

Section III. Effective Date

This ordinance shall take effect and be in force beginning June 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Prairie Village, Kansas on March 1, 2021.

APPROVED by the Mayor on March 1, 2021.

Eric Mikkelson, Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Adam Geffert
City Clerk

David E. Waters
City Attorney

ORDINANCE NO. 2441

AN ORDINANCE AMENDING CHAPTER IV OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED "BUILDINGS AND CONSTRUCTION" BY ADDING ARTICLE 9 ENTITLED "INTERNATIONAL EXISTING BUILDING CODE" TO INCORPORATE BY REFERENCE THE "INTERNATIONAL EXISTING BUILDING CODE, 2018 EDITION," AND ADDING NEW AND SUBSTITUTE PROVISIONS THERETO.

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

Section I.

Article IX of Chapter IV of the Prairie Village Municipal Code is hereby created to read as follows:

ARTICLE 9. INTERNATIONAL EXISTING BUILDING CODE

4-901 INTERNATIONAL EXISTING BUILDING CODE INCORPORATED

The *International Existing Building Code, 2018 edition*, published by the International Code Council, hereafter referred to as the 2018 IEBC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Existing Building Code, 2018 edition*, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. 2441," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

4-902 AMENDMENT TO SECTION 101.1 – TITLE

Section 101.1 of the 2018 IEBC is hereby amended to read as follows:

101.1 Title. These provisions shall be known as the Existing Building Code of the City of Prairie Village, Kansas, hereinafter referred to as "the 2018 IEBC," the "IEBC," or "this code."

4-903 AMENDMENT TO SECTION 103 – ADMINISTRATION

Section 103 of the 2018 IEBC is hereby amended to read as follows:

103.1 Administration. The administrative and enforcement provisions for this code shall be those provisions found in Section 103 through 116 of the *International Building Code, 2018 edition*, as adopted by the City.

Section II. Repeal of Prior Ordinances.

All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

Section III. Effective Date

This ordinance shall take effect and be in force beginning June 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Prairie Village, Kansas on March 1, 2021.

APPROVED by the Mayor on May 1, 2021.

Eric Mikkelson, Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Adam Geffert
City Clerk

David E. Waters
City Attorney

ORDINANCE NO. 2442

AN ORDINANCE AMENDING CHAPTER IV OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED "BUILDINGS AND CONSTRUCTION" BY ADDING ARTICLE 10 ENTITLED "INTERNATIONAL SWIMMING POOL AND SPA CODE" TO INCORPORATE BY REFERENCE THE "INTERNATIONAL SWIMMING POOL AND SPA CODE, 2018 EDITION," AND ADDING NEW AND SUBSTITUTE PROVISIONS THERETO.

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

Section I.

Article 10 of Chapter IV of the Prairie Village Municipal Code is hereby added to read as follows:

ARTICLE 10. INTERNATIONAL SWIMMING POOL AND SPA CODE

4-1001 INTERNATIONAL SWIMMING POOL AND SPA CODE ADOPTED

The *International Swimming Pool and Spa Code, 2018 edition*, published by the International Code Council, hereafter referred to as the 2018 ISPSC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Swimming Pool and Spa Code, 2018 edition*, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. 2442," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

4-1002 AMENDMENT TO SECTION 101.1 – TITLE

Section 101.1 of the 2018 ISPSC is hereby amended to read as follows:

101.1 Title. These provisions shall be known as the Swimming Pool and Spa Code of the City of Prairie Village, Kansas, hereinafter referred to as "the 2018 ISPSC," the "ISPSC," or "this code."

4-1003 AMENDMENT TO SECTION 103 – ADMINISTRATION

Section 103 of the 2018 ISPSC is hereby amended to read as follows:

103.1 Administration. The administrative and enforcement provisions for this code shall be those provisions found in Section 103 through 116 of the *International Building Code, 2018 edition*, as adopted by the City.

4-1004 AMENDMENT TO SECTION 305.1 – GENERAL

Section 305.1 of the 2018 ISPSC is hereby amended to read as follows:

305.1 General. The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools and spas. Where spas or hot tubs are equipped with a lockable safety cover complying with ASTM F1346, the areas where those spas or hot tubs are located shall not be required to comply with Sections 305.2 through 305.7.

Section II. Repeal of Prior Ordinances.

All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

Section III. Effective Date

This ordinance shall take effect and be in force beginning June 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Prairie Village, Kansas on March 1, 2021.

APPROVED by the Mayor on March 1, 2021.

Eric Mikkelson, Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Adam Geffert
City Clerk

David E. Waters
City Attorney

ORDINANCE NO. 2443

AN ORDINANCE AMENDING CHAPTER IV OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED "BUILDINGS AND CONSTRUCTION" BY ADDING A NEW ARTICLE 11 ENTITLED "CONSTRUCTION SITE FENCING AND SCREENING"

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

Section I.

Article 11 of Chapter IV of the Prairie Village Municipal Code is hereby added to read as follows:

ARTICLE 11. CONSTRUCTION SITE FENCING AND SCREENING

4-1101 INTENT

The purpose of this Article is to require construction sites to be fenced to protect adjacent properties from construction activities and debris, to safeguard public safety by restricting public access to the construction site, preserve neighborhood esthetics, and minimize construction nuisances by screening the clutter of construction, thereby ensuring the comfort, safety, and welfare of the residents of the City of Prairie Village.

4-1102 APPLICABILITY

The provisions of this Article shall specifically apply to:

- A. Any new structure built on a vacant lot
- B. A demolition of an existing structure, whether it is just a demolition or a demolition and rebuild of a new structure
- C. Any addition of an existing structure that adds more than 600 square feet to the existing building footprint.
- D. Any remodel of an existing structure that tears down more than 10% of the existing structure associated with the new construction.

4-1103 CONSTRUCTION SITE FENCING REQUIRED

Prior to starting grading, excavation, or construction, the Building Official shall require the site to be temporarily fenced and screened on all sides for the duration of the construction project. The fence must be removed upon approval of final grade before a Temporary Certificate of Occupancy will be issued. The height of the fence shall be between seventy-two (72) and eighty-four (84) inches, and fence material shall be chain link metal fence overlaid on the exterior with an opaque vinyl screen, or other equivalent fencing and screening material as approved by the Building Official. The fence shall be located on or behind the lot

line and not be located in any part of the right-of-way unless approval is granted by the Public Works Department through a right-of-way permit.

The Building Official may grant exceptions to this provision where fencing on one or more sides is not feasible due to physical constraints or determined to be unnecessary due to the presence of equivalent barrier(s) or other extenuating circumstances.

4-1104 TEMPORARY PROJECT INFORMATION SIGN

All construction projects that fall under the requirements of this Article shall affix a temporary project information sign to the fence that can be readily viewed by the public, in addition to displaying the approved building permit issued by the City. The temporary project information sign shall be two (2) feet in height by three (3) feet in length with the following information printed legibly in at least seventy-two (72) point font:

- A. Permit number
- B. Site address
- C. General contractor's name
- D. Primary contact name
- E. Contact phone number
- F. Contact email address

The temporary project information shall be labeled with the words "PROJECT INFORMATION" at the center top and also include the most current allowable construction hours per city ordinance.

The temporary project information sign shall be in substantial conformance to the following:

PROJECT INFORMATION	
ADDRESS: _____	
CONTACT: _____	PHONE #: _____
CONTRACTOR: _____ EMAIL: _____	
PERMIT #: _____	
PURSUANT TO ORDINANCE 2427, CONSTRUCTION NOISE IS PERMITTED DURING SUMMER MONTHS (MAY 15 – SEPTEMBER 15) FROM 7 A.M. – 8 P.M. ON WEEKDAYS AND 8 A.M. – 8 P.M. ON WEEKENDS. DURING NON-SUMMER MONTHS AND FEDERAL HOLIDAYS, CONSTRUCTION NOISE IS PERMITTED FROM 8 A.M. – 8 P.M. MONDAY – SUNDAY.	
2	

Section II. Repeal of Prior Ordinances.

All ordinances and parts thereof that are inconsistent with any provision of this Ordinance are hereby repealed.

Section III. Effective Date

This ordinance shall take effect and be in force beginning June 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Prairie Village, Kansas on March 1, 2021.

APPROVED by the Mayor on March 1, 2021.

Eric Mikkelson, Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Adam Geffert
City Clerk

David E. Waters
City Attorney

ORDINANCE NO. 2444

AN ORDINANCE AMENDING CHAPTER VIII OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED "BUILDINGS AND CONSTRUCTION" BY AMENDING ARTICLE 2 ENTITLED "PROPERTY MAINTENANCE CODE" TO INCORPORATE BY REFERENCE THE "INTERNATIONAL PROPERTY MAINTENANCE CODE, 2018 EDITION."

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

Section I.

Article 2 of Chapter VIII of the Prairie Village Municipal Code is hereby amended to read as follows:

ARTICLE 2. PROPERTY MAINTENANCE CODE

8-201 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED

The International Property Maintenance Code, 2018 edition, published by the International Code Council, hereafter referred to as the 2018 IPMC, is hereby adopted by reference and made a part of this Chapter and Article, save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said International Property Maintenance Code, 2018 edition, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. 2444," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

8-202 AMENDMENTS TO SECTION 101.1 – TITLE

Section 101.1 of the 2018 IPMC is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the *International Property Maintenance Code of the City of Prairie Village, Kansas*, hereinafter referred to as "this code," "2018 IPMC," or the "IPMC."

8-203 DELETION OF SECTION 103.5 - FEES

Section 103.5 of the 2018 IPMC is hereby deleted.

8-204 AMENDMENT TO SECTION 106.4 – VIOLATION PENALTIES

Section 106.4 of the 2018 IPMC is hereby amended to read as follows:

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith or with any requirements thereof, may be prosecuted within the limits provided by state or local law in the Prairie Village Municipal Court. Each day that a violation continues, after due notice has been served, shall be deemed as a separate offense. Prosecution of any violation as a public offense pursuant to this section may be in addition to, or as an alternative to, any other remedy or course of action available to the City under this Chapter.

1. Upon first conviction of a violation of any provision of this Chapter, a person shall be punished by a fine not exceeding \$500
2. Upon a second conviction for a violation of any provision of this Chapter, a person shall be punished by a fine of at least \$200 and not more than \$750 or by imprisonment for not more than 10 days or by both such fine and imprisonment.
3. Upon a third or subsequent conviction for a violation of any provision of this Chapter, a person shall be punished by a fine of at least \$500 and not more than \$1,000 or by imprisonment for not more than 10 days or by both such fine and imprisonment.
4. For the purpose of determining whether a conviction is first, second, third, or subsequent in sentencing under this section, only convictions occurring in the immediate preceding three years shall be taken into account, but the Court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offender, whichever is applicable.

8-205 ADDITION OF SECTION 108.8 – DAMAGE BY FIRE, EXPLOSION OR WINDSTORM; INSURANCE PROCEEDS

New Section 108.8 is hereby added to the 2018 IPMC, as adopted by the City, to read as follows:

108.8 Damage by fire, explosion, or windstorm; insurance proceeds. Damage created by a fire, explosion or windstorm shall comply with the provisions below:

1. If fire, explosion, or windstorm causes damage to a structure that is covered by insurance and the covered claim payment is in excess of 75 percent (75%) of the face value of the policy covering the structure, then the insurance provider shall be required to pay to the City an amount not to exceed 15% of the proceeds of such policy. The insurer first shall pay all amounts due to the holder of a first real estate mortgage against the structure pursuant to the terms of the policy and endorsements thereto and then shall withhold from the covered claim payment the sums required to be paid to the City. Such payments shall be made to the City on or before the date any moneys are released by the insurer to any party, or within 30 days of the incident resulting in the claim, whichever is earlier in time. The payment shall be made by check or money order made

payable to the "City of Prairie Village" with no post-dating of the check or money order allowed and sent by certified mail, return receipt requested to the City Clerk of Prairie Village, Kansas, 7700 Mission Road, Prairie Village, Kansas 66208, along with a statement explaining the reason for payment and giving the address of the property involved. All such funds received by the City Clerk shall be placed in an interest bearing account of the City.

2. The City shall release the insured's proceeds and any interest which has accrued thereon within 30 days after receipt of such monies, unless the City has instituted abatement proceedings and/or a permit has been issued for re-construction pursuant to this chapter. If such proceedings have been instituted, the City shall retain the proceeds until the abatement proceedings and/or re-construction is complete. At the conclusion of the abatement proceedings and/or re-construction, all monies in excess of that expended by the City for abatement proceedings and/or re-construction expenses (such as removing mud or debris off the streets), less any salvage value, shall be paid to the insured.
3. The City may create a lien in favor of the City in the proceeds of any insurance policy based upon a covered payment made for damage or loss to the building or other structure, caused by or arising out of any fire, explosion or windstorm.
4. The City Clerk shall notify the Commissioner of Insurance for the State of Kansas within 14 days after the adoption of this section. Such notification shall state that the city has enacted an ordinance, pursuant to the authority of K.S.A 40-3901 et seq. concerning payment of insurance proceeds to the City arising out of claims due to fire, explosion or windstorms. A copy of the notice shall be maintained by the City Clerk.

8-206 AMENDMENTS TO SECTION 109.1 – IMMINENT DANGER

Section 109.1 of the 2018 IPMC is hereby amended to read as follows:

109.1 Imminent danger. When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This structure is unsafe and its occupancy has been prohibited by the Code Official". It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or demolishing the same. When the Code Official has determined that a structure is in danger of collapse or has suffered a partial collapse and thus poses an imminent danger to life for those in proximity to the structure, the

Code Official is further authorized to order the immediate removal or demolition of the structure or portion thereof as authorized under Kansas State Statute.

8-207 AMENDMENTS TO SECTION 110 – DEMOLITION

Section 110 of the 2018 IPMC is hereby amended to read as follows:

110.1 Order of demolition. The Code Official shall order the owner of any premises upon which is located any structure, which in the Code Official's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the Code Official shall order the owner to demolish and remove such structure, or board up until further repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official. All notices and orders shall comply with Section 107.

110.2 Demolition or repair by the City. The Governing Body shall have the power to cause the repair or removal of, or to remove any structure located within the city, which may have become unsafe or dangerous. This provision and the following subsections are intended to conform with the provisions of K.S.A. 12-1750 et seq.; and to the extent there is any conflict, the Statute shall take precedent.

110.2.1 Code official's report. Whenever the Code official's investigation discloses a basis that any structure is unsafe or dangerous, the Code Official shall file a written report with the Governing Body describing the situation, its location and the circumstances that support the determination that the structure is unsafe or dangerous.

110.2.2 Notice and publication for hearing. The Governing Body, by resolution, shall fix a time and place at which the owner, the owner's agent, any lienholders of record and any occupant of such structure may appear and show cause why such structure should not be condemned and ordered repaired or demolished. Such resolution shall be published once each week for two (2) consecutive weeks on the same day of each week. At least thirty (30) days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail within three (3) days after its first publication to each such owner, agent, lienholder and occupant, at the last known address and shall be marked "deliver to addressee only."

110.2.3 Hearing. On the date fixed for hearing or any adjournment

thereof, the Governing Body shall hear all evidence submitted by the owner, the owner's agent, lienholders of record and occupants having an interest in such structure as well as evidence submitted by the Code Official and shall make findings by resolution. Provided, in the event the Code Official determines on or before the date fixed for hearing that the structure has been sufficiently repaired or removed, the Code official shall inform the Governing Body and recommend the cancellation of the hearing. Upon acceptance of said recommendation, no further action shall be required by the Governing Body.

110.2.4 Findings and resolution. If the Governing Body finds that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired or removed and the premises made safe and secure. Such resolution shall be published once in the official City paper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall affix a reasonable time within which the repair or removal 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 repaired or razed and removed.

If the Governing Body finds that such structure is not unsafe or dangerous, such resolution shall state such finding and that the proceeding is terminated. Such resolution shall not be required to be published.

110.2.5 Action, assessment, and collection of costs by the City. If the owner of any structure has failed to commence the repair or removal of such structure within the time stated in the resolution or has failed to make diligent progress toward the same thereafter, the City may proceed to raze and remove such structure, make the premises safe and secure, or let the same to contract.

The City shall keep an account of the cost of such work and may sell the salvage from such structure and apply the proceeds or any necessary portion thereof to pay the cost of removing such structure and making the premises safe and secure. All monies in excess of that necessary to pay such costs and the costs of publications of notice and any postage for mailing of notice, after the payment of all costs, shall be paid to the owner of the premises upon which the structure was located.

The City shall give notice to the owner of such structure by restricted mail of the total cost incurred by the City in removing such structure and making the premises safe and secure and the cost of providing notice. Such notice also shall state that payment of such cost is due and payable within thirty (30) days following the receipt of such notice. If the cost is

not paid within the thirty (30) day period and there is no salvageable material or if moneys received from the sale of salvage or from the proceeds of any insurance policy in which the City has created a lien pursuant to K.S.A. 40-3901 et seq. and amendments thereto, are insufficient to pay the costs of such work, the balance shall be collected in the manner provided by K.S.A. 12-1,115 and amendments thereto or shall be assessed as a special assessment against the lot or parcel of land on which the structure was located and the City Clerk, at the time of certifying other city taxes, shall certify the unpaid portion of the costs and the County Clerk shall extend the same on the tax rolls of the county against such lot or parcel of land. The City may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115 and amendments thereto, but only until the full cost and any applicable interest has been paid in full.

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

110.3 Duties of owner after removal of structure. The owner of any structure, upon removing the same, shall remove concrete spoils, debris, and fill in any basement or other excavations located upon the premises and take any other action necessary to leave such premises in a safe and secure condition.

110.4 Deleted. 110.4 of the 2018 IPMC is hereby deleted.

8-207 ADDITIONS TO SECTION 202 - GENERAL DEFINITIONS

Section 2020 of the 2018 IPMC is hereby amended by adding the following definitions:

CALENDAR YEAR. The period of time beginning January 1 and ending December 31 of the same year.

GRAFFITI. Markings, as initials, slogans, or drawings written, spray painted, or sketched on a sidewalk, driveway, street, wall of a building, public restroom, or the like.

NOXIOUS PLANTS. Means poison ivy, poison oak and poison sumac, at any height or state of maturity.

RANK WEEDS. Means all vegetation which may exhale unpleasant or noxious odors, or transmit pollen into the air at any state of maturity and which exceeds 8 inches in height; also, all vegetation, regardless of height, including thickets, which conceals or invites filthy deposits, or which harbors rodents, refuse, or vermin. Such rank weeds include, but are not limited to the following: large crabgrass, large hairy crabgrass, barnyard grass, Pennsylvania smartweed, ladythumb, smartweed, curled dock, sour dock, lambsquarter, rough pigweed, redroot, shepherds purse, nodding spurge, upright spotted spurge, velvet leaf, indian mallow,

sticktight, blue stickseed, common ragweed, giant ragweed, horsetweed, kinghead, dandelion, cocklebur, clotbur, downy brome grass, downy chess, bermuda grass, devilgrass, stinkgrass, lovegrass, witchgrass, tumble panicgrass, giant foxtail, Johnson grass, hop sedge, sloughgrass, hemp, stinging nettle, nettle, swamp smartweed, tanweed, devils shoestring, smooth dock, maple-leaved goosefoot, waterhemp, tumbleweed, tumble amaranth, common milkweed, common mullen, burdock, beggar tick, sticktight, devils pitchfork, tall con flower, golden glow, gray goldenrod, field goldenrod.

THICKETS. Means dense growths of wild shrubbery and/or uncontrolled or invasive species including but not limited to bamboo, briar patches and similar growth having stems or trunks less than one and one half inches in diameter.

VEHICLE. Any automobile, truck, tractor, farm machinery or motorcycle which as originally built contained an engine, regardless of whether it contains an engine at any other time.

VEHICLE; INOPERABLE. Means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned, or unable to perform the function or purpose for which it was originally intended.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work and compatible with the undamaged surfaces of the structure

8-207 AMENDMENTS TO SECTION 302.2 – GRADING & DRAINAGE

Section 302.2 of the 2018 IPMC is hereby amended to read as follows:

302.2 Grading and drainage. All premises shall be graded and maintained to include grass or suitable ground cover to prevent the erosion of soil and to prevent the accumulation of standing and/or stagnant water thereon, or within any structure located thereon.

8-208 AMENDMENTS TO SECTION 302.4 – WEEDS AND THICKETS

Section 302.4 of the 2018 IPMC is hereby amended to read as follows:

302.4 Weeds and thickets. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches in height. All noxious weeds and uncontrolled thickets shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds and/or uncontrolled thickets after a service of notice of violation, they shall be subject to prosecution in accordance with Section 106.3 of the 2018 IPMC and as prescribed in the City of Prairie Village municipal code. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds and/or uncontrolled thickets growing thereon, and the costs of

such removal shall be paid by the owner or agent responsible for the property.

302.4.1 Weeds/thickets to be removed. Property owners are responsible for maintaining property free from weeds and thickets, including the area between the property lines of said property and the centerline of any adjacent street or alley, including, but not specifically limited to, sidewalks, streets, alleys, easements, right-of-way, and all other areas, public or private. All weeds and/or uncontrolled thickets as herein described are hereby declared a nuisance and are subject to abatement as hereinafter provided.

302.4.2 Notice to remove. The code official or an authorized agent shall issue a notice of violation and order the owner, occupant, or agent of any property in the City upon which weeds exist in violation of this chapter; provided however, in the event a notice and order was previously served upon the owner, occupant or agent of the property for a violation of the City's weed control ordinance during the same calendar year, no further notice shall be required prior to any abatement action by the City. Such notice and order shall be issued in writing to the owner, occupant or agent by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, such notice and order shall be sent by certified mail, return receipt requested to the last known address of the owner. The notice and order may be made by publication in the official City newspaper in the event there is no resident agent and the owner is either unknown or is a nonresident (provided a nonresident owner with a known address is also sent notice by certified mail as required hereinabove.)

Such notice shall include the following:

1. That the owner, occupant, or agent is in violation of the City weed control ordinance.
2. That the owner, occupant, or agent is ordered to cut, destroy or remove the weeds and/or uncontrolled thickets within (5) days of the receipt of notice and order, or if the notice and order is served by publication, within (10) days of the date of publication, the applicable time period hereinafter referred to as the "correction period".
3. That before the expiration of the correction period, the owner, occupant, or agent may request a hearing before the governing body or its designated representative.
4. That if within the correction period the owner, occupant, or agent fails to request a hearing or to cut destroy or remove the weeds and/or uncontrolled thickets to the satisfaction of the code official or an authorized assistant, the City or its authorized agent will cut, destroy, or remove the weeds and/or uncontrolled thickets and assess against the owner, occupant or agent the total costs of the cutting, destruction, or removal of the weeds and/or uncontrolled thickets including a reasonable administrative fee and the cost of all notices.
5. That payment of the assessed total costs are due and payable within thirty (30) days following the receipt of notice of such costs, or the city will levy

such costs against the property as a special assessment. And further pursuant to Kansas statute, the City may also pursue the collection of such costs by seeking a personal judgment against the owner in Johnson County District Court as provided by K.S.A. 12-1, 115 and amendments thereto.

6. That no further notice shall be given by the City prior to any additional cutting or removal of weeds and/or uncontrolled thickets on the property by the City or its authorized agent during the current calendar year and that any such additional costs will be assessed in the same manner.
7. That separate from and independent of any abatement action of the weed violation by the City, the code official, at his or her option, may also file a complaint or complaints in the Municipal Court of the City against the owner, occupant or agent of the property for any violation of the City weed control ordinance.
8. That the code official shall be contacted if there are any questions regarding the notice and order.

In the event any owner, occupant or agent of any property refuses acceptance of any notice and order prescribed above, or in the event the city has made reasonable but unsuccessful efforts to provide notice in the manner prescribed above, a copy of said notice and order shall be posted on the premises and additional copies shall be sent to all known addresses of any owner, occupant or agent by First Class U.S. mail, and notice shall then be deemed given at such time pursuant Kansas State Statute.

302.4.3 Abatement; assessment of costs. If during the correction period prescribed above, the owner, occupant or agent fails to request a hearing or refuses or fails to cut, destroy or remove such weeds and/or uncontrolled thicket to the satisfaction of the code official or an authorized designee, the City or its authorized agent shall cut, destroy, or remove such weeds and/or uncontrolled thicket and shall keep an account of the cost of same and report them to the City Clerk. Provided, if a notice and order was previously served upon the owner, occupant, or agent of the property for a violation of the city weed control ordinance during the same calendar year, the city or its authorized agent may proceed to cut, destroy or remove any weeds and/or uncontrolled thicket without any delay or further notice.

The City shall issue a notice of costs to the owner, occupant or agent by certified mail, return receipt requested, providing the costs of abatement of the nuisance, which shall include the costs of cutting, destroying, or removing the weeds and/or uncontrolled thickets, a reasonable administrative fee and the cost of all notices. Such notice shall also state that payment of the costs is due and payable within thirty (30) days following receipt of the notice.

If the costs of abatement remain unpaid after thirty (30) days following receipt of the notice of costs, a record of the costs of abatement shall be certified to the City Clerk, who shall cause such costs to be assessed against the property. The City Clerk shall certify the assessment to the County Clerk at

the time other special assessments are certified for spreading on the tax rolls of the county. Further, the City may also pursue the collection of such costs by seeking a personal judgment against the owner in Johnson County District Court, as provided by Kansas State Statute, and amendments thereto.

If there is a change in the record owner of title to the property subsequent to giving notice pursuant to this article, the City may not recover any costs or levy an assessment for the costs incurred by the cutting, destruction or removal of weeds and/or uncontrolled thickets on the property unless a new record owner of title to the property is provided notice as required by this article.

302.4.4 Right of entry. The City and its authorized agent(s) are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of cutting, destroying, or removing such weeds and/or uncontrolled thickets in a manner consistent with this article.

302.4.5 Unlawful interference. It shall be unlawful for any person to interfere with or to attempt to prevent the City or its authorized agent(s) from entering upon any such property or from proceeding with such cutting, destruction, or removal. Such interference shall constitute a code violation.

302.4.6 Complaint. Separate from and independent of any abatement action as provided for herein, the code official, at his or her option, may also file a complaint or complaints in the Municipal Court of the City against the owner, occupant or agent of the property for any violation of the city weed control ordinance.

8-209 AMENDMENTS TO SECTION 302.8 – MOTOR VEHICLES

Section 302.8 of the 2018 IPMC is hereby amended to read as follows:

302.8 Motor vehicles. It is a violation of this chapter for any person, partnership, corporation, or other entity, or their agent either as owner, lessee, tenant, or occupant of land within the city to park, store, deposit, or permit to be parked, stored, or deposited on such land or on the public street adjacent thereto a vehicle that is inoperative or unlicensed. No vehicle shall at any time be in a state of major disassembly, disrepair, or in a state of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth designed for the environmentally safe application of the paint. The provisions of this article shall not apply to owners who have temporarily placed their motor vehicle in an inoperable condition while working on the vehicle on their premises, provided that such work is performed inside an enclosed structure designed and approved for such use. In no event shall an owner or person in possession maintain a motor vehicle on his or her premises in an inoperable condition, outside of an enclosed structure, for a period in excess of 48 hours.

302.8.1 Motor vehicle nuisances unlawful; defined; exceptions. It shall be

unlawful for any person to maintain or permit any motor vehicle nuisance within the City. A motor vehicle nuisance is any motor vehicle which is not currently registered or tagged pursuant to K.S.A. 8-126 to 8-149 inclusive, as amended; or parked in violation of City ordinance; or incapable of moving under its own power; or in a junked, wrecked, or inoperable condition. Any one of the following conditions shall raise the presumption that a vehicle is junked, wrecked, or inoperable:

1. Absence of a current registration plate upon the vehicle;
2. Placement of the vehicle or parts thereof upon jacks, blocks, or other supports;
3. Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon street or highway.

The provisions of this section shall not apply to:

1. Any motor vehicle which is fully enclosed in a garage or other building;
2. The parking or storage of a vehicle inoperable for a period of 48 consecutive hours or less;
3. Any person conducting a business enterprise in compliance with the existing zoning regulations.

Nothing in this section shall be construed to authorize the maintenance of a public nuisances.

302.8.2 Complaints; inquiry and inspection. The code official shall make inquiry and inspection of premises upon receiving a complaint or complaints stating that a motor vehicle nuisance exists and describing the same and where located. The code official or designee may make such inquiry and inspection when he or she observes conditions which appear to constitute a motor vehicle nuisance. Upon making any inquiry and inspection, the code official or designee shall maintain a written report of findings.

302.8.3 Right of entry. It shall be a violation of this article to deny the code official or his or her designated agent(s) the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine if a nuisance exists.

302.8.4 Notice. Any person found by the code official to be in violation of Section 302.8.1, as amended, shall be served a notice of such violation. The notice shall be served by restricted mail, postage prepaid, return receipt requested or personally served; In the event that such person cannot be served in person or by restricted mail or such person is unknown or his or her location is unknown, the code official or designee shall make an affidavit to that effect and service may be made by publication of the notice once each week for two consecutive weeks in an official city newspaper and by posting the notice on the motor vehicle.

302.8.5 Contents of notice. The notice shall state the condition(s) which is (are) in violation of Section 302.8.1. The notice shall also include the following:

1. He, she or they will have ten (10) days from the date of serving the notice to abate the condition(s);
2. He, she, or they will have ten (10) days from the date of serving the notice to request a hearing before the governing body on the matter as provided by Section 302.8.9.
3. Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided in Section 302.8.9 and/or abatement of the condition(s) by the City as provided in Section 302.8.7.

302.8.6 Failure to comply; penalty. Should the person fail to comply with the notice to abate the nuisance or request a hearing, the code official may file a complaint in the Municipal Court of the City against such person and upon conviction, be fined an amount consistent with the violation penalties outlined in 106.4 of the IPMC, as adopted by the City.

302.8.7 Abatement. In addition to, or as an alternative to prosecution as provided in Section 302.8.6, the code official or designee may seek to remedy violations of this article in the following manner. If a person to whom a notice has been sent pursuant to Section 302.8.4 has neither alleviated the condition(s) causing the alleged violation, or requested a hearing before the governing body within the time period specified herein, the code official or designee may present a resolution to the governing body for adoption authorizing the code official or other agents of the city to abate the condition(s) causing the violation at the end of ten (10) days after passage of the resolution. The resolution shall further provide that the costs incurred by the city shall be charged against the lot or parcel of ground on which the motor vehicle nuisance was located, or against lots or parcels of property in the city which are owned by the owner of the motor vehicle causing the nuisance, as provided in Section 302.8.10. A copy of the resolution shall be served upon the person in violation in one of the following ways:

1. Personal service upon the person in violation;
2. Service by certified mail, postage prepaid, return receipt requested;
3. In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the code official and filed with the city clerk, and the serving of the resolution shall be made by publishing the same once each week for two consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premises where such condition(s) exist.

302.8.8 Disposition of vehicle. Disposition of any motor vehicle removed and abated from private property pursuant to this article shall be as provided by Kansas State Statute.

302.8.9 Hearing. If a hearing is requested within the ten (10) day period as provided in Section 302.8.5, such request shall be made in writing to the governing body. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the code official before the governing body. The hearing shall be held by the governing body as soon as possible after filing the request and the person shall be advised by the city of the time and place of the hearing at least five (5) days in advance thereof. At such hearing the person may be represented by counsel, and the person and the city may introduce such witnesses and evidence as is deemed necessary and proper by the governing body. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the governing body shall record its determination of the matter by means of adopting a resolution and serving the resolution upon the person in the manner provided in Section 302.8.7.

302.8.10 Costs assessed. If the city abates the motor vehicle nuisance pursuant to this chapter, the cost of abatement shall be charged against the lot or parcel of ground on which the nuisance was located or against lots or parcels of property in the city which are owned by the owner of the motor vehicle causing the nuisance. The city clerk shall, at the time of certifying other taxes to the county clerk, certify the costs as provided in this section. The county clerk shall extend the same on the tax roll and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid.

302.8.11 Inoperable vehicles; authorization of code official to order removal. It is a violation of this chapter for any person, partnership, corporation, or other entity, or their agent either as owner, lessee, tenant, or occupant of land within the city to park, store, or deposit, or permit to be parked, stored, or deposited on such land or on the public street adjacent thereto, a vehicle that is not in an operating condition. In the event that the code official finds that any such person has parked, stored, or deposited, or permitted to be parked, stored, or deposited on such land or in the streets immediately adjacent thereto such a vehicle, the orders that he or she enters may include an order to remove such vehicle from such land or the street immediately adjacent thereto. In the event the person to whom the order is directed fails to remove such vehicle within the specified time, the code official may enter an order authorizing the city to tow and remove the vehicle as provided by Kansas State Statute.

302.8.12 Parking and storage of inoperable vehicles in residential zoning districts. It is unlawful for the owner or person in possession of any motor vehicle to park or place the vehicle upon a street, driveway, lot, plot, or tract within any district zoned R-1 through R-4 and RP-1 through RP-4 (except in an enclosed structure) while the vehicle is in an inoperable condition. The provisions of this article shall not apply to owners who have temporarily placed their motor vehicles in an inoperable condition while working on the vehicles on their premises. In no event shall an owner or person in possession maintain a motor vehicle on his or her premises in an inoperable condition for a period in

excess of forty eight (48) hours unless such vehicle is placed in an enclosed structure.

Prior to issuing a citation, the code official or a police officer of the city shall make a reasonable attempt to notify and inform the owner or person in possession of the vehicle of the ordinance violation. The notification shall state the date and time which it is issued and shall notify the owner or person in possession of the vehicle that in the event the same is not placed in an operating condition, removed from the premises, or placed in an enclosed structure within forty eight (48) hours of the issuance of the notice, a citation will be filed against the owner or person in possession in municipal court. In no event shall the temporary moving of such vehicle by the owner or person in possession of the same operate as a defense to a citation alleging violation of this section

302.8.13 Parking and storage of inoperable vehicles in commercial zoning districts. It is unlawful for the owner or person in possession of any motor vehicle to park or place the vehicle upon a street, driveway, lot, plot or tract within any district zoned C-O through C-2 and CP-O through CP-2 (except in an enclosed structure) while the vehicle is in an inoperable condition. Provided however, that section 302.8.14 shall apply to filling stations (or gasoline service stations) operating as special uses or nonconforming uses.

Prior to issuing a citation, the code official or a police officer of the city shall make a reasonable attempt to notify and inform the owner or person in possession of the vehicle of the ordinance violation. The notification shall state the date and time at which it is issued and shall notify the owner or person in possession of the vehicle that in the event the same is not removed from the premises, or placed in an enclosed structure within forty eight (48) hours of the issuance of the notice, a citation will be filed against the owner or person in possession in municipal court. In no event will the temporary moving of such vehicle by the owner or person in possession operate as a defense to a citation alleging violation of this section.

302.8.14 Parking and storage of motor vehicles accepted for repair by filling stations (or gasoline service stations) operating as special uses or non-conforming uses. The regulations set forth in this section shall apply to the parking or storing of motor vehicles accepted for repair by filling stations (or gasoline service stations) operating as special or nonconforming uses anywhere in the city.

All such vehicles may be stored or parked only in an enclosed structure or in parking spaces located on the premises of such filling station. Such vehicles shall not be parked on the street. No more than twelve (12) such vehicles shall be stored or parked on the premises of such filling station (other than in an enclosed structure) at any one time. No such vehicles shall be parked or stored on the premises (other than in an enclosed structure) for a period in excess of fourteen (14) consecutive days.

8-210 AMENDMENTS TO SECTION 304.7 – ROOFS AND DRAINAGE

Section 304.7 of the 2018 IPMC is hereby amended to read as follows:

304.7 Roofs and drainage. The roof and flashing shall be sound, not missing shingles or any other roofing component, not have holes, or other obvious visible damage or deterioration, nor have any other defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance or discharges the water directly onto adjacent property.

8-211 ADDITION OF SECTION 302-10 – ANIMAL SANITATION

New Section 302.10 is hereby added to the 2018 IPMC, as adopted by the City, to read as follows:

302.10 Animal sanitation. No excessive accumulation of animal waste shall be permitted on any property. Animal waste shall not be disposed of in an open ditch or storm drain. All carcasses of animals shall not remain exposed after death.

8-212 ADDITION OF SECTION 302.11 – POOLS OF WATER

New Section 302.11 is hereby added to the 2018 IPMC, as adopted by the City, to read as follows:

302.11 Pools of water. Ponds, reservoirs, swimming pools or any other receptacles of water shall be maintained free of trash, debris, garbage or other effluvia and shall not serve as a breeding ground for insects or other vermin.

8-213 AMENDMENTS TO SECTION 304.14 – INSECT SCREENS

Section 304.14 of the 2018 IPMC is hereby amended to read as follows:

304.14 Insect screens. During the period from May 15 to October 15, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch, and every screened door used for insect control shall have a self-closing device in good working condition. Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellant fans, are employed.

8-214 AMENDMENTS TO SECTION 304.19 – GATES AND FENCES

Section 304.19 of the 2018 IPMC is hereby amended to read as follows:

304.19 Gates and fences. All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates. All fencing shall be maintained in good condition free of damage, breaks, or missing structural members. Areas that are leaning, buckling, sagging, or deteriorating shall be repaired or replaced with material compatible with the undamaged portions of the fence and be in compliance with the zoning regulations. Where fences have been painted, all peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

8-215 ADDITION OF SECTION 308.1.1 – TRASH AND REFUSE

New Section 308.1.1 is hereby added to the 2018 IPMC, as adopted by the City, to read as follows:

308.1.1 Trash and refuse. The throwing, leaving, depositing or allowing the accumulation of any worn out, broken, or worthless item, waste, garbage, trash, debris, yard waste or refuse on any property, drainage course or other land is prohibited. Such items include those that impede mowing of weeds or tall grass, negatively impact surrounding properties, are food products or food containers attracting insects, rodents or animals, or are useless as evidenced by their broken, deteriorated or dismantled condition.

8-215 ADDITION OF SECTION 310 – STORAGE OF USEFUL ITEMS

New Section 310 is hereby added to the 2018 IPMC, as adopted by the City, read as follows:

310.1 Storage of useful items on residential property. No person shall place, construct, install affix, store or allow to remain, any item, object or structure on any property zoned or used for single family or duplex purposes except as specifically and explicitly permitted by this section. The following items, objects, or structures are permitted:

1. Any item, object or structure permitted under the applicable provisions of the zoning ordinance, 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 permitted accessory uses.
2. Authorized trash containers.
3. Firewood, neatly stacked and free of insects and vermin, behind the front building line extended and behind the front and side platted building lines.
4. Swing sets and other similar recreational equipment.

310.2 Storage of all other items. Any item, object or structure not specifically authorized in 310.1 must be located within a fully enclosed structure, or within the back yard and fully screened from view from any adjacent property by a wall, fence or landscaping installed with materials of quality compatible with the immediate

neighborhood as determined by the code official. 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.

310.3 Storage of items on non-residential property. With respect to all property other than that covered by 310.1, no person shall place, construct, install, affix or store, or allow to remain, any item, object or structure except those specified in 310.1.

310.4 Permitted items limited. Notwithstanding any other applicable provision, permitted items, objects or structures shall occupy no more than 20 percent of the allowable outside storage area. With respect to matters governed by 310.2 above, in measuring the area occupied by such items, objects, or structures to determine if the permitted 20 percent 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 310.1 (items 1-3) above.

8-216 AMENDMENTS TO SECTION 602.3 – HEAT SUPPLY

Section 602.3 of the 2018 IPMC is hereby amended to read as follows:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units, or sleeping units on terms either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 15 to May 15 to maintain a minimum temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the 2018 International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

8-217 AMENDMENTS TO SECTION 602.4 – OCCUPIABLE WORK SPACES

Section 602.4 of the 2018 IPMC is hereby amended to read as follows:

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

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.

Section II. Repeal of Prior Ordinances.

Article 2 of Chapter VIII of the Prairie Village Municipal Code, in existence as of and prior to the adoption of this Ordinance, and all other ordinances and parts thereof that are inconsistent with any provision of this Ordinance, are hereby repealed.

Section III. Effective Date

This ordinance shall take effect and be in force beginning June 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Prairie Village, Kansas on March 1, 2021.

APPROVED by the Mayor on March 1, 2021.

Eric Mikkelsen, Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Adam Geffert
City Clerk

David E. Waters
City Attorney

ORDINANCE NO. 2445

AN ORDINANCE AMENDING CHAPTER VII OF THE PRAIRIE VILLAGE MUNICIPAL CODE ENTITLED "FIRE" BY AMENDING ARTICLE 2 ENTITLED "INTERNATIONAL FIRE CODE (IFC)" BY INCORPORATING BY REFERENCE THE "INTERNATIONAL FIRE CODE, 2018 EDITION," AND ADDING NEW AND SUBSTITUTE PROVISIONS THERETO, AND REPEALING THE PREVIOUS ARTICLE SO AMENDED.

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

Section I.

Article 2 of Chapter VII of the Prairie Village Municipal Code is hereby added to read as follows:

ARTICLE 2. INTERNATIONAL FIRE CODE (IFC)

7-201 INTERNATIONAL FIRE CODE INCORPORATED

The *International Fire Code, 2018 Edition*, published by the International Code Council, including appendices B, C, D, and I, hereafter referred to as the 2018 IFC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Fire Code, 2018 edition*, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. 2445," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

7-202 AMENDMENT TO SECTION 101.1 – TITLE

Section 101.1 of the 2018 IFC is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of the City of Prairie Village, Kansas, hereinafter referred to as the "2018 IFC," "IFC," or "this Code."

7-203 AMENDMENTS TO SECTION 101.2 – SCOPE

Section 101.2 of the 2018 IFC is hereby amended to read as follows:

101.2 Scope. This code establishes regulations affecting or relating to structures, processes, premises and safeguards regarding:

1. The hazard of fire and explosion arising from the storage, handling, or use of structures, materials, or devices;

2. Conditions hazardous to life, property, or public welfare in the occupancy of structures or premises;
3. Fire hazards in the structure or on the premises from occupancy or operation;
4. Matters related to the construction, extension, repair, alteration, or removal of fire suppression or alarm systems; and
5. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

101.2.1.1 Appendices adopted. The following appendices are adopted as part of this code: Appendix B – Fire Flow Requirements for Building; Appendix C – Fire Hydrant Locations and Distribution; Appendix D – Fire Apparatus Access Roads; Appendix I – Fire Protection Systems – noncompliant.

7-204 AMENDMENTS TO SECTION 103.2 – APPOINTMENT

Section 103.2 of the 2018 IFC is hereby amended to read as follows:

103.2 Appointment. The Fire Code Official shall be appointed by Johnson County Consolidated Fire District #2 and hereby known as the Fire Marshall or Fire Code Official for the City of Prairie Village, Kansas.

7-205 AMENDMENTS TO SECTION 104.1 – GENERAL

Section 104.1 of the 2018 IFC is hereby amended to read as follows:

104.1 General. The Fire Code Official is hereby authorized to enforce the provisions of this code and shall have the authority to render interpretations of this code, and to adopt policies, procedures, rules, and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules, and regulations shall be in compliance with the intent and purpose of this code and shall not have the effect of waiving requirements specifically provided for in this code.

7-206 AMENDMENTS TO SECTION 105.4.1 – SUBMITTALS

Section 105.4.1 of the 2018 IFC is hereby amended to read as follows:

105.4.1 Submittals. Construction documents and supporting data shall be submitted in two (2) sets with each application for a permit and in such form and detail as required by the Fire Code Official. The construction documents shall be prepared by a Kansas registered design professional.

Exception: The Fire Code official is authorized to waive the submission of construction documents and supporting data not required to be prepared by a

registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

7-207 SECTIONS DELETED

Sections 105.6.1 through 105.6.13; Sections 105.6.15 through 105.6.19; Sections 105.6.21 through 105.6.29; Section 105.6.31, section 105.6.33 through 105.6.39; Sections 105.6.41 through 105.6.46; and Sections 105.6.48 through 105.6.50 of the 2018 IBC are hereby deleted.

7-208 AMENDMENTS TO SECTION 105.6.20 – HAZARDOUS MATERIALS

Section 105.6.20 of the 2018 IFC is hereby amended to read as follows:

105.6.20 Hazardous materials. Section 105.6.20 of the 2018 IFC is hereby amended to read as follows: An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.6.20.

7-209 AMENDMENTS TO SECTION 105.6.30 – MOBILE FOOD PREPARATION VEHICLES

Section 105.6.30 of the 2018 IFC is hereby amended to read as follows:

105.6.30 Mobile food preparation vehicles. mobile food preparation vehicles that are equipped with equipment that produce smoke or grease-laden vapors shall be equipped with fire protection in accordance with sections 904, 906.4 through 906.10 and shall be in good standing with the state of Kansas Department of Agriculture.

7-210 AMENDMENTS TO SECTION 105.6.32 – OPEN BURNING

Section 105.6.32 of the 2018 IFC is hereby amended to read as follows:

105.6.32 Open burning. An operational permit is required for the kindling or maintain of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to. Exception: recreational fires.

7-211 AMENDMENTS TO SECTION 105.6.47 – TEMPORARY MEMBRANE STRUCTURES, TENTS, AND CANOPIES

Section 105.6.47 of the 2018 IFC is hereby amended to read as follows:

105.6.47 Temporary membrane structures; tents; canopies. An operational permit is required to operate an air-supported temporary

membrane structure or a tent having an area in excess of 900 square feet, or a canopy in excess of 900 square feet.

EXCEPTIONS:

1. Tents used exclusively for recreational camping purposes.
2. Funeral tents and curtains or extensions attached thereto, when used for funeral services.
3. Fabric canopies open on all sides which comply with all of the following:
 - 3.1 Individual canopies having a maximum size of 900 square feet;
 - 3.2 The aggregate area of multiple canopies placed side by side without a fire break of not less than twelve feet (12') shall not exceed 900 square feet less than twelve feet (12') shall not exceed 900 square feet.
 - 3.3 A minimum clearance of twelve feet (12') to structures and other tents shall be provided.

7-212 AMENDMENTS TO SECTION 110.4 – VIOLATION PENALTIES

Section 110.4 of the 2018 IFC is hereby amended to read as follows:

110.4 Violation Penalties. Persons who shall violate a provision of this code, or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under the provisions of this code, shall be subject to penalties as prescribed by law, or other references incorporated, and are guilty of a public offense, punishable as provided in PVMC Chapter 8, Article 2, Sec. 8-201.

110.4.1 Abatement of violation. In addition to the imposition of the penalties herein described, the Fire Code Official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

7-213 AMENDMENTS TO SECTION 112.4 – FAILURE TO COMPLY

Section 112.4 of the 2018 IFC is hereby amended to read as follows:

112.4 Failure to comply. Section 112.4 of the 2018 IFC is hereby amended to read as follows: Any person who shall continue work after having been served 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 as provided in PVMC Chapter 8, Article 2, Sec. 8-201.

7-214 AMENDMENTS TO SECTION 106.2 – SCHEDULE OF PERMIT FEES

Section 106.2 of the 2018 IFC is hereby amended to read as follows:

106.2 Schedule of permit fees. A fee for each permit shall be paid as required, in accordance with the schedule as established by resolution of the Governing Body.

7-215 AMENDMENTS TO SECTION 307 – OPEN BURNING, RECREATIONAL FIRES, AND PORTABLE OUTDOOR FIREPLACES.

Section 307 of the 2018 IFC is hereby amended to read as follows:

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved by the Fire Code Official and Sections 307.1.1 through 307.5.

Definitions

- A. Open Burning** - The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames, recreational fires or use of portable outdoor fireplaces. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimney necessary to provide combustion air and permit the escape of exhaust gas are open.
- B. Recreational Fires** - An outdoor fire burning material other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbecue grill, or barbecue pit and has a total fuel area of three feet (3') or less in diameter and 2 feet (2') or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.
- C. Portable Outdoor Fireplace** - A portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening at the top.

307.1.1 Prohibited from burning. Open burning shall be prohibited when wind speeds exceed fifteen (15) MPH and when atmospheric conditions or local circumstances make such fires hazardous as determined by the Fire Code Official.

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

307.2.1 Authorization. Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

307.3 Extinguishment authority. When open burning creates or adds to a hazardous or objectionable situation, or a required permit for open burning has not been obtained, the Fire Code Official is authorized to order the extinguishment of the open burning operation.

307.4 Location. The location for open burning shall not be less than fifty feet (50') from any structure, and provisions shall be made to prevent the fire from spreading to within fifty feet (50') of any structure. Exceptions:

1. Fires in approved containers that are not less than fifteen feet (15') from a structure.
2. The minimum required distance from a structure shall be twenty five feet (25') when the pile size is three feet (3') or less in diameter and two feet (2') or less in height.

307.4.1 Bonfires. A bonfire shall not be conducted within fifty feet (50') of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which would cause a fire to spread within twenty five feet (50') of a structure shall be eliminated prior to ignition.

307.4.2 Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within fifteen feet (15') of a structure or combustible material.

Exception: Portable outdoor fireplaces used at one-and two-family dwellings.

307.5 Attendance. Open burning, bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one (1) portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire extinguishing equipment such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

Section 308 of the 2018 IFC is hereby amended to read as follows:

308.1 General. Open flame, fire and burning on all premises shall be in accordance with Sections 308.1.1 through 308.4.1 and with other applicable sections of this code.

308.1.1 Where prohibited. A person shall not take or utilize an open flame or light in a structure, vessel, boat or other place where highly flammable, combustible or explosive material is utilized or stored. Lighting appliances shall be well-secured in a glass globe and wire mesh gage or a similar approved device.

308.1.2 Throwing or placing sources of ignition. No person shall throw or place, or cause to be thrown or placed, a lighted match, cigar, cigarette, matches, or other flaming or glowing substance or object on any surface or article where it can cause an unwanted fire.

308.1.3 Torches for removing paint. Persons utilizing a torch or other flame-producing device for removing paint from a structure shall provide a minimum of one (1) portable fire extinguisher complying with Section 906 and with a minimum 4-A rating, two (2) portable fire extinguishers, each with a minimum 2-A rating, or a water hose connected to the water supply on the premises where such burning is done. The person doing the burning shall remain on the premises one (1) hour after the torch or flame-producing device is utilized.

308.1.4 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be located or operated on combustible balconies or within ten feet (10') of combustible construction.

Exceptions:

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

308.1.5 Location near combustibles. Open flames such as from candles, lanterns, kerosene heaters and gas-fired heaters shall not be located on or near decorative material or similar combustible materials.

308.1.6 Open-flame devices. Torches and other devices, machines or processes liable to start or cause fire shall not be operated or used in or upon wildfire risk areas, except by a permit in accordance with Section 105.6, secured from the Fire Code Official.

Exception: Use within inhabited premises or designated campsites, which are a minimum of thirty feet (30') from grass-, brush-, or forest-covered areas.

308.1.6.1 Signals and markers. Flame-employing devices, such as lanterns or kerosene road flares, shall not be operated or used as a signal or marker in or upon wildfire risk areas.

Exception: The proper use of flares at the scenes of emergencies or as required by standard railroad operation procedures

308.1.6.2 Portable fueled open-flame devices. Portable open-flame devices fueled by flammable or combustible gases or liquids shall be enclosed or installed in such a manner as to prevent the flame from contacting combustible material.

Exceptions:

1. LP-gas fueled devices used for sweating pipe joints or removing paint in accordance with Chapter 61.
2. Cutting and welding operations in accordance with Chapter 35.
3. Torches or flame-producing devices in accordance with Section 308.4.
4. Candles and open-flame decorative devices in accordance with Section 308.3.

308.1.7 Religious ceremonies. When, in the opinion of the Fire Code Official, adequate safeguards have been taken, participants in religious ceremonies are allowed to carry hand-held candles. Hand-held candles shall not be passed from one person to another while lighted.

308.1.7.1 Aisles and exits. Candles shall be prohibited in areas where occupants stand, or in an aisle or exit.

308.1.8 Flaming food and beverage preparation. The preparation of flaming food or beverages in places of assembly and drinking or dining establishments shall be in accordance with Sections 308.8.1 through 308.1.8.5.

308.1.8.1 Dispensing. Flammable or combustible liquids used in preparation of flaming foods or beverages shall be dispensed from one of the following: 1. A one (1) ounce container; or 2. A container not exceeding one (1) quart capacity with a controlled pouring device that will limit the flow to a one (1) ounce serving.

308.1.8.2 Containers not in use. Containers shall be secured to prevent spillage when not in use.

308.1.8.3 Serving of flaming food. The serving of flaming foods or beverages shall be done in a safe manner and shall not create high flames. The pouring, ladling or spooning of liquids is restricted to a maximum height of eight inches (8") above the receiving receptacle.

308.1.8.4 Location. Flaming foods or beverages shall be prepared only in the immediate vicinity of the table being serviced. They shall not be transported or carried while burning.

308.1.8.5 Fire protection. The person preparing the flaming foods or beverages shall have a wet cloth towel immediately available for use in

smoldering the flames in the event of an emergency.

7-217 AMENDMENTS TO SECTION 314.4 – VEHICLES

Section 314.4 of the 2018 IFC is hereby amended to read as follows:

314.4 Vehicles. Liquid- or gas-fueled vehicles, boats or other motor-craft shall not be located indoors except as follows:

1. Batteries are disconnected or disabled in an approved manner.
2. Fuel in tanks does not exceed one-quarter tank or five (5) gallons, whichever is least, or as approved by the Fire Code Official.
3. Fuel tanks and fill openings are closed and sealed to prevent tampering.
4. Vehicles, boats or other motor-craft equipment are not fueled or de-fueled within the building.

7-218 AMENDMENTS TO SECTION 503.3 – MARKING

Section 503.3 of the 2018 IFC is hereby amended to read as follows:

503.3 Marking. Where required by the Fire Department, approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs or notices shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

503.3.1 Marking requirements. Each separate fire lane signage, which may consist of one sign or a combination of signs, shall have a cumulative minimum size of 96 square inches and contain the “NO Parking” words or symbol with the words “Fire Lane” located directly beneath the “No Parking” words or symbol. Each sign or combination of signs are required to be uniformly mounted between two feet eight inches (2'-8") to seven feet zero inches (7'-0") above grade to the bottom of the sign, and so located not to obstruct pedestrian traffic. The sign or combination of signs shall be mounted within six feet (6') of the curb or striped pavement and are required to face or run parallel with oncoming vehicular traffic. The sign or combination of signs may be mounted on the building, pole base, or any other structure provided the signage meets the setback and minimum and maximum height requirements indicated above. The sign, or combination of signs, are required to be spaced no more than two hundred feet (200') apart. In addition, the curb, or pavement if a curb is absent, is required to be marked with a yellow or red stripe that shall run not less than six feet (6') of each thirty foot (30') length of fire lane. Each separate yellow or red striped area shall contain three inch (3") black lettering indicating “Fire Lane”; provided, however, that the presence of such lettering is not a prerequisite to the enforcement of fire lane parking violations. Furthermore, the exceeding

of any standards intended to inform the public of the location of a fire lane shall not affect the enforcement of this Section.

7-219 AMENDMENTS TO SECTION 503.6 – SECURITY GATES

Section 503.6 of the 2018 IFC is hereby amended to read as follows:

503.6 Security gates. Where security gates are installed, an approved means of emergency operation shall be provided. The security gates and emergency operation shall be maintained operational at all times and shall comply with the following:

1. All gates shall be of the sliding, hinged, or counter-balanced type, and where electrically controlled, shall be capable of being operated to the full open position by emergency responders during a loss of power to the gate's operating mechanism.
2. Electrical or mechanical operated gates shall be capable of being unlocked or opened with an approved Fire Department county keyed cylinder installed at an accessible location on the entry side of the gate. The key-operated switch shall bypass the release mechanism to allow the gate to be operated by emergency response personnel.
3. In addition to an approved key cylinder operation device, gates shall be equipped with audible release, set to operate with an emergency response yelp tone.
4. Key pads and other entry devices installed on gates shall not interfere with the operation of either the approved key access cylinder or emergency response audible release.

7-220 AMENDMENTS TO SECTION 505.1 – ADDRESS NUMBERS

Section 505.1 of the 2018 IFC is hereby amended to read as follows:

505.1 Address numbers. New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position on the building or on any structure, mail box, sign or monument on the property that is securely fixed to the ground to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals. Numbers shall be a minimum of four inches (4") high with a minimum stroke width of one-half inch (0.5"). Numbers shall be a minimum height of four inches (4") in Use groups R-3 and R-4; six inches (6") in Use Group R-3 Child Care Facilities; and eight inches (8") in all other Use Groups. Where required by the Fire Code Official the identifying numbers shall be lighted by an approved light source.

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

Exceptions:

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

505.1.2 Additional information. Where identification of additional exits would be of benefit to emergency response personnel, a sequential numbering system can be required by the Fire Code Official whereby the interior and exterior surfaces of each exit is marked in an approved manner.

7-221 AMENDMENTS TO SECTION 505.2 – STREET AND ROAD SIGNS

Section 505.2 of the 2018 IFC is hereby amended to read as follows:

505.2 Street and road signs. Section 505.2 of the 2018 IFC is hereby amended to read as follows: Streets and roads shall be identified with approved signs. The signage shall consist of Arabic numerals or alphabet letters which are reflective and contrast with their background. The numbers and letters shall be a minimum of six inches (6") high with a minimum stroke width of 0.5 inches. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an approved size, weather resistant and be maintained until replaced by permanent signs.

7-222 AMENDMENTS TO SECTION 506.2 – KEY BOX MAINTENANCE

Section 506.2 of the 2018 IFC is hereby amended to read as follows:

506.2 Key box maintenance. The operator of the building shall immediately notify Johnson County Consolidated Fire District #2 (CFD#2) and provide the new key when a lock is changed or re-keyed. The key to such lock shall be secured in the key box. The key box shall be maintained in working order by the operator/owner/occupant of the building.

7-223 AMENDMENTS TO SECTION 507.1 – REQUIRED WATER SUPPLY

Section 507.1 of the 2018 IFC is hereby amended to read as follows:

507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of the buildings are hereafter constructed or moved into or within the jurisdiction.

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

7-224 AMENDMENTS TO SECTION 507.5 – FIRE HYDRANT SYSTEM

Section 507.5 of the 2018 IFC is hereby amended to read as follows:

507.5 Fire hydrant system. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6.

507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the Fire Code Official.

Exception:

1. For Group R-3 and group U occupancies the distance required shall be 600 feet.
2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance required shall be 600 feet.

507.5.1.1 Hydrant for standpipe systems. Buildings equipped with a standpipe system installed in accordance with Section 905 shall have a fire hydrant within 100 feet of the Fire Department connections.

Exception: The distance shall be permitted to exceed 100 feet where approved by the Fire Code Official.

507.5.2 Inspection, testing, and maintenance. Fire hydrant systems shall be subject to periodic test as required by the Fire Code Official. Fire hydrant systems shall be maintained in an operative condition at all times and shall

be repaired when defective. Additions, repairs, alterations and servicing shall comply with approved standards. Records of tests and required maintenance shall be maintained.

507.5.3 Private fire service mains and water tanks. Private hydrants shall be painted red in color. Private fire service mains and water tanks shall be periodically inspected, tested and maintained in accordance with NFPA 25 at the following intervals:

1. Private fire hydrants (all types): Inspection annually and after each operation; flow test and maintenance annually.
2. Fire service main piping: Inspection of exposed, annually; flow test every five (5) years.
3. Fire service main piping strainers: Inspection and maintenance after each use.

Records of inspections, testing and maintenance shall be maintained.

507.5.4 Obstruction. Unobstructed access to fire hydrants shall be maintained at all times. The Fire Department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants. All hydrants shall be painted and highly visible.

507.5.5 Clear space around hydrants. A three foot (3') clear space shall be maintained around the circumference of fire hydrants, except as otherwise required or approved by the Fire Code Official.

507.5.6 Physical protection. Where fire hydrants are subject to impact by a motor vehicle, guard posts or other approved means shall comply with section 312.

7-225 AMENDMENTS TO SECTION 509 – EQUIPMENT IDENTIFICATION & ACCESS

Section 509 of the 2018 IBC is hereby amended to read as follows:

509.1 Identification. Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the Fire Department. Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible.

509.1.1 Identification standard. Rooms containing the equipment identified in Section 509.1 shall be identified by minimum four inch (4") high letters with a minimum 0.5 inch (0.5") stroke on contrasting background.

509.1.2 Utility identification. Where required by the Fire Code Official, gas

shutoff valves, electric meters, service switches and other utility equipment shall be clearly and legibly marked to identify the unit or space that it serves. Identification shall be made in an approved manner, readily visible and shall be maintained.

509.2 Equipment access. Approved access shall be provided and maintained for all fire protection equipment to permit immediate safe operation and maintenance of such equipment. Storage, trash, miscellaneous items and other materials or objects shall not be placed or kept in such a manner that would prevent such equipment from being readily accessible.

7-226 AMENDMENTS TO SECTION 903.4 – SPRINKLER SYSTEM MONITORING AND ALARMS

Section 903.4 of the 2018 IFC is hereby amended to read as follows:

903.4 Sprinkler system monitoring and alarms. All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressure, and water- flow switches on all sprinkler systems shall be electrically supervised by a listed fire alarm control unit.

Exceptions:

1. Automatic sprinkler systems protecting one-and two-family dwellings.
2. Limited area systems serving fewer than twenty (20) sprinklers.
3. Automatic sprinkler systems installed in accordance with NFPA 13R where a common supply main is used to supply both domestic water and the automatic sprinkler system and a separate shut-off valve for the automatic sprinkler system is not provided.
4. Jockey pump control valves that are sealed or locked in the open position.
5. Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position.
6. Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position.
7. Trim valves to pressure switches in dry, pre-action and deluge sprinkler systems that are sealed and locked in the open position.
8. On existing installations, isolation valves for the backflow prevention devices remotely located pits which are locked and/or chained in the open position.

903.4.2 Alarms. An approved audible device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler water flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

7-227 AMENDMENTS TO SECTION 906.1 – WHERE REQUIRED

Section 906.1 of the 2018 IFC is hereby amended to read as follows:

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

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.
 - a. Exceptions: In Group R-2 occupancies, portable fire extinguishers shall be required only in locations specified in items 2 through 6 where each dwelling unit is provided with a portable fire extinguisher having a minimum rating of 2-A: 20- B:C.
2. Within 30 feet distance of travel from commercial cooking equipment and from domestic cooking equipment in Group I-1; I-2, condition 1; and R-2 college dormitory occupancies.
3. In areas where flammable or combustible liquids are stored, used or dispensed.
4. On each floor of structures under construction, except group R-3 occupancies, in accordance with Section 3315.1.
5. Where required by the sections indicated in Table 906.1.
6. Special hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the Fire Code Official

7-228 AMENDMENTS TO SECTION 907.6 – INSTALLATION

Section 907.6 of the 2018 IFC is hereby amended to read as follows:

907.6 Installation. A fire alarm system shall be installed in accordance with Sections 907.6.1 through 907.6.6.2 and NFPA 72.

907.6.1 Wiring. Wiring shall comply with the requirements of NFPA 70 and NFPA 72. Wireless protection systems utilizing radio frequency transmitting devices shall comply with the special requirements for supervision of low-power wireless systems in NFPA 72.

907.6.2 Power supply. The primary and secondary power supply for the fire alarm system shall be provided in accordance with NFPA 72.

Exception: Backup power for single-station and multiple-station smoke alarms as required in Section 907.2.10.6.

907.6.4 Zones. Each floor shall be zoned separately and a zone shall not exceed 22,500 square feet. The length of any zone shall not exceed 300 feet in any direction.

Exception: Automatic sprinkler system zones shall not exceed the area permitted by NPFA 13.

907.6.4.1 Zoning indicator panel. A zoning indicator panel and the associated controls shall be provided in an approved location. The visual

zone indication shall lock in until the system is reset and shall not be cancelled by the operation of an audible alarm-silencing switch.

907.6.4.2 High-rise buildings. In high-rise buildings, a separate zone by floor shall be provided for each of the following types of alarm-initiating devices where provided:

1. Smoke detectors.
2. Sprinkler water-flow devices.
3. Manual fire alarm boxes.
4. Other approved types of automatic fire detectors, devices, or suppression systems.

907.6.5 Access. Access shall be provided to each fire alarm device and notification appliance for periodic inspection, maintenance and testing.

907.6.6 Monitoring. Fire alarm systems required by this Chapter or by the International Building Code shall be monitored by an approved supervisory station in accordance with NFPA 72.

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

1. Single-and multiple-station smoke alarms required by Section 907.2.10.
2. Smoke detectors in Group I-3 occupancies.
3. Automatic sprinkler systems in one-and two-family dwellings.

907.6.6.1 Automatic telephone-dialing devices. Automatic telephone devices used to transmit an emergency alarm shall not be connected to any Fire Department telephone number unless approved by the Fire Code Official.

907.6.6.2 Termination of monitoring service. Termination of fire alarm monitoring service shall be in accordance with Section 901.9.

7-229 AMENDMENTS TO SECTION 912.4 – ACCESS

Section 912.4 of the 2018 IFC is hereby amended to read as follows:

912.4 Access. Immediate access to Fire Department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or moveable object. Access to Fire Department connections shall be approved by the Fire Code Official.

Exception: Fences, where provided with an access gate equipped with a sign complying with the legend requirements of Section 912.5 and a means of emergency operation. The gate and means of emergency operation shall be approved by the Fire Code Official and maintained operational at all times.

912.4.1 Locking fire department connection caps. The Fire Code Official is authorized to require locking caps on Fire Department connections for water-based fire protection systems where the responding Fire Department

carries the appropriate key wrenches for removal.

912.4.1.1 Fire department connections. The location of Fire Department connections shall be in an approved location. The connection shall be fitted with a five-inch (5") Storz quick coupling connector.

912.4.2 Clear space around connections. A working space of not less than thirty-six inches (36") in depth and seventy-eight inches (78") in height shall be provided and maintained in front of and to the sides of wall-mounted Fire Department connections and around the circumference of free-standing Fire Department connections, except as otherwise required or approved by the Fire Code Official.

912.4.3 Physical protection. Where Fire Department connections are subject to impact by a motor vehicle, vehicle impact protection shall be provided in accordance with Section 312.

7-230 AMENDMENTS TO SECTION 5601.1 – SCOPE

Section 5601.1 of the 2018 IFC is hereby amended to read as follows:

5601.1 Scope. The provisions of this Chapter shall govern the possession, manufacture, storage, handling, sale and use of explosive materials, fireworks and small arms ammunition.

Exceptions:

1. The Armed Forces of the United States, Coast Guard or National Guard.
2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The possession, storage and use of small arms ammunition when packaged in accordance with DOT packaging requirements.
4. The possession, storage and use of not more than one (1) pound of commercially manufactured sporting black powder, twenty (20) pounds of smokeless powder and 10,000 small arms primers for hand loading of small arms ammunition for personal consumption.
5. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
6. Special industrial explosive devices that in aggregate contain less than 50 pounds of explosive material.
7. The possession, storage and use of blank industrial power load cartridges where packaged in accordance with DOT-n packaging regulations.
8. Transportation in accordance with DOT-n 49 CFR parts 100-185.
9. Items preempted by Federal Regulations.

7-231 AMENDMENTS TO SECTION 5601.1.3 – FIREWORKS

Section 5601.1.3 of the 2018 IFC is hereby amended to read as follows:

5601.1.3 Fireworks. Sections 5601.1.3.1 through 5601.3.1.8 shall govern the possession, manufacture, storage, sale, handling and use of fireworks.

5601.1.3.1 Fireworks defined. For purposes of this Section, the term fireworks shall mean those items as defined by the rules and regulations of the Kansas State Fire Marshal, K.A.R. 22-6-1 et seq. and shall include but not be limited to: firecrackers, torpedoes, sparklers, Roman candles, sky rockets, pin wheels, cap or toy pistols (except such pistols or any like device designed to discharge paper caps containing not more than .25 grains of explosive mixture), canes, bombs, cannons or other like devices and all classes of fireworks that may be shot into the air or propelled over the ground by explosive discharges or any device using blank cartridges.

5601.1.3.2 Fireworks prohibited. It shall be unlawful for any person to keep, store, display for sale, fire, discharge or explode any fireworks.

Exceptions:

1. Toy paper caps containing not more than .25 of a grain of explosive composition per cap;
2. The manufacture, storage, sale or authorized use of signals necessary for the safe operation of railroads or other classes of public or private transportation;
3. The military or naval forces of the United States or of this State while in the performance of official duty;
4. Law enforcement officers while in the performance of official duty;
5. The sale or use of blank cartridges for ceremonial, theatrical or athletic events.

5601.1.3.3 Exceptions; discharges. The Governing Body of the City may, in its discretion, grant permission at any time for the public display of fireworks by responsible individuals or organizations when such display or displays shall be of such a character and so located, discharged and fired as shall not be a fire hazard or endanger persons or surrounding property. It shall be unlawful for any person, firm or corporation to give any public display of fireworks without having first obtained a permit thereof.

5601.1.3.4 Sale prohibited. It shall be unlawful for any person to sell, display for sale, and offer to sell or give away any type of fireworks within the city.

5601.1.3.5 Permit for public fireworks display required. It shall be unlawful for any person to give or provide a fireworks display for the public or for organized groups without first obtaining a permit to do so by making application at least 20 days in advance of the desired display. Approval of the permit shall be by the Fire Chief and Chief of Police. No permit shall be approved unless the applicant furnishes a certificate of public liability insurance for the display in a minimum amount of \$5,000,000, written by an insurance carrier licensed to do business in Kansas, conditioned as being non-cancellable except by giving 10 days advance written notice to the City Clerk. In the event of cancellation of the insurance prior to the display, the permit shall automatically be revoked and void. The insurance policy must

name the City of Prairie Village, Kansas as well as Consolidated Fire District No. 2, their employees, officers, elected and appointed officials as additional insured's. The application for the permit shall clearly state:

1. The name of the applicant.
2. The group for which the display is planned.
3. The location of the display including a diagram or sketch of the grounds on which the exhibition is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, improvements and public streets or thoroughfares within two hundred (200) yards and the lines behind which the public will be restrained.
4. The date and time of the display as well as planned rain dates.
5. The nature or kind of fireworks to be used.
6. The name of the person, firm or corporation that will make the actual discharge of the fireworks and a copy of their Alcohol, Tobacco, Firearms and Explosives permit for possession of Division 1.3G Fireworks as well as current copies of Public Display Operators licenses issued by the Kansas State Fire Marshal.
7. The number, size and kinds of fireworks to be discharged, including their National Fire Protection Association (NFPA) division designation.
8. The Fire Chief and/or Chief of Police may impose conditions, requirements or restrictions when public safety or the general welfare of the public is a matter of concern based on the venue, location, date/time, or expected volume of spectators.

No permit shall be issued if the location, nature of the fireworks or other relevant factor is such as to create an undue hazard or risk of harm or damage to persons or property.

The City of Prairie Village, the Prairie Village Police Department and/or Consolidated Fire District No. 2 of Northeast Johnson County reserves the right to cancel, postpone or delay the beginning of the event in the case of inclement weather, high winds, extreme dry conditions or other matters of public safety.

5601.1.3.6 Discharge on streets and public property prohibited. It shall be unlawful for any person to discharge, ignite or fire any fireworks upon any public street, alley or avenue or in any park or public place within the city.

5601.1.3.7 Throwing prohibited. It shall be unlawful for any person throw, cast or propel fireworks of any kind in the direction of or into the path of any animal, person or group of persons, or from, in the direction of or into any vehicle of any kind.

5601.1.3.8 Authority of police chief. The Chief of the Police Department is authorized to seize and confiscate all fireworks which may be kept, stored or used in violation of any section of this Article. He or she shall dispose of all such fireworks as may be directed by the Governing Body.

Section II. Repeal of Prior Ordinances.

Article 2 of Chapter VII of the Prairie Village Municipal Code, in existence as of and prior to the adoption of this Ordinance, and all other ordinances and parts thereof that are inconsistent with any provision of this Ordinance, are hereby repealed.

Section III. Effective Date

This ordinance shall take effect and be in force beginning June 1, 2021 upon and after its passage, approval, and publication as provided by law.

PASSED by the City Council of the City of Prairie Village, Kansas on March 1, 2021.

APPROVED by the Mayor on March 1, 2021.

Eric Mikkelson, Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Adam Geffert
City Clerk

David E. Waters
City Attorney



ICC

AAA

What's New in the 2018 I-Codes?

Key changes include:

2018 International Building Code® (IBC®)

- Accessory storage spaces of any size are now permitted to be classified as part of the occupancy to which they are accessory.
- New code sections have been introduced addressing medical gas systems and higher education laboratories.
- Use of fire walls to create separate buildings is now limited to only the determination of permissible types of construction based on allowable building area and height.
- Where an elevator hoistway door opens into a fire-resistance-rated corridor, the opening must be protected in a manner to address smoke intrusion into the hoistway.
- The occupant load factor for business uses has been revised to one occupant per 150 square feet.
- Live loads on decks and balconies increase the deck live load to one and one-half times the live load of the area served.
- The minimum lateral load that fire walls are required to resist is five pounds per square foot.
- Wind speed maps updated, including maps for the state of Hawaii. Terminology describing wind speeds has changed again with ultimate design wind speeds now called basic design wind speeds.
- Site soil coefficients now correspond to the newest generation of ground motion attenuation equations (seismic values).
- Five-foot tall wood trusses requiring permanent bracing must have a periodic special inspection to verify that the required bracing has been installed.
- New alternative fastener schedule for construction of mechanically laminated decking is added giving equivalent power-driven fasteners for the 20-penny nail.
- Solid sawn lumber header and girder spans for the exterior bearing walls reduce span lengths to allow #2 Southern Pine design values.



2018 International Residential Code® for One- and Two-Family Dwellings (IRC®)

- An updated seismic map reflects the most conservative Seismic Design Category (SDC) based on any soil type and a new map reflects less conservative SDCs when Site Class A, B or D is applicable.
- The townhouse separation provisions now include options for using two separate fire-resistant-rated walls or a common wall.
- An emergency escape and rescue opening is no longer required in basement sleeping rooms where the dwelling has an automatic fire sprinkler system and the basement has a second means of egress or an emergency escape opening.
- The exemption for interconnection of smoke alarms in existing areas has been deleted.
- New girder/header tables have been revised to incorporate the use of #2 Southern Pine in lieu of #1 Southern Pine.



- New tables address alternative wood stud heights and the required number of full height studs in high wind areas.

2018 International Fire Code® (IFC®)

- New provisions address hazards related to outdoor pallet storage, higher education laboratories, mobile food trucks and plant processing and extraction activities.
- Mass Notification Requirements for college and university buildings have been added to the code.
- Sprinkler protection is now required in existing Group A-2 occupancies having an occupant load of 300 or more where alcoholic beverages are consumed.
- A new chapter has been added to address issues related to Energy Systems.
- Integrated testing requirements for fire protection and life safety systems have been added for high rise buildings and smoke control systems.
- The requirements for gas detection systems have been revised throughout the code to be more reflective of industry practice.
- Required sprinkler protection of Group E occupancies has been expanded through the introduction of a new thresholds related to fire areas.
- Manual fire alarm systems in Group A occupancies are now required not only when the occupant load is 300 or more but also where the occupant load exceeds 100 above or below the lowest level of exit discharge.
- A manual fire alarm system and an automatic smoke detection system are no longer required in Group R-4 occupancies.
- New provisions require illumination for the exit discharge path of travel to the public way or to a safe dispersal area for all occupancies.
- Provisions have been added to address the hazards associated with outdoor assembly events, indoor trade shows and exhibitions.
- The fire watch requirements for construction and demolition activities have been enhanced.
- The provisions for the maintenance of fire and smoke protection features in Chapter 7 have been enhanced and reorganized.
- The applicability of the decorative materials requirements in Chapter 8 have been clarified.



2018 International Plumbing Code® (IPC®)

- Updated table for the Minimum Number of Required Plumbing Fixtures
- Single-user toilet facilities (a room having a single water closet and a single lavatory) are not required to be labeled for use by only a male or female (separated use designations).
- Solar thermal water heating systems need to conform to the ICC 900/SRCC 300 standard.
- Well systems are required to comply with standard NGWA-01 where local requirements do not cover subject matter or are lacking in detail on others.



2018 International Mechanical Code® (IMC®)

- Added coverage of pollution control units.
- A new exception was added to recognize Type I kitchen hoods listed for clearances to combustibles of less than 18 inches.
- Added coverage for a newer type of non-metallic duct, phenolic duct.
- New coverage for high volume large diameter fans (HVLD), also referred to as high volume low speed (HVLS) fans.
- Relaxed requirements for sealing of duct joints and seams for Snap- and Button-lock duct joints located within the thermal envelope.



2018 International Fuel Gas Code® (IFGC®)

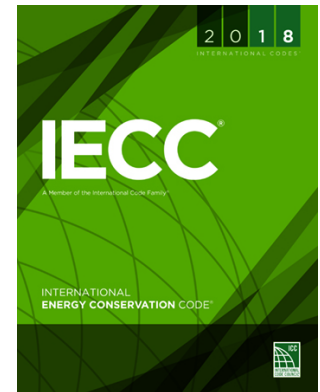
- A new Section was added to recognize arc-resistant CSST products.

- The code now allows Schedule 10 steel pipe to be used, whereas previously, Schedule 40 was the lightest steel pipe material allowed. Schedule 10 steel pipe joints are allowed to be welded, brazed, flanged or assembled with press-connect fittings. Schedule 10 pipe cannot be threaded.
- The code clarifies that appliance shutoff valves located behind movable appliances, such as ranges and clothes dryers, are considered to be provided with the required access.
- The code now calls for the plastic vent pipe material to be labeled as complying with the standards for the specific pipe material as called out by the manufacturer.
- The clearances between direct-vent appliance vent terminals and openings in the building exterior that could allow combustion products to enter the building have been revised.



2018 International Energy Conservation Code® (IECC®)

- Revisions to interior and exterior lighting power budgets and better clarity for lighting controls.
- Clarity that regardless of design methodology, system commissioning is required.
- New limits on heated or cooled vestibules.
- Mechanical provisions reorganized based on equipment type rather than design methodology.
- The maximum allowable fenestration *U*-factors in Table R402.1.2 (for the prescriptive compliance path) for climates zones 3 through 8 have been reduced from the values in the 2015 edition.
- The ICC/RESNET 380 standard has been included as one of standards that can be used for determining the air leakage rate of a building or dwelling unit.
- The Energy Rating Index compliance alternative index values have been increased slightly however, the method for determining an index is now required to be in accordance with standard ICC/RESNET 301.



2018 International Existing Building Code® (IEBC®)

- Section 410 Accessibility has been relocated to a new Section 305. Chapters 4, 5, 6, 13 and 14 have been relocated resulting in a reorganization and new chapter numbering.
- Requirements for live loads from Chapters 4 and 8 have been combined and placed in Chapter 3 to apply for all compliance methods.
- Structural components damaged by snow events must be repaired assuming snow loads for new buildings from the IBC.
- A new exception is added for loading of existing structural elements next to an addition in buildings designed using the IRC.
- When a work area includes more than half the building in an alteration, wall anchors must be installed at the roof line along reinforced concrete and masonry walls.
- Buildings undergoing a change of occupancy shall have live, snow, wind and seismic loads checked. Design loads are based on IBC-level forces.
- When a change of occupancy occurs placing a building in a higher risk category, the seismic loads on the building must be evaluated using IBC-level forces. Access to the building must be maintained when passing through or near other buildings and structures.
- Where storm shelters are required based on IBC and ICC 500 for Group E Occupancies, any addition to such existing occupancies where the occupant load of the addition is 50 or more will trigger the construction of a storm shelter.
- Carbon Monoxide provisions have been added in the Prescriptive Method Additions, Alterations Level 2 Additions, and in Additions for I-1, I-2, I-4 and R Occupancies.
- Emergency Escape and Rescue Opening provisions related to being operational have been added to Prescriptive Compliance Method and Alterations Level 1.
- Single exit buildings and spaces under Alteration Levels 2 and 3 have been modified to be more consistent with the IBC.
- The Alterations Level 2 requirement that water for automatic fire sprinkler system be available at the floor of alteration without the need for a fire pump has been moved to Chapter 9 for Alterations Level 3 and the fire pump criterion was deleted.



2018 International Swimming Pool and Spa Code® (ISPSC®)

- It was clarified that flotation tank systems for sensory deprivation therapy are not within the scope of the ISPSC.
- Hot water storage tanks are now required to be listed and labeled to a standard.
- New sections were introduced into the code to cover solar thermal water heating systems. Installation requirements refer to the IMC.



CHAPTER IV. BUILDINGS AND CONSTRUCTION

Article 1. International Building Code (IBC) 2018
Article 2. International Residential Code (IRC) 2018
Article 3. International Plumbing Code (IPC) 2018
Article 4. International Mechanical Code (IMC) 2018
Article 5. International Fuel Gas Code (IFGC) 2018
Article 6. International Energy Conservation Code (IECC) 2018
Article 7. NFPA70 National Electrical Code (NEC) 2017
Article 8. Association Notification of Construction Activity
Article 9. International Existing Building Code (IEBC) 2018
Article 10. International Swimming Pool and Spa Code (ISPSC) 2018
Article 11. Construction Site Fencing and Screening

Commented [MD1]: Added all recommended for adoption building codes in this section for quick reference at the beginning of Chapter 4 .

Commented [JR2R1]: Including the addition of the International Existing Building Code and the International Swimming Pool and Spa Code, which is currently not incorporated into our code.

4

ARTICLE 1. - INTERNATIONAL BUILDING CODE (IBC)

4-101. - INTERNATIONAL BUILDING CODE INCORPORATED.

In addition to the other provisions set forth in this chapter there is hereby adopted and incorporated by reference that certain building code known as the "International Building Code," 2012 2018 2012 edition, published by the International Code Council, hereafter referred to as the 2018 IBC, is hereby adopted by reference and made a part of this Chapter and Article save and except such portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Building Code, 2018 edition*, will be kept on file in the office of the City Clerk, marked or stamped "official Copy as incorporated by Ordinance No. ????" with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes copyrighted in 2012 2014 2017 by the International Code Council, (hereinafter referred to as the "IBC" or "Building Code") except for the amendments provided in this Article. Not less than one copy of the building code shall be marked or stamped "Official Copy as Adopted by Ordinance No. _____." A copy of this article shall be attached to each International Building Code copy and shall be filed with City Hall to be open for inspection and available to the public at all reasonable business hours. The Municipal Court, and all administrative departments of the City charged with the enforcement of this code shall be supplied, at the cost of the city, with such numbers of official copies similarly marked as deemed expedient.

The following Sections of this article are in addition to or amendments of the provisions of the standard code incorporated by reference in Section 4-101.

(Code 2003, [Ord. 2278](#), Sec. 1, 2013)

4-102. - AMENDMENTS TO SECTION 101.1 - TITLE.

Section 101.0-1 of the 2012 2018 IBC is hereby amended to read as follows:

These regulations shall be known as the Building Code of the City of Prairie Village, Kansas, hereinafter referred to as the "IBC" or "this code".

(Ord. 2051, Sec. 1, 2003; Ord. 2139, Sec. 1, 2007; [Ord. 2278](#), Sec. 1, 2013)

4-103. - AMENDMENTS TO SECTION 101.4 - REFERENCED CODES.

Section 101.4 - of the ~~2012~~ 2018 IBC is hereby amended to read as follows:

The other codes listed in Sections 101.4.1 through 101.4.8 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

101.4.1 Gas. The provisions of the International Fuel Gas Code (PVMC Chapter 4, Article 5) shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements shall apply to the gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

101.4.2 Mechanical. The provisions of the International Mechanical Code (PVMC Chapter 4, Article 5) shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilation, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy related systems.

~~101.4.3 Plumbing. The provisions of the International Plumbing Code (PVMC Chapter 4, Article 3) shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, and where connected to a water or sewage system and all aspects of a medical gas system.~~

101.4.3 Plumbing. The provisions of the International Plumbing Code (PVMC Chapter 4, Article 3) shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the International Private Sewage Disposal Code shall apply to private sewage disposal systems.

Commented [MD3]: This section reconfigured to match verbiage within 2018 codes

101.4.4 Property maintenance. The provisions of the International Property Maintenance Code, (PVMC Chapter 8, Article 2), shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

101.4.5 Fire prevention. The provisions of the International Fire Code, (PVMC Chapter 7 Article 2), shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

101.4.6 Energy. The provisions of the International Energy Conservation Code (PVMC Chapter 4, Article 6) shall apply to all matters governing the design and construction of buildings for energy efficiency.

101.4.7 Electrical. The provisions of the NFPA 70 National Electrical Code (PVMC Chapter 4, Article 7) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. (Code 2003; Ord. 2278, Sec. 1, 2013)

101.4.8 Existing Buildings. The provisions of the International Existing Building Code (PVMC chapter 4 Article 9) shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

Commented [MD4]: Section 101.4.8 added to help clarify the use and intent of the existing building code. This code implements more options in design criteria when utilizing existing buildings for repurposing.

101.4.9 Swimming Pools. The provisions of the International Swimming Pool and spa code (PVMC Chapter 4 Article 10) shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of aquatic recreation facilities, pools and ~~Spas~~.

Commented [MD5]: This new article added to recognize adoption of the ISPSC 2018, the adoption of this code helps clarify safety, issues and energy compliance reflecting new technologies.

~~4-104. - SECTION 103.2 DELETED.~~

Section 103.2 of the 2012 IBC is hereby deleted.

(Ord. 2051, Sec. 2, 2003; Ord. 2139, Sec. 1, 2007; [Ord. 2278](#), Sec. 1, 2013)

Commented [MD6]: This section has been removed as deleted therefore referring directly as stated in the code book: IBC 2018 Section 103.2 Appointment The building Official shall be appointed by the chief appointing authority of the Jurisdiction. This translates to City administration.

~~4-105. - AMENDMENTS TO SECTION 104.1 - DUTIES AND POWERS OF THE BUILDING OFFICIAL.~~

Section 104.1 of the 2012 IBC is hereby amended to read as follows:

The Building Official is hereby authorized and directed to enforce the provisions of this code. The Building Official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

(Ord. 2051, Sec. 3, 2003; Ord. 2139, Sec. 1, 2007; Ord. 2184, Sec. 2, 2008; [Ord. 2278](#), Sec. 1, 2013)

Commented [MD7]: This section has been deleted from the municipal code because the verbiage is verbatim to the building code same section.

~~4-106~~[105.](#) - AMENDMENTS SECTION 105.1- PERMIT REQUIRED.

Section 105.1 of the 2018 IBC is hereby amended to read as follows:

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, plumbing, fire alarm, fire detection, automatic fire extinguishing, or where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used, the installation of which is regulated by this Code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit.

(Ord. 2087, Sec. 1, 2004; Ord. 2139, Sec. 1, 2007; [Ord. 2278](#), Sec. 1, 2013)

~~4-107.~~ - SECTION 105.1.1 - DELETED.

Section 105.1.1 of the 2012 2018 IBC is hereby deleted.

Commented [JR8]: Added to Section 4-105

(Ord. 2051, Sec. 4, 2003; Ord. 2139, Sec. 1, 2007; [Ord. 2278](#), Sec. 1, 2013)

Commented [MD9]: This section is deleted because it refers to annual permits, this department does not issue any form of annual building permits.

~~4-108.~~ - SECTION 105.1.2 - DELETED.

Section 105.1.2 of the 2012 2018 IBC is hereby deleted.

Commented [JR10]: Added to section 4-105

(Ord. 2051, Sec. 5, 2003; Ord. 2139, Sec. 1, 2007; [Ord. 2278](#), Sec. 1, 2013)

Commented [MD11]: This section refers to annual permit record keeping, Not applicable.

~~4-109.~~ - AMENDMENTS TO SECTION 105.1.3 - COUNTY AND CITY LICENSE REQUIRED.

Section 105.1.3 of the 2012 2018 IBC is hereby added as follows:

All persons undertaking work which requires a permit as provided in Section 105, or seeking to obtain that permit from the City are required to have a currently valid contractor's license from Johnson County Contractor's Licensing Program and a currently valid contractor's license from the City.

Commented [JR12]: Added to Section 4-105

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

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

1. The homeowner currently occupies the dwelling and has been residing at the property for a minimum of three (3) months.

2. The homeowner undertakes the work themselves, without compensation and no person shall be employed to assist the homeowner in any way on such work except a builder or building contractor licensed by the City.

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

105.1.1 City license suspension and revocation. The Building Official is hereby authorized to suspend and/or revoke a city-issued contractor's license when there is evidence that the contractor knowingly violated the City's municipal code. If the building official suspends a contractor's license, he or she shall give the reasons therefore in writing and mail a copy to the license holder. The license holder may appeal such suspension by filing a written notice thereof with the City Clerk within 15 days after the notice of suspension or revocation was given. Appeals from suspensions or revocations shall be governed by Section 19.54.024 of the Prairie Village Zoning regulations.

Commented [MD13]: This verbiage is proposed to be altered to better aid with building code enforcement regarding contractor licensing, intent is to close a loop hole on property investors that are not Johnson County licensed contractors.

(Ord. 2051, Sec. 6, 2003; Ord. 2139, Sec. 1, 2007; [Ord. 2278](#), Sec. 1, 2013)

4-~~110~~[106](#). - AMENDMENTS TO SECTION 105.2 - WORK EXEMPT FROM PERMIT.

2. Section 105.2 of the 2012 ~~2018~~ IBC is hereby amended to read as follows:

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

Building:

1. Sidewalks and driveways not more than 30 inches above adjacent grade and not over any basement or story below and are not part of an accessible route. Note: Right-of-way permits are required for sidewalk or driveway installation or replacement in the public right-of-way. All right-of-way permits are to be obtained from the Department of Public Works.
2. Re-siding the dwelling or structure with materials other than stucco or EIFS.
3. Minor maintenance or repair work consisting of painting, papering, tiling, carpeting, cabinets, counter tops and similar work.
4. Temporary motion picture, television and theater stage sets and scenery.
5. Prefabricated swimming pools accessory to Group R-3 occupancy, as applicable in Subsection 101.2, which are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground. Note: Said swimming pools must be located in the rear yard.
6. Swings and other playground equipment accessory to one- and two- family dwellings that do not exceed ~~the 30% lot development building coverage limit~~ or 120 SQFT for lots under 10,000 SQFT or 200 ~~SQFT~~ for lots over 10,000 SQFT.

Commented [JR14]: Added a new section that gives the building official the ability to suspend or revoke a contractor's license if the contractor is knowingly violating the city's regulations. This decision can be appealed to the BZA.

Commented [MD15]: Proposed new information to quantify limitations for playground structures to be consistent with zoning regulations for accessory structures

7. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
8. Non fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.

Electrical:

1. Listed cord and plug connected temporary decorative lighting.
2. Minor repair work or replacement of lamps, or branch circuit over current devices of the required capacity in the same location.
3. Repair or replacement of electrical wiring, devices, appliances apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy, and not part of a fire alarm system.
4. Reinstallation of attachment plug receptacles, but not the outlet therefore.
5. Portable motors or other portable appliances energized by means of a cord having an attachment plug end to be connected to an approved receptacle, when that cord is permitted by this code.
6. Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.
7. A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

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

Mechanical:

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

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, sinks, and lavatories in the same location.

105.2.1 EMERGENCY REPAIRS. Where equipment replacement and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Building Official. (Ord. 2051, Sec. 5, 2003; Ord. 2139, Sec. 1, 2007; [Ord. 2278](#), Sec. 1, 2013)

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

(Ord. 2051, Sec. 6, 2003; Ord. 2139, Sec. 1, 2007; [Ord. 2278](#), Sec. 1, 2013)

Section 105.2.3 of the 2012 IBC is hereby added to read as follows:

105.2.2 PUBLIC SERVICE AGENCIES. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right. (Ord. 2051, Sec. 7, 2003; Ord. 2139, Sec. 1, 2007; [Ord. 2278](#), Sec. 1, 2013)

4-~~111~~[107](#). - AMENDMENTS TO SECTION 105.3 - APPLICATION FOR PERMIT.

Section 105.3 of the 2012 **2018** IBC is hereby amended to read as follows:

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

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 107.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the Building Official.

It shall be unlawful for any person to erect or cause to be erected within the City any building or structure of any kind or enlarge or add to the outside dimension thereof, or relocate any building or structure within the City without a building permit being first obtained upon approval by the Building Official or his or her duly authorized assistant.

The application for such permit shall be made and the permit obtained before work is commenced upon any building or structure or the foundation thereof, or before the removal of any building begins.

PERFORMANCE BOND. The Building Official may require from the contractor a good and sufficient surety performance bond in the amount of \$5,000 at the time of issuance of the building permit for significant construction projects. The performance bond shall be issued by a surety company licensed and qualified to operate in the State of Kansas and approved by the City with a duly appointed agent.

Significant construction projects are defined as construction projects which will exceed \$100,000. Also the Building Official and the Public Works Director will determine whether a bond will be required and the amount not to exceed \$5,000 for those situations involving individual homeowners filing permit applications for minor buildings, structures, or additions. The performance bond will be approved by the Building Official predicated and guaranteed upon the fact that the permit applicant shall be and is, in fact,

Commented [MD16]: This section is new to the IBC 2018 for this section was removed, proposed to keep it within the new zoning carried over from previous cycle.

Commented [MD17]: Section deleted renumbered to section 105.2.1.1

Commented [JR18]: Renumbered this Section to be 105.3.1 for formatting/ease of reading and finding information

a guarantor that the streets and sidewalks in the area that they are working in shall remain free and clear of dirt, mud, gravel and other debris. When the area does not remain free and clear of dirt, mud, gravel and other debris, the Building Official shall provide notice of same to the permittee. Upon receipt of such notification, the permittee shall be allowed a period of two hours in which to remedy any and all defects caused by the acts of the contractor. If action has not been taken within the two hour period, or if such action fails to adequately remedy all defects within the affected area, then the Building Official or his/her authorized representative may direct the City to perform such duties and assess all cleanup charges against the performance bond. The cleanup charge will be based upon the cost to the City for actual cleanup, as determined by the Building Official and the Director of Public Works.

105.3.42 ACTION ON APPLICATION. The Building Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or construction documents do not conform to the requirements of pertinent laws, the Building Official shall reject such application in writing, stating the reasons therefore. If the Building Official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the Building Official shall issue a permit therefore as soon as practicable.

Commented [JR19]: Changed to 105.3.2 in ordinance due to addition of 105.3.1 for performance bond section

105.3.23 TIME LIMITATION OF APPLICATION. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Commented [JR20]: 105.3.3

105.3.34 APPLICATION FOR PERMIT TO MOVE A BUILDING OR OTHER STRUCTURE.

Application for a permit to move a building or other structure shall include the information as required in Sections 105.3.3.1 or 105.3.3.2. The application shall be made not less than 14 calendar days prior to the commencement of the move and be accompanied by a fee of \$500. Buildings or structures shall not be lifted off their foundation until a permit to move the building or structure has been obtained. No person, firm or corporation shall move, haul, or transport any building or structure of the height when loaded for movement of 16 feet or more from the surface of the highway, road, street or alley, or a width of eight feet or more in this city without first obtaining a permit therefore.

Commented [JR21]: 105.3.4

105.3.43.1 MOVING BUILDINGS OR STRUCTURES WITHIN OR INTO THE CITY LIMITS. A permit for a foundation, or new single family dwelling or a remodel permit shall be secured prior to the issuance of a permit to move a building or structure. The foundation shall be constructed prior to the building or structure being moved. All applications for permits to move buildings or structures within the City limits of Prairie Village or into the City shall include the following information:

1. The dimensions of the building or structure as to length, width, and height at its highest point when loaded for moving.
2. A letter verifying that all utilities have been disconnected, i.e. gas, electric, water, and sewer. A verbal or electronic communication from the utility company is acceptable in lieu of a letter.
3. A letter or electronic communication from any utility company having overhead lines along the proposed route indicating that they have approved the route.
4. Letters from the Police Department and the Public Works Department approving the date, time and route of the move.
5. A letter indicating the day and hour when the move is to start; the length of time required for the move; and the number of escort vehicles. In no event will a move be allowed on a Saturday or Sunday or a holiday unless specifically allowed by the Public Works Director and the Police Chief.
6. A map showing the route of the move.
7. A copy of the state highway move permit, if applicable.
8. Copies of written notices to the owners of adjacent lots along the route who may be affected by utility disconnects. The letter will provide the date and time of the move.

9. Written permission from the private property owner(s) to trim any trees on private property necessary to provide clearance for the move along the approved route.
10. Written permission from the City of Prairie Village Public Works Department to trim trees in the public right-of-way necessary to provide clearance for the move along the approved route.
11. Sewer permit from Johnson County Wastewater.
12. Water meter permit from WaterOne.
13. Verification from the Codes Administration Department that the building or structure to be moved is compatible with adjacent buildings or structures in the area where the building or structure is to be moved.
14. Verification from the Codes Administration Department that the building or structure meets current adopted codes and standards.
15. A plot plan, sealed by a Kansas design professional, showing the property or lot where the building or structure is to be moved. A legal description of the property shall be included.

105.3.34.2 BUILDINGS OR STRUCTURES BEING MOVED OUT OF THE CITY OR PASSING THROUGH THE CITY. All permit applications for moving buildings or structures out of or through the City shall include the following:

1. The dimensions of the building or structure as to length, width, and height at its highest point when loaded for moving.
2. A letter verifying that all utilities have been disconnected, i.e. gas, electric, water and sewer. A verbal or electronic communication from the utility company is acceptable in lieu of a letter.
3. A letter or electronic communication from any utility company having overhead lines along the proposed route indicating that they have approved the route.
4. A letter indicating the day and hour when the move is to start; the length of time required for the move; and the number of escort vehicles. In no event will a move be allowed on a Saturday or Sunday or a holiday unless specifically allowed by the Public Works Director and the Police Chief.
5. A map showing the route of the move.
6. A copy of the state highway move permit, if applicable.
7. Letters from the Police Department and the Public Works Department approving the route of the move and the date and time of the move.
8. Copies of written notices to the owners of adjacent lots along the route who may be affected by utility disconnects. The letter will provide the date and time of the move.
9. Written permission from the private property owner(s) to trim any trees on private property necessary to provide clearance for the move along the approved route.
10. Written permission from the City of Prairie Village Public Works Department to trim trees in the public right-of-way to provide clearance for the move along the approved route.
11. A plot plan, sealed by a Kansas design professional, showing the property or lot where the building is to be removed. A legal description of the property is to be included.

105.3.34.3 BOND AND INSURANCE REQUIRED. It shall be the duty of any person at the time of making application for permit as provided in Section 105.3 to execute in favor of this City a good and sufficient bond to the City in the sum of \$10,000 with good and sufficient security, conditioned, among other things, that the principal shall pay any and all damages which may be caused to any property, public or private, within the City when such injury or damage shall be inflicted by the principal or his or her agent, servant, employee, workman, contractor, subcontractor, and such bond shall be conditioned so that the principal will serve, indemnify, protect and save harmless the City from any and all liability, and that he or she will, in all respects, comply with all ordinances of the City and comply with the terms of his

or her permit and be conditional upon his or her faithful performance of the move. The form of such bond must be approved by the City Attorney.

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

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

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

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

1. Is licensed to do business in the State of Kansas; and
2. Carries a Best's policyholder and financial rating of A;
3. Carries at least a Class X financial rating;
4. Or is a company mutually agreed upon by the City and the applicant.
5. The City shall be notified in writing not less than 30 days prior to cancellation or material modification of any policy provisions.

105.3.34.4 CONDITIONS OF THE PERMIT. In addition to other provisions of this code, the permit holder shall be responsible for compliance of the following:

1. Move a building or structure only over streets approved by the Department of Public Works and the Chief of Police and designated for such use in the written application.
2. Notify the Building Official within 48 hours of move in writing of a desired change in moving date and route of move as proposed in the application. Change of route must be approved by the Building Official, the Director of Public Works and the Chief of Police prior to initiating the move.
3. Notify the Building Official in writing of any and all damages to public and private property within 24 hours after damage has occurred.
4. It shall be the duty of any persons moving any building or structure to display red lanterns or other warning devices used in compliance with City traffic ordinances or state statutes thereon in such a manner as to show the extreme height and width thereof from 30 minutes after sunset to 30 minutes before sunrise, and shall have sufficient escort as provided by City ordinance, state statutes, or as determined as necessary for public safety by the Chief of Police.
5. No building or structure or any part of a building or structure being moved shall be left in the street or in the dedicated right-of-way line between the curb and the front property line of any lot.
6. Any open foundation or excavation shall be protected by a four foot high fence minimum. Erosion and sediment control measures shall be put in place as needed and shall remain in place until vegetation has been established.
7. Within 30 days of the move, all debris and miscellaneous building materials shall be removed from the site. The existing foundation shall be demolished and removed, and all excavations shall be filled to grade.

(Code 2003; Ord. 2139, Sec. 1, 2007; [Ord. 2278](#), Sec. 1, 2013)

4-~~112~~[108](#). - AMENDMENTS TO SECTION 105.4 - VALIDITY PERMIT.

Section 105.4 of the 2012 **2018** IBC is hereby amended to read as follows:

The issuance or granting of a permit shall not be construed to be permit for, or an approval of, any violation of any of the provisions of this code or any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents and other data. The Building Official is also authorized to prevent occupancy or use of a structure wherein violation of this code or any other ordinances of this jurisdiction.

(Code 2003; Ord. 2139, Sec. 1, 2007; [Ord. 2278](#), Sec. 1, 2013)

4-~~113~~-109 - AMENDMENTS TO SECTION 105.4-5 - EXPIRATION.

Section 105.5 of the 2012 **2018** IBC is hereby amended to read as follows:

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 90 days after the work has commenced. All work shall be documented by an inspection as described in section 110 of this code. Failure to request an inspection of newly completed work for any period of 90 days or more shall constitute suspension or abandonment of work, at which time said permit shall become invalid. It shall be unlawful for any person, firm, or corporation to allow a permit to become invalid. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each.

The extension shall be requested in writing and justifiable cause demonstrated. The Building Official may place reasonable conditions as necessary on the issuance of extensions.

(Code 2003; [Ord. 2278](#), Sec. 1, 2013)

4-~~114~~110 - AMENDMENTS TO SECTION 107 - SUBMITTAL DOCUMENTS.

Section 107 of the 2012-**2018** IBC is hereby amended to read as follows:

107.1 GENERAL. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a **Kansas** registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a **Kansas** registered design professional.

Exception: The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

107.1.1 ONE AND TWO FAMILY DWELLINGS. Construction documents for residential structures designed in accordance with the International Residential Code shall be prepared by a registered design professional, duly registered in the State of Kansas. The drawings shall bear the professional seal of the design professional.

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

(Code 2003; [Ord. 2278](#), Sec. 1, 2013)

Commented [MD22]: The word Kansas has been added to clarify any sealed documents must be by a Kansas Registered Design professional.

Commented [MD23]: The word Kansas has been added to clarify any sealed documents must be by a Kansas Registered Design professional.

Commented [MD24]: This section is added to the IBC 2018 to clarify design document minimum requirements to provide sealed documents specifically for one and two family homes.

4-~~115~~111. - AMENDMENTS TO SECTION 109 - FEES.

Section 109 of the 2012 ~~2018~~ IBC is hereby amended as follows:

109.1 PAYMENT OF FEES. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment or revision to a permit be released until the additional fee, if any, has been paid.

109.2 SCHEDULE OF PERMIT FEES. A fee for each permit shall be paid as required, in accordance with the schedule as established by resolution of the Governing Body.

109.3 BUILDING PERMIT VALUATIONS. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued. If, in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. ~~The building Official shall use The ICC Building Valuation Data table as adopted by the governing body to establish a minimum criteria for cost analysis the higher value of the two comparisons shall establish the cost of work to establish permit and plan review fees.~~

Commented [MD25]: Verbiage added to help clarify Building costs and fees methodology. The Building Valuation Data table 2015 Version by the international code council is currently being enforced by resolution passed in 2016.

109.4 WORK COMMENCING BEFORE PERMIT ISSUANCE. Any person who commences any work before obtaining the necessary permits shall be subject to a fee established by the Building Official that shall be in addition to the required permit fees. Said fee is hereby established at "double" the required permit fee.

109.5 RELATED FEES. The payment of the fee for construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from payment of other fees that are prescribed by law. These related fees may include, but are not limited to the following: Board of Zoning Appeals, Planning Commission, Right-of-Way permits, Drainage permits.

109.6 REFUNDS. The Building Official may authorize the refund of any fee which was erroneously paid or collected subject to the following conditions:

1. The Building Official may authorize a refund of not more than 80% of the permit fee paid when no work has commenced for a permit issued in accordance with this code.
2. No permit fee may be refunded if work has commenced on a project.

(Code 2003; [Ord. 2278](#), Sec. 1, 2013)

4-~~116~~112. - AMENDMENTS TO SECTION 114.4 - VIOLATION PENALTIES.

Section 114.4 of the 2012 ~~2018~~ IBC is hereby amended as follows:

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, ~~demolishes~~ or repairs a building or structure in violation of the approved construction documents or directive of the Building Official or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law, or other references incorporated, is guilty of a public offense and may be subject to punishment as provided in PVMC Chapter 8, Article 2, Sec. 8-201.

Commented [MD26]: Word demolishes added to better clarify permits are required for demolishing structures whole or in part.

(Code 2003; Ord. 2139, Sec. 1, 2007; [Ord. 2278](#), Sec. 1, 2013)

4-117113. - AMENDMENTS TO SECTION 116.1 - NUISANCES AND UNSAFE STRUCTURES – LEGISLATIVE FINDINGS.

Section 116.1 of the 2012-2018 IBC is hereby amended to read as follows:

116.1 LEGISLATIVE FINDINGS.

- (a) The purpose of this section is to provide reasonable controls restricting and prohibiting the allowance of nuisances and unsafe structures to exist on property within the City; to declare that certain conditions constitute public nuisances or structures, which are unsightly, are a menace and dangerous to the health of the inhabitants of the City; or if any residential or commercial area and the residents thereof, are offensive to the general public health, safety and welfare of the community; to provide a method of enforcement of this section; to provide procedures to notify property owners or those in control of real property, notification and an opportunity to be heard concerning violations of this section; to provide administrative procedures to allow the City to direct the abatement of violations; to provide a method of assessment or collection of costs for abatement by the City; to declare that the existence of such violations are unlawful; and to provide penalties for enforcement through the municipal court system.
- (b) The Governing Body of the City hereby finds that the allowances of nuisances and unsafe or dangerous structures, as defined herein, on private property or adjacent rights-of-way or easements are public nuisances which are unsightly, a menace dangerous to the health of the inhabitants of the City, of the residential or commercial area and the residents thereof, and are offensive to the general public health, safety, and welfare of the community. Such nuisances or unsafe structures promote conditions which may cause disease; pollution; proliferation or rats, vermin, mosquitoes and snakes; the spread of fire; a harmful environment for transients and the community as a result of transient use; harmful attractions for children; creates long and short term impacts on the area including the diminution of property values and the integrity of the neighborhood; and interferes with the orderly development of property in the City.

4-114 – AMENDMENTS TO SECTION 116.2 – NUISANCES AND UNSAFE STRUCTURES – DEFINITIONS

Section 116.2 of the 2018 IBC is hereby amended to read as follows

116.2 DEFINITIONS.

- (a) City- The City of Prairie Village.
- (b) Graffiti - Any drawing, painting, writing, inscription, figure or mark, regardless of its content, of the type which is commonly known and referred to as graffiti, which is written, drawn, painted, sprayed, scratched or otherwise placed or affixed, regardless of the nature of the material used, on any wall, window, rock, building portion thereof, fence, gate, sign, other structure, tree or other real or personal property, either publicly or privately owned, and that is visible from any adjacent public or private property or public or private right-of-way.
- (c) Nuisance - Any condition which causes or creates an unreasonable interference with the rights of the general public and shall include but not be limited to; graffiti, rank vegetation, rank or infested compost heaps, dense smoke, excessive dust, ash or fine particles in the air, rank ponds or standing water including swimming pools, water receptacles and un-drained areas, cesspools creating on or rising to the surface, rank odors, unkempt trash, refuse, brush, leaves, and limbs, unkempt landscaping, debris or building materials, rank sewage or septic system, excessive accumulation of animal waste, exposed animal carcasses after death; sheds, garages or other outbuildings allowing infestation of rodents or insects or left unsecured to allow the entry of animals, humans or the natural elements such as rain, hail and snow, or otherwise left unkempt or unsightly, except for outdoor dog or pet houses maintained in a clean and reasonable manner; trees, shrubs, or plants which are dead, diseased or infested which present a harmful or dangerous condition to the public; exposed refrigerators or freezers or other appliances left unsecured; and any other condition which is determined to present a dangerous

Commented [JR27]: Added leaves and unkempt landscaping into this provision to give our code enforcement officers more authority to address yards that have leaves that haven't been picked up or mulched or landscaping that is in need of trim. These are common complaints that they get right now that our code doesn't currently address.

or harmful condition ~~to the public or unreasonable interference with the rights of the general public.~~

- (d) Perennial violator - Any person who shows an annual pattern of failing to comply with this section which may be shown by repeated notices of abatement, notices of costs, or previous violations.
- (e) Person - Any individual; individual's partnership; corporation; unincorporated association; other business organization; committee; board; trustee; receiver; agent; or any representative who has charge, care or responsibility of maintenance of any property, lot or parcel of land regardless of status of owner, tenant or lessee and regardless of whether such person has possession.
- (f) Property owner - The named property owner as indicated by the register of deeds or Appraiser's office in Johnson County, Kansas.
- (g) Qualified expert - A person who is regularly employed to conduct structural inspections to comply with life, safety, mechanical, plumbing, health and building codes or a licensed professional in the field of engineering or architecture.
- (h) Representative - Any person or entity listed in the Johnson County, Kansas Appraiser's Office or Treasurer's Office for the purposes of paying taxes; a registered agent with the Kansas Secretary of State's Office for corporate or partnership ownership; an agent or manager directed by the property owner, estate, or court order to represent the interests of the property or to otherwise control activities on the real property; or a corporate officer.
- (i) Tenant - Any person who has a severable or non-severable interest in the real property either oral or written lease or covenant or by other methods of conveying a limited interest in such lands; or by any person who occupies or has possession of such real property.
- (j) Unsafe Structure - Any structure or part of a structure which remains or is damaged to present a dangerous or unsafe condition to the public including, but not limited to, structures damaged by fires, damaged by natural events or elements such as wind, tornadoes, earthquakes, flooding, or settling of the ground; damaged by insect infestation; damaged due to the failure to provide reasonable maintenance; structures occupied or unoccupied which have broken windows, missing boards or siding, unsecured doors, or unsecured openings which allow the harboring of animals, insects, transients, or create an attraction to children; structures which due to the opinion of qualified experts or inspectors, including but not limited to, fire, engineering, or architectural experts; present an unsafe or dangerous condition to those on or near the property; unfinished structures where no occupancy permit has been issued, and any building permit has lapsed for more than 90 days; structures which remain unfinished, or without an occupancy permit, after 18 months from the date of the first building permit and where no inspection for newly completed work has been requested within the last 90 days.

4-115 – AMENDMENTS TO SECTION 116.3 – NUISANCE AND UNSAFE STRUCTURES – UNLAWFUL; RESPONSIBILITY TO ABATE.

Section 116.3 of the 2018 IBC is hereby amended to read as follows:

116.3 NUISANCES OR UNSAFE STRUCTURES UNLAWFUL; RESPONSIBILITY TO ABATE. It shall be unlawful for any property owner, owner's agent or tenant of real property to allow or maintain a nuisance or unsafe structure on any lot or parcel of ground within the City, including any areas between the property lines of said property and the center line of any adjacent street or alley including sidewalks, streets, alleys, easements and rights-of-way. The property owner, owner's agent or tenant shall be responsible for the removal or abatement of any nuisance or unsafe structure.

4-116 – AMENDMENTS TO SECTION 116.4 – ENFORCEMENT AGAINST NUISANCES; DESIGNATION OF OFFICER; NOTICE TO APPEAR; NOTICE OF ABATEMENT; HEARING

Section 116.4 of the 2018 IBC is hereby amended to read as follows:

116.4 ENFORCEMENT AGAINST NUISANCES; DESIGNATION OF OFFICER; NOTICE TO APPEAR; NOTICE OF ABATEMENT; HEARING

- (a) The Building Official shall assist the Governing Body with the administration and enforcement of this section with regards to nuisances. The Building Official shall authorize the investigation of nuisances by his or her designated agents. If it is determined that a nuisance exists, then the Building Official, or his or her designated agent shall file a written report with the Governing Body describing the situation, its location, and the circumstances supporting the determination that the matter is a nuisance. If the Governing Body concurs with the report, it shall issue an Order of Abatement directing the property owner, owner's agent or tenant to remove and abate the nuisance within 10 days.
- (b) The Order of Abatement shall state:
 - (1) A common or legal description of the property, or both;
 - (2) That the property is in violation of this section;
 - (3) The nature of the nuisance, including relevant ordinances or statutes, with sufficient information to reasonably enable the recipient to determine the nature of the violation to allow for self-abatement;
 - (4) That the recipient should remove and abate the nuisance within 10 days of receipt of the order;
 - (5) That the recipient, upon written request, may obtain a hearing before the Governing Body or its designated representative, provided that such request is received by the City Clerk within the 10 day period.
 - (6) That failure to comply with the order shall result in the City's right to remove and abate the nuisance with assessment of the City's costs being made against the property and the recipient;
 - (7) That failure to pay such assessment within 30 days of the City's notice of costs of such removal and abatement shall result in the filing of a tax lien against the property, or the filing for a personal judgment against the recipient, or both;
 - (8) That such violations are subject to prosecution, and that such prosecution shall be independent of the order of any enforcement of the order.
- (c) The Order of Abatement shall be served on the property owner, owner's agent or tenant by certified mail, return receipt requested, or by personal service; provided any order served on a tenant shall also be served on the owner or owner's agent. If the property is unoccupied and the owner is a nonresident, then the order will be mailed by certified mail, return receipt requested, to the owner's last known address. If during the preceding 24 month period the owner, owner's agent or tenant has failed to accept delivery or to otherwise effectuate receipt of a notice or order sent pursuant to this section, in addition to the methods of service described above, the Governing Body may serve on such person any further order by other methods, including but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail; provided, if the property is unoccupied and the owner is a nonresident, any alternative notice provided for in this paragraph shall be given by telephone communication or first class mail.
- (d) If a recipient of an Order of Abatement makes a written request for a hearing within the 10 day period, a hearing shall be immediately scheduled before the Governing Body or its designated representative. At such hearing, all relevant parties, interest holders and City officials shall be allowed to present evidence concerning the status of the property and the conditions creating the nuisance. Thereafter, the Governing Body or its designated representative may rescind, modify, or uphold the Order of Abatement. In making such a determination the Governing Body or its designated representative shall describe the relevant facts and specific statute or code provisions being relied upon and state any such other stipulations, methods of removal and abatement of orders as deemed necessary. If the Order of Abatement is either modified or

upheld, the property owner, owner's agent or tenant shall be given a reasonable time to remove and abate the nuisance, not to exceed 10 days.

- (e) If an authorized public officer determines that a violation of this section exists, he or she may issue a notice to appear in municipal court for such violation. No other procedures are required as a prerequisite to the issuance of a notice to appear. The imposition of any removal and abatement action described herein shall not preclude any appropriate prosecution or penalties. Likewise, the imposition of any prosecution or penalties shall not preclude any appropriate action described herein to remove or abate a nuisance or to collect removal and abatement costs.

4-117 – AMENDMENTS TO SECTION 116.5 – ABATEMENT OF NUISANCE BY CITY; NOTICE OF COSTS; ASSESSMENT AND COLLECTION

Section 116.5 of the 2018 IBC is hereby amended to read as follows:

116.5 ABATEMENT OF NUISANCE BY CITY; NOTICE OF COSTS; ASSESSMENT AND COLLECTION.

- (a) If the recipient of the notice of abatement fails to comply with the Order of Abatement or, if appropriate, with any order after a hearing on the matter, the City shall have the right to go onto the property to remove and abate the nuisance in a reasonable manner. It shall be unlawful for any person to interfere with or attempt to prevent the City or its agents from such action. The City and its agents shall not be responsible for damage to any real or personal property due to reasonable methods of gaining entrance onto the property or for damages to any real or personal property in the reasonable exercise of the removal and abatement of the nuisance. The City may use its own employees or contract for services to remove and abate the nuisance.
- (b) If the City removes and abates the nuisance, the City shall give a Notice of Costs to the property owner, owner's agent or tenant by certified mail, return receipt requested, stating the costs of such removal and abatement incurred by the City; provided, any notice served on a tenant shall also be served on the owner or owner's agent.

The costs shall include the City's cost of providing the notice, including any postage. The recipient shall have 30 days from the date of receipt of such notice to make full payment. The Notice of Costs shall state:

- (1) The common or legal description of the property, or both;
 - (2) The nature of the nuisance, including relevant ordinances;
 - (3) The nature of the work performed to remove and abate the nuisance;
 - (4) The costs incurred for the abatement of the nuisance in either a lump sum or in an itemized form (including the cost of the notice);
 - (5) That payment is due and payable within 30 days of receipt of the notice;
 - (6) That payment should be made payable to the City of Prairie Village, Kansas, by check or money order with no post-dating of the check, and submitted to the City Clerk with a written indication of the purpose of the payment and the address of the property where the nuisance occurred;
 - (7) That failure to pay the entire amount within the 30 day period shall allow the City to file a lien against the property or to pursue litigation for recovery of the costs, or both; and
 - (8) That such additional remedies to recover costs shall include additional amounts, including interest, court costs, attorney fees and administrative costs.
- (c) If the costs are not paid within the 30 day period, the costs shall be collected in a manner provided by K.S.A. 12- 1, 115 as amended, or shall be assessed as a special assessment against the property. The City Clerk at the time of certifying other City taxes, shall certify the unpaid portion of the costs, and the County Clerk shall extend the same on the tax roll of the county against the property, and it shall be collected by the County Treasurer and paid to the

City as other City taxes are collected and paid. The City may pursue collection both by levying a special assessment, and in the manner provided by K.S.A. 12-1, 115 as amended, but only until the full costs, including applicable interest, court costs, attorney's fees, and administrative costs have been paid in full.

4-118 – ADDITION OF SECTION 116.6 – ENFORCEMENT AGAINST UNSAFE STRUCTURES; DESIGNATION OF OFFICER; NOTICE TO APPEAR; HEARING; RESOLUTION

Section 116.6 of the 2018 IBC is hereby added to read as follows:

116.6 ENFORCEMENT AGAINST UNSAFE STRUCTURES; DESIGNATION OF OFFICER; NOTICE TO APPEAR; HEARING; RESOLUTION.

- (a) The Building Official shall be charged with the administration and enforcement of this section as it concerns unsafe structures. The Building Official shall authorize the investigation of violations of this section by his or her designated agents. If it is determined that a violation of this section exists, then the Building Official or his or her designated agent shall file a written report with the Governing Body of the City describing the situation, its location, and the circumstances which support the determination that the structure is unsafe. The Governing Body shall then fix a time and place at which the owner, representative, tenant, or lienholders of record may appear and show cause why such structure should not be condemned and ordered repaired or demolished. Such resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail, return receipt requested, within 3 days after its first publication to each such owner, representative, tenant or lienholder of record, as can reasonably be determined, at the last known place of residence, and shall be marked, deliver to addressee only.
- (b) On the hearing date fixed by the Governing Body's resolution all relevant parties, interest holders and relevant city officials shall be allowed to present evidence concerning the status of the property. The Governing Body shall subsequently make findings by resolution. If the Governing Body finds that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired or removed and the premises made safe and secure. Such resolution shall be published once in the official city newspaper and a copy mailed to the owners, representatives, tenants or lienholders of record by certified mail, return receipt requested. The resolution shall affix a reasonable time within which the repair or removal of the structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated, or fails to diligently commence such action until the work is completed, the Governing Body will cause the structure to be razed and removed.
- (c) If an authorized agent determines that a violation of this section exists, he or she may issue a notice to appear in municipal court for such violations. No other procedures are required as a prerequisite to the issuance of a notice to appear.

4-119 – ADDITION OF SECTION 116.7 – EXCAVATION FILL

Section 116.7 of the 2018 IBC is hereby added to read as follows:

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

4-120 – ADDITION OF 116.8 – REMOVAL OF UNSAFE STRUCTURES; SALVAGE; SALE; ASSESSMENT AND COLLECTION OF COSTS; PROCEDURE

Section 116.8 of the 2018 IBC is hereby added to read as follows:

116.8 REMOVAL OF UNSAFE STRUCTURES; SALVAGE; SALE; ASSESSMENT AND COLLECTION OF COSTS; PROCEDURE.

- (a) If the owner of any structure has failed to commence the repair or removal of such structure within the time stated in the resolution, or has failed to diligently prosecute the same thereafter, the City may proceed to raze and remove such structure, make the premises safe and secure, or let same to contract. The City shall keep an account of the costs for such work and may sell the salvage from such structure and apply the proceeds or any necessary portion thereof to pay the cost of removing such structure and making the premises safe and secure. All moneys in excess of that necessary to pay such costs after the payment of all costs, shall be paid to the owner of the premises upon which the structure was located.
- (b) The City shall give notice to the owner of such structure by certified mail, return receipt requested, of the total cost incurred by the City in removing such structure and making the premises safe and secure. Such notice also shall state that payment of such costs is due and payable within 30 days following receipt of such notice. If the cost is not paid within the 30 day period and if there is no salvageable material or if moneys received from the sale of salvage or from the proceeds of any insurance policy in which the City has created a lien pursuant to K.S.A. 40-3901 et seq., and amendments thereto, are insufficient to pay the cost of such work, the balance shall be collected in the manner provided by K.S.A. 12-1, 115, as amended, but only until the full cost and applicable interest has been paid in full. Whenever any structure is removed from any premises under the provisions of this section, the City Clerk shall certify to the County Appraiser that such structure, describing the same, has been removed.
- (c) If there is no salvageable material, or if the moneys received from the sale of salvage or from the proceeds of any insurance policy in which the City has created a lien pursuant to K.S.A. 40-3901 et seq., and amendments thereto, are insufficient to pay the costs of the work, such costs or any portion thereof in excess of that received from the sale of salvage or any insurance proceeds may be financed, until the costs are paid out of the general fund or by the issuance of no-fund warrants. Whenever no-fund warrants are issued under the authority of this act, the Governing Body of such City shall make a tax levy at the first tax levying period for the purpose of paying such warrants and the interest thereon. All such tax levies shall be in addition to all other levies authorized or limited by law and shall not be subject to the aggregate tax levy prescribed in Article 19 of Chapter 79 of the Kansas Statutes Annotated, and amendments thereto. Such warrants shall be issued, registered, redeemed and bear interest in the manner and in the form prescribed by K.S.A. 79-2940, and amendments thereto, except they shall not bear the notation required by that section and may be issued without the approval of the State Board of Tax Appeals. All moneys received from special assessments levied under the provisions of this section or from an action under K.S.A. 12-1, 115, as amended, when and if paid, shall be placed in the general fund of the City.

4-121 – ADDITION OF SECTION 116.9 – PROOF OF REPAIRING OR REBUILDING

Section 116.9 of the 2018 IBC is hereby added to read as follows:

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

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

4-122 – ADDITION OF SECTION 116.10 – CITY NOT PARTY TO INSURANCE CONTRACT

Section 116.10 of the 2018 IBC is hereby added to read as follows:

116.10 CITY NOT PARTY TO INSURANCE CONTRACT. This section does not make the City a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

4-123 – ADDITION OF SECTION 116.11 – FAILURE TO PAY INSURANCE PROCEEDS OR TO OBTAIN A CERTIFICATE IN LIEU OF PAYMENT PROCEEDS

Section 116.11 of the 2018 IBC is hereby added to read as follows:

116.11 FAILURE TO PAY INSURANCE PROCEEDS OR TO OBTAIN A CERTIFICATE IN LIEU OF PAYMENT OF PROCEEDS. It is unlawful for any person to fail to provide the payment of insurance proceeds as required by this section unless a certificate in lieu of payment of proceeds has been obtained through the City.

4-124 – ADDITION OF SECTION 116.12 – IMMEDIATE HAZARDS

Section 116.12 of the 2018 IBC is hereby added to read as follows:

116.12 IMMEDIATE HAZARDS. In the event the public officer under this section determines that a nuisance or unsafe structure exists which creates an immediate hazard, then the City shall proceed, without delay, to take steps to abate the situation and without prior notice to or hearing of the owner, representative, or tenant. The cost of such action shall be assessed as permitted by Kansas State Statute, set forth in K.S.A. 12-1, 115, as amended.

4-125 – ADDITION OF SECTION 116.13 – RIGHT OF ENTRY; UNLAWFUL INTERFERENCE; PENALTY

Section 116.13 of the 2018 IBC is hereby added to read as follows:

116.13 RIGHT OF ENTRY; UNLAWFUL INTERFERENCE; PENALTY.

- (a) Any authorized officer or agent of the City pursuant to this Article, shall be allowed to enter onto any land within the city limits to investigate violations of this Article or for the abatement of violations pursuant to this Article.
- (b) It shall be unlawful for any person to interfere with a public officer or agent of the City in performing his or her duties pursuant to this article whether investigation or abating violations.
- (c) Any person who interferes with an officer or agent of the City pursuant to this Article shall be punished as provided in Section 116.14.

4-126 – ADDITION OF SECTION 116.14 – PENALTY

Section 116.14 of the 2018 IBC is hereby added to read as follows:

116.14 PENALTY.

- (a) Any property owner, representative, tenant or person found in violation of this article shall be subject to prosecution in municipal court. Any such person found guilty of violating the provisions of this article shall be subject to a fine of not less than \$50 nor more than \$500 and not more than 10 days in jail, or both. Any person found guilty of violating the provisions of this article two or more times within any one year period, or determined by the municipal court to be a perennial violator, shall be fined not less than \$250 nor more than \$500 and shall be subject to a sentence not to exceed 30 days in jail, or both.
- (b) Prosecution of any offender under this article does not limit the City's right to pursue assessment or collection of costs as stated in this article, or by other laws.
- (c) Each day that any violation shall continue shall constitute a separate offense.

(Ord. 1849, Sec. 2, 1994; [Ord. 2278](#), Sec. 1, 2013)

ARTICLE 2. - INTERNATIONAL RESIDENTIAL CODE (IRC)

4-201. - INTERNATIONAL RESIDENTIAL CODE INCORPORATED.

~~In addition to the other provisions set forth in this chapter, there is hereby adopted and incorporated by reference that certain building code known as the "International Residential Code", 2012-2018 edition, copyrighted in 2011-2017 by the International Code Council, (hereinafter referred to as the "IRC or residential code") except for the amendments provided in this chapter. Not less than one copy of the residential code shall be marked or stamped "Official copy as adopted by Ordinance No. _____". A copy of this article shall be attached to each of the three copies of the International Residential Code and shall be filed with the City Hall to be open for inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of this code shall be supplied, at cost to the city, with such numbers of official copies similarly marked as deemed expedient. The *International Residential Code, 2018 Edition*, published by the International Code Council, hereafter referred to as the 2018 IRC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Residential Code, 2018 Edition*, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. ????", with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.~~

~~The following sections of this article are in addition to or amendments of the provisions of the standard code incorporated by reference in Section 4-201.~~

(Code 2003; Ord. 2140, Sec. 1, 2007; [Ord. 2279](#), Sec. 1, 2013)

4-202. - AMENDMENTS TO SECTION R101.1 - TITLE.

Section R101.1 of the 2012 **2018** IRC is hereby amended to read as follows:

These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the City of Prairie Village, Kansas and shall be cited as such and will be referred to herein as [the 2018 IRC](#). ~~this "code" or "IRC".~~

(Ord. 2057, Sec. 1, 2003; Ord. 2140, Sec. 1, 2007; [Ord. 2279](#), Sec. 1, 2013)

4-203. - AMENDMENTS TO SECTION R101.4 - ADMINISTRATION.

Section R101.4 of the 2012 **2018** IRC is hereby added to read as follows:

The administrative and enforcement provisions for this code shall be those provisions found in Sections 103 through 116 of the International Building Code.

(Ord. 2057, Sec. 3, 2003; Ord. 2140, Sec. 1, 2007; [Ord. 2279](#), Sec. 1, 2013)

Commented [JR28]: Clean up of verbiage – no substantive changes.

4-204. - SECTION R102.5 ADDED - APPENDICES ADOPTED.

Section R102.5 of the 2012 ~~2018~~ IRC is hereby added to read as follows:

The following appendices are adopted as part of the code:

1. ~~Appendix G- Swimming Pools, Spas and Hot Tubs~~
2. Appendix H- Patio Covers
3. Appendix K- Sound Transmission

Commented [MD29]: Line item to be deleted by proxy of adopting the ISPS International swimming pool and spa code Appendix-G has been removed from the IRC 2018 code cycle.

(Ord. 2057, Sec. 4, 2003; [Ord. 2279](#), Sec. 1, 2013)

4-205. - AMENDMENTS TO TABLE R301.2 (1) OF SECTION R301 - CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.

Table R301.2 (1) of Section R301 of the 2012 ~~2018~~ IRC is hereby amended to read as follows:

Commented [MD30]: Date change

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

GROUND SNOW LOAD	WIND DESIGN 1.Speed-mph 2.Topographic Effects	SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM 1. Weathering 2. Frost Line Depth 3. Termite	WINTER DESIGN TEMP	ICE BARRIER UNDER- LAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
20	1. ~~115~~ mph 2. No	A	1. Severe 2. 36" 3. Moderate to Heavy	6°	YES	CURRENT FIRM	1,000	54°

Commented [MD31]: Wind speeds have been upgraded in conjunction with the new 2018 code cycle

(Ord. 2057, Sec. 5, 2003; [Ord. 2279](#), Sec. 1, 2013)

~~4-206. - AMENDMENTS TO TABLE R301.5 - MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS.~~

~~Table R301.5 of the 2012 IRC is hereby amended to read as follows:~~

TABLE R301.5
MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS
(in pounds per square foot)

USE	LIVE LOAD
Attics with limited storage (b,g,h)	20
Attics without storage (b)	10
Habitable attics and attics served with fixed stairs	30
Balconies (exterior) and decks (e)	40
Fire escapes	40
Guardrails and handrails (d)	200 (i)
Guardrail in-fill components (i)	50 (i)
Passenger vehicle garages (a)	50 (a)
Rooms other than sleeping rooms	40
Sleeping rooms	30
Stairs	40 (c)

- a. Elevated garage floors shall be capable of supporting a 2,000-pound load applied over a 20-square-inch area.
- b. Uninhabitable attics without storage are those attic areas that are not accessed by a pull-down stair, or a scuttle with a dimension less than or equal to 30 inches high by 24 inches wide.
- c. Individual stair treads shall be designed for the uniformly distributed live load or a 300-pound concentrated load acting over an area of 4 square inches, whichever produces the greater stresses.
- d. A single concentrated load applied in any direction at any point along the top.
- e. See Section R502.2.2 for decks attached to exterior walls.
- f. Guard in-fill components (all those except the handrail), balusters and panel fillers shall be designed to withstand a horizontally applied normal load of 50 pounds on an area equal to 1 square foot. This load need not be assumed to act concurrently with any other live load requirement.
- g. For attics with limited storage and constructed with trusses, this live load need be applied only to those portions of the bottom chord where there are two or more adjacent trusses with the same web

~~configuration capable of containing a rectangle 42 inches high by 2 feet wide or greater, located within the plane of the truss. The rectangle shall fit between the top of the bottom chord and the bottom of any other truss member.~~

~~h. Attic spaces served by a fixed stair shall be designed to support the minimum live load specified for sleeping rooms.~~

~~i. Glazing used in handrail assemblies and guards shall be designed with a safety factor of 4. The safety factor shall be applied to each of the concentrated loads applied to the top of the rail, and to the load on the in-fill components. These loads shall be determined independent of one another, and loads are assumed not to occur with any other live load.~~

Commented [MD32]: All of this section removed from the PVMC for it may be used as written within the 2018 Code cycle with no alterations.

(Ord. 2057, Sec. 6, 2003; Ord. 2140, Sec. 1, 2007; [Ord. 2279](#), Sec. 1, 2013)

4-206 – AMENDMENTS TO SECTION R302.3 – TWO-FAMILY DWELLINGS

Section R302.3 of the 2018 IRC is hereby amended to read as follows:

Amendments to section: R302.3 Two-Family dwellings shall comply with same fire separation requirements as Town houses per section R302.2

Commented [MD33]: Amendment is to clarify standard building practices within the Johnson County Kansas area. This is a carryover from previous code adoption.

4-207. – AMENDMENTS TO SECTION R302.2 – TOWNHOUSES.

Section R302.2 of the 2012 IRC is hereby amended as follows:

Each townhouse shall be considered a separate building and shall be separated by fire-resistant-rated wall assemblies meeting the requirements of Section R302.1 for exterior walls.

Exception: A common 2-hour fire-resistant-rated wall assembly tested in accordance with ASTM E119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing.

Electrical installations shall be installed in accordance with Chapter 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

R302.2.1 CONTINUITY. The fire-resistant-rated wall or assembly separating townhomes shall be continuous from the foundation to the underside of the roof sheathing, deck, or slab. The fire-resistance rating shall extend the full length of the wall or assembly, including wall extensions through and separating attached enclosed accessory structures.

R302.2.2 PARAPETS. Parapets constructed in accordance with Section R302.2.3 shall be constructed for townhouses as an extension of exterior walls or common walls in accordance with the following:

1. Where roof surfaces adjacent to the wall or walls are at the same elevation, the parapet shall extend no less than 30 inches above the roof surfaces.
2. Where roof surfaces adjacent to the wall or walls are at different elevations and the higher roof is not more than 30 inches above the lower roof, the parapet shall extend not less than 30 inches above the lower roof surface.

Exception: A parapet is not required in the two cases above when the roof is covered with a minimum class C roof covering, and the roof decking or sheathing is of non-combustible materials, or approved fire-retardant-treated wood for a distance of 4 feet on each side of the wall or walls, or one

layer of 5/8-inch Type X gypsum board is installed directly beneath the roof decking or sheathing, supported by a minimum of nominal 2-inch ledgers attached to the sides of the roof framing members, for a minimum distance of 4 feet on each side of the wall or walls and there are no openings or penetrations in the roof within 4 feet of the common walls.

3. A parapet is not required where roof surfaces adjacent to the wall or walls are at different elevations and the higher roof is more than 30 inches above the lower roof. The common wall construction from the lower roof to the underside of the higher roof deck shall have not less than a 1-hour fire-resistance rating. The wall shall be rated for fire exposure from both sides.

R302.2.3 PARAPET CONSTRUCTION. Parapets shall have the same fire-resistance rating as that required for the supporting wall or walls. On any side adjacent to a roof surface, the parapet shall have noncombustible faces for the uppermost 18 inches, to include counter flashing and coping materials. Where the roof slopes toward a parapet at slopes greater than 2 units vertical in 12 units horizontal, the parapet shall extend to the same height as any portion of the roof within a distance of 3 feet, but in no case shall the height be less than 30 inches.

R302.2.4 STRUCTURAL INDEPENDENCE. Each individual townhouse shall be structurally independent.

Exceptions:

1. Foundations supporting exterior walls or common walls.
2. Structural roof and wall sheathing from each unit may fasten to the common wall framing.
3. Nonstructural wall and roof coverings.
4. Flashing at termination of roof covering over common wall.
5. Townhouses separated by a 2-hour fire-resistance-rated wall as provided in Section R302.2.

(Ord. 2057, Sec. 7, 2003; [Ord. 2279](#), Sec. 1, 2013)

4-208. AMENDMENTS TO SECTION R303.4 – MECHANICAL VENTILATION.

Section R303.4 of the 2012 IRC is hereby amended to read as follows:

Where the air infiltration rate of a dwelling unit is less than 3 air changes per hour when tested with a blower door at a pressure of 0.2 inch w.c. (50 Pa) in accordance with Section N1102.4.1.2, the dwelling unit shall be provided with whole-house ventilation in accordance with Section M1507.3.

(Code 2003; [Ord. 2279](#), Sec. 1, 2013)

4-207 – AMENDMENTS TO SECTION R303.4 – MECHANICAL VENTILATION

AMENDMENTS TO SECTION 303.4 Mechanical ventilation: to read as follows: **R303.4 Mechanical Ventilation.** Where the air infiltration rate of a dwelling unit is less than three (3) air changes per hour when tested with a blower door at a pressure of 0.2 inch w.c. (50 Pa) in accordance with Section N1102.4.1.2, the dwelling unit shall be provided with whole-house ventilation in accordance with Section M1505.4.

4-208. – ADDITION OF AMENDMENTS TO SECTION R309.7 - RESIDENTIAL DRIVEWAYS.

Section R 309.7 of the 2012 2018 IRC is hereby added to read as follows:

Commented [MD34]: This section can be removed from the PVMC and implemented as written within the IRC 2018 code cycle.

Commented [MD35]: Section has been amended to reflect mechanical ventilation between no more than 5 air changes max per hour and when less than 3 air changes per hour the structure shall be provided with whole house ventilation. This is consistent with all other Johnson County municipalities and information provide by research.

Residential concrete and asphalt driveway slabs shall be a minimum of 4 inches thick. The driveway shall have a constant slope so as to avoid ponding of water. The slope shall be away from the house or building or drain ~~by means approved by the Department of Public Works.~~ **Concrete driveways shall be provided with #4 rebar at 24" on center spacing both directions as a minimum standard and installed in accordance with ACI318 -11 concrete quality and field practices**

Commented [JR36]: Deleted after consultation with Keith – public works doesn't review or permit the private section of the driveway so they wouldn't be approving this.

(Code 2003, [Ord. 2279](#), Sec. 1, 2013)

Commented [MD37]: Verbiage added to provide a minimum standard for requiring a minimal amount of reinforcement in concrete driveways.

4-210. AMENDMENTS TO SECTION R310.1 – EMERGENCY ESCAPE AND RESCUE REQUIRED.

Section R310.1 of the 2012 IRC is hereby amended to read as follows:

All **basements**, habitable attics and every sleeping room shall have at least one operable emergency escape and rescue opening. Where **basements** contain one or more sleeping rooms, emergency escape and rescue openings shall be required in each sleeping room. Where emergency escape and rescue openings are provided, they shall have a sill height of not more than 44 inches measured from the finished floor to the bottom of the clear opening. Where a door 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 emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section 310.2. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.

Exception: **Basements** used only to house mechanical **equipment** and not exceeding total floor area of 200 square feet.

R310.1.1 MINIMUM OPENING AREA. All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet.

Exception: **Grade** floor openings shall have a minimum net clear opening of 5 square feet.

R310.1.2 MINIMUM OPENING HEIGHT. The minimum net clear opening height shall be 24 inches.

R310.1.3 MINIMUM OPENING WIDTH. The minimum net clear opening width shall be 20 inches.

R310.1.4 OPERATIONAL CONSTRAINTS. Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys, tools or special knowledge.

R310.2 WINDOW WELLS. The minimum horizontal area of the window well shall be 9 square feet, with a minimum horizontal projection and width of 36 inches. The area of the window well shall allow the emergency escape and rescue opening to be fully opened.

Exception: The ladder or steps required by Section R310.2.1 shall be permitted to encroach a maximum of 6 inches into the required dimension of the window well.

R310.2.1 LADDER AND STEPS. Window wells with a vertical depth greater than 44 inches shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position. Ladders or steps required by this section shall not be required to comply with Sections R311.7 and R311.8. Ladders or rungs shall have an inside width of at least 12 inches, shall project at least 3 inches from the wall and shall be spaced not more than 18 inches on center vertically for the full height of the window well.

R310.2.2 DRAINAGE. Window wells shall be designed for proper drainage by connecting to the building's foundation drainage system required by Section R405.1 or by an approved alternative method.

Exception: A drainage system for window wells is not required when the foundation is on well-drained soil or sand-gravel mixture soils according to the United Soil Classification System, Group I

Commented [MD38]: All of this section can be removed from the municipal code for the written language within the 2018 code cycle is sufficient and needs no amendment

Soils, as detailed in Table R405.1. This exception must be verified and documented by a soils engineer and/or certified testing agency.

R310.3 BULKHEAD ENCLOSURES. Bulkhead enclosures shall provide direct access to the ~~basement~~. The bulkhead enclosure with the door panels in the fully open position shall provide the minimum net clear opening required by section R310.1.1. Bulkhead enclosures shall also comply with Section R311.7.8.2.

R310.4 BARS, GRILLS, COVERS AND SCREENS. Bars, grills, covers, screens or similar devices are permitted to be placed over emergency escape and rescue openings, bulkhead enclosures, or window wells that serve such openings, provided the minimum net clear opening size complies with Sections R310.1.1 to R310.1.3, and such devices shall be releasable or removable from the inside without the use of a key, tool, special knowledge or force greater than that which is required for normal operation of the emergency escape and rescue opening.

R310.5 EMERGENCY ESCAPE WINDOWS UNDER DECKS AND PORCHES. Emergency escape windows are allowed to be installed under decks and porches provided the location of the deck allows the emergency escape window to be fully opened and provides a path not less than 36 inches in height, and a travel distance of not greater than 12 feet to a yard or court. ;nn0; (Code 2003; Ord. 2140, Sec. 1, 2007; [Ord. 2279](#), Sec. 1, 2013)

~~4-211. SECTION R313 DELETED.~~

Section R313 of the 2012 IRC is hereby deleted.

Commented [MD39]: All of this content may be removed from the municipal code for the written language within the 2018 code cycle is sufficient.

4-209 – DELETION OF SECTION R313.2 – ONE- AND TWO-FAMILY DWELLINGS AUTOMATIC FIRE SPRINKLER SYSTEMS

~~SECTION R 313.2 of the IRC 2018 is hereby deleted.~~

Commented [MD40]: Section R313.2 requires single and two family dwellings to be equipped with fire sprinklers; The state of Kansas created a law that will not allow any municipality to require fire sprinklers within single and two family dwellings. Kansas laws 2012 Article 16

(Code 2003; Ord. 2140, Sec. 1, 2007; [Ord. 2279](#), Sec. 1, 2013)

~~4-212. AMENDMENTS TO SECTION R315.1 – CARBON MONOXIDE ALARMS.~~

Section R315.1 of the 2012 IRC is hereby amended to read as follows:

For new construction, an approved carbon monoxide alarm shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms in dwelling units within which fuel-fired appliances are installed and in dwelling units that have attached garages.

Exceptions:

1. ~~Work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck, are exempt from the requirements of this section.~~
2. ~~Installation, alteration or repairs of plumbing or mechanical systems are exempt from the requirements of this section.~~

Commented [MD41]: This section may be removed from the PVMC the verbiage from the 2018 code cycle is sufficient and needs no amendment.

(Code 2003; [Ord. 2279](#), Sec. 1, 2013)

~~4-213. - AMENDMENTS TO SECTION R319.1 – ADDRESS NUMBERS.~~

Section R319.1 of the 2012 IRC is hereby amended to read as follows:

Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 1/2 inch. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure(s).

(Code 2003; [Ord. 2279](#), Sec. 1, 2013)

~~4-214. SECTION R324 ADDED - EXTERIOR LIGHTING.~~

Section R324 of the 2012 IRC is hereby added to read as follows:

Exterior lighting shall comply with the City of Prairie Village Zoning Regulations Chapter 19.34 Accessory Uses; 19.34.050 Outdoor Lighting. ;hn0; (Code 2003; [Ord. 2279](#), Sec. 1, 2013)

~~4-215~~210. - AMENDMENTS TO SECTION R401.2 - REQUIREMENTS.

Section R401.2 of the 2012 ~~2018~~ IRC is hereby amended to read as follows:

Foundation construction shall be capable of accommodating all loads according to Section R301 and of transmitting the resulting loads to the supporting soil. Fill soils that support footings and foundations shall be designed, installed and tested in accordance with accepted engineering practice.

R401.2.1 DESIGN REQUIRED. A design in accordance with accepted engineering practice shall be provided for concrete or masonry foundation walls when any of the following conditions exist:

1. Walls subject to hydrostatic pressure from groundwater.
2. Walls supporting more than 48 inches of unbalanced fill that do not have permanent lateral support at the top and bottom.
3. Sites containing CH, MH, OL, or OH soils as identified in Table R405.1.
4. Foundation walls exceeding 10 feet in height, measured from the top of the wall to the bottom of the slab.
5. Lots identified on the grading plan as having more than 6 feet of fill or having a finished slope steeper than 4 units horizontal to 1 unit vertical before grading.
6. Footings and foundations with existing fill soils below the footing level.
7. Sloping lots greater than 4 to 1 before grading.
8. Lots where some of the footings bear on soil and other footings bear on rock.
9. Areas where problems have historically occurred.
10. Stepped footing and foundation walls.

R401.2.2 CONTINUOUS FOOTING REINFORCEMENT. Continuous footings for basement foundation walls shall have a minimum horizontal reinforcement consisting of not less than two (2) No. 4 bars, uniformly spaced, located a minimum 3 inches clear from the bottom of the footing.

R401.2.3 FOUNDATION ANCHORAGE. The spacing of anchor bolts or foundation anchor straps required by Section R403.1.6 shall be reduced to a maximum of 3 feet on center for basement foundation walls.

(Code 2003; [Ord. 2279](#), Sec. 1, 2013)

~~4-216~~211. - AMENDMENTS TO SECTION R405.1 - CONCRETE OR MASONRY FOUNDATIONS.

Commented [MD42]: This section may be removed from the PVMC the verbiage from then IRC 2018 is sufficient and needs no amendments. The new 2018 code cycle includes if required by the Fire code official additional posting off address number s may be required.

Commented [MD43]: This section maybe removed from the municipal code because the requirement for having to install an exterior light is in section E3903.3 of the IRC 2018, and there is no need to reference 19.34.050 outdoor lighting it is already in the zoning code.

Commented [MD44]: Date change and carryover verbiage from previous code adoption, this section creates new section within the code book for clarity.

Commented [MD45]: These sections are added and carryover from previous code cycle to provide minimum standards for footing reinforcement and anchor bolt spacing which is consistent with Johnson County Building Officials foundation design guidelines.

Section 405.1 of the 2012 ~~2018~~ IRC is hereby amended to read as follows:

Drains shall be provided around all concrete or masonry foundations that retain earth and enclose habitable or usable spaces located below grade. Drainage tiles, gravel or crushed stone drains, perforated pipe or other approved systems or material shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an approved drainage system. Gravel or crushed stone drains shall extend at least 1 foot beyond the outside edge of the footing and 6 inches above the top of the footing and be covered with an approved filter membrane material. The top of open joints of drain tiles shall be protected with strips of building paper. Perforated drains shall be surrounded with an approved filter membrane or the filter membrane shall cover the washed gravel or crushed rock covering the drain. Drainage tiles or perforated pipe shall be placed on a minimum of 2 inches of washed gravel or crushed rock at least one sieve size larger than the tile joint opening or perforation and covered with not less than 6 inches of the same material.

Exceptions:

1. A drainage system is not required when the foundation is installed on well-drained ground or sand-gravel mixture soils according to the Unified Soil Classification System, Group I Soils, as detailed in Table R405.1 This exception must be verified and documented by a soils engineer and/or a certified testing agency.
2. A filter membrane is not required where perforated drains are covered with at least 18 inches of washed gravel or crushed rock.
3. For gravel or crushed stone drains, a filter membrane is not required when the gravel or crushed stone extends at least 18 inches above the top of the footing.

~~R405.1.1 PRECAST CONCRETE FOUNDATION. Precast concrete foundation walls that retain earth and enclose habitable or useable space located below grade that rest on crushed stone footings shall have a perforated drainage pipe installed below the base of the wall on either the interior or exterior side of the wall, at least 1 foot beyond the edge of the wall. If the exterior drainage pipe is used, an approved filter membrane material shall cover the pipe. The drainage system shall discharge into an approved sewer system or to daylight.~~

(Ord. 1896, Sec. 7, 2996; [Ord. 2279](#), Sec. 1, 2013)

~~4-217. -- AMENDMENTS TO SECTION R501.3 -- OPEN WEB FLOOR TRUSSES.~~

~~Section 501.3 of the 2012 IRC is hereby amended to read as follows:~~

~~Floor assemblies utilizing open web trusses shall be protected on the underneath side of the floor truss with a ½ inch gypsum wallboard membrane, 5/8 inch wood structural panel membrane, or equivalent on the underside of the floor framing member.~~

~~**Exceptions:**~~

- ~~1. Floor assemblies located directly over a space protected by an automatic sprinkler system in accordance with Section P2904, NFPA13D, or other approved equivalent sprinkler system.~~
- ~~2. Floor assemblies located directly over a crawl space not intended for storage or fuel-fired appliances.~~
- ~~3. Portions of floor assemblies can be unprotected when complying with the following:~~
 - ~~3.1 The aggregate area of the unprotected portions shall not exceed 80 square feet per story.~~
 - ~~3.2 Fire blocking in accordance with Section R302.11.1 shall be installed along the perimeter of the unprotected portion from the remainder of the floor assembly.~~

([Ord. 2279](#), Sec. 1, 2013)

Commented [MD46]: Date change and section amendment is a carryover from previous code cycle to better define footing drainage, recommended to keep as is on basis of local history and good construction practices.

Commented [MD47]: This section maybe removed from the Municipal code verbiage in 2018 code cycle is sufficient and needs no alterations.

Commented [MD48]: This section maybe removed from the municipal code, this section has been moved to new section 302.13 fire protection of floors and needs no amendment to the verbiage. Okay as written in published code book.

4-~~218~~212. - ~~AMENDMENTS~~ADDITION OF SECTION R506.3 - DESIGN REQUIRED.

Section 506.3 of the 2012 ~~2018~~ IRC is hereby added to read as follows:

A design in accordance with accepted engineering practice shall be provided for concrete floors when the limitations for fill material set forth in Section R506.2.1 are exceeded.

([Ord. 2279](#), Sec. 1, 2013)

Commented [MD49]: Date change and new code section added to clarify when a concrete slab is being constructed over more than 24" of backfill material it will require a structural engineered design. This is a carryover from previous cycle.

4-~~219~~213. - ~~AMENDMENTS TO~~ADDITION OF SECTION R506.4 - BASEMENT FLOOR SLAB ISOLATION.

Section R506.4 of the 2012 ~~2018~~ IRC is hereby added to read as follows:

Basement floor slabs shall be isolated from column pads, interior columns and interior bearing walls to facilitate differential movement. Nonbearing walls supported on basement floor slabs shall be provided with a minimum 1 inch expansion joint to facilitate differential movement between the floor slab and the floor framing above. Isolation and/or expansion joint is not required within 6 inches of the exterior walls. ;hn0; ([Ord. 2279](#), Sec. 1, 2013)

Commented [MD50]: Date change and new code section added to clarify isolation of concrete piers and to address potential movement of walls built over areas that are not directly built over foundational elements. This is a carryover from previous cycle.

~~4-220. - AMENDMENTS TO SECTION R602.6 - DRILLING AND NOTCHING OF STUDS.~~

~~Section 602.6 of the 2012 IRC is hereby amended to read as follows:~~

~~Drilling and notching of studs shall be in accordance with the following:~~

- ~~1. Notching. Any stud in an exterior wall or bearing partition may be cut or notched to a depth not exceeding 25% its width. Studs in nonbearing partitions may be notched to a depth not to exceed 40% of a single stud width.~~
- ~~2. Drilling. Any stud may be bored or drilled, provided that the diameter of the resulting hole is no more than 60% of the stud width, the edge of the hole is no more than 5/8 inch to the edge of the stud, and the hole is not located in the same section as a cut or notch. Studs located in exterior walls or bearing partitions drilled over 40% and up to 60% shall also be doubled with no more than two successive doubled studs bored. See Figures R602.6(1) and R602.6(2).~~

~~**Exception:** Use of approved stud shoes is permitted when they are installed in accordance with the manufacturer's recommendations.~~

~~R602.6.1 DRILLING AND NOTCHING OF TOP PLATE. When piping or ductwork is placed in or partly in an exterior wall or interior load bearing wall, necessitating cutting, drilling or notching of the top plate by more than 50% of its width, a galvanized metal tie not less than 0.054 inch thick (16 ga) and 1 ½ inches wide shall be fastened across and to the plate at each side of the opening with not less than eight 10d(0.148) inch diameter nails having a minimum length of 1 ½ inches at each side or equivalent. The metal tie must extend at least 6 inches past the opening. See Figure R602.6.1.~~

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

([Ord. 2279](#), Sec. 1, 2013)

Commented [MD51]: This section can be removed from the municipal code no need for any alterations to this section okay as written in the 2018 Code cycle.

4-~~221~~214. - AMENDMENTS TO TABLE N1102.1.1-~~2~~1 - INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT (a).

Table N1102.1.1 ~~N1102.1.2~~ of the 2012 ~~2018~~ IRC is hereby amended to read as follows:

TABLE N1102.1.1 ~~N1101.1.2~~
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT (a)

Commented [MD52]: Table numerical change and date change

Climate zone	Fenestration U-factor (b)	Skylight (b) U-factor	Glazed Fenestration SHGC (b) (e)	Ceiling (g) R-value	Wood Frame wall R-value	Mass wall R-value (f)	Floor R-value	Basement wall R-value (c)	Slab (d) R-value & Depth	Crawl space(c) Wall R-value
4	0.32	0.55	0.40	49	15	8/13	19	10/13	10/2ft	10/13

- a. ~~R-values are minimums. U-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed R-value shall not be less than the R-value specified in the table.~~
- b. ~~The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.~~
- c. ~~"10/13" means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement walls.~~
- d. ~~R-5 shall be added to the required slab edge R-values for heated slabs.~~
- e. ~~Or insulation sufficient to fill the framing cavity, R-19 minimum.~~
- f. ~~The second R-value applies when more than half the insulation is on the interior of the wall mass.~~
- g. ~~Loose fill insulation shall be installed at the rate recommended by the manufacturer's statement "so many bags per 1000 square foot". Where the pitch of the roof restricts the "minimum thickness" at the exterior wall line, the insulation shall be blown into the cavity so as to achieve a greater compacted density to a point where the "minimum thickness" can be achieved. An alternative is to install high-density batts around the perimeter edge per N1102.2.~~

([Ord. 2279](#) , Sec. 1, 2013)

- a. R-values are minimums. U-factors and SHGC are maximums. Where insulation is installed in a cavity, that is less than the label or design thickness of the insulation, the installed R-value shall not be less than the R-value specified in the table.
- b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- c. "10/13" means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement walls.
- d. R-5 insulation shall be provided under the full slab area of a heated slab.
- e. There shall be no SHGC requirements in the Marine zone.
- f. Basement wall insulation shall not be required in warm-humid locations as defined by figure N1101.7 and Table N1101.7

Commented [MD53]: Fenestration U factor performance increased from 0.35 to 0.32 and wood walls above grade performance increased from R13 to R15

Commented [MD54]: Footnotes bullet points changed in new code cycle following in red matched new text 2018 code cycle with one exception

Commented [MD55]: Johnson county Kansas zoned 4-A not marine table does not indicate it is a warm humid location therefore insulation is required on basement walls R13 Bat insulation-fiber glass or Continuous sheathing R 10.

Commented [MD56]: Note : miss print in code book calls out the wrong figure and table N1101.7 and N1101.7 Table are correct.

- g. Alternatively, insulation sufficient to fill the framing cavity providing not less than R-value of R-19.
- h. The first value is cavity insulation, the second value is continuous insulation. Therefor, as an example, "13+5" means R-13 cavity insulation plus R-5 continuous insulation.
- i. Mass walls shall be in accordance with section N1102.2.5. The second R-value applies where more than half of the insulation is on the interior of the mass wall.

(Ord. 2279, Sec. 1, 2013)

~~4-222. AMENDMENTS TO SECTION N1102.4 – AIR LEAKAGE (MANDATORY).~~

Section N1102.4 of the 2012 ~~2018~~ IRC is hereby amended to read as follows:

The building thermal envelope shall be constructed to limit air leakage in accordance with the requirements of Section N1102.4.1 through N1102.4.4.

N1102.4.1 BUILDING THERMAL ENVELOPE. The components of the building thermal envelope as listed in Table N1102.4.1.1 shall be installed in accordance with the manufacturer's instructions and the criteria listed in Table N1102.4.1.1, as applicable to the method of construction. Where required by the code official an approved third party shall inspect all components and verify compliance.

N1102.4.1.2 TESTING. Where required by the code official, the building or dwelling unit shall be tested and verified as having an air leakage rate not exceeding five (5) air changes per hour. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Where required by the code official, testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the code official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weather-stripping or other infiltration control measures.
2. Dampers, including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures.
3. Interior doors, if installed at the time of the test, shall be open.
4. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed.
5. Heating and cooling systems, if installed at the time of the test, shall be turned off.
6. Supply and return registers, if installed at the time of the test, shall be fully open.

Commented [MD57]: Date change

Commented [MD58]: This section may be removed from PVMC written language in 2018 code text okay as is.

Commented [MD59]: This section modified to reflect 2018 proposed adoption criteria.

4-215 – AMENDMENT TO SECTION n1102.4.1.2 – TESTING

Section N1102.4.1.2 of the 2018 IRC is hereby amended to read as follows:

N1102.4.1.2 Testing. Where required by the code official, the building or dwelling unit shall be tested and verified as having an air leakage rate not exceeding 5 air changes per hour. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by

the party conducting the test and provided to the Code Official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope. During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weather-stripping or other infiltration control measures;
2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, shall be open;
4. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling systems, if installed at the time of the test, shall be turned off; and
6. Supply and return registers, if installed at the time of the test, shall be fully open.

4-216 – AMENDMENT TO SECTION N1106.4 – ERI-BASED COMPLIANCE

Section N1106.4 of the 2018 IRC is hereby amended to read as follows

AMENDMENT TO SECTION N1106.4 ERI-BASED COMPLIANCE. Compliance based on an ERI analysis requires that the rated design be shown to have an ERI less than or equal to the appropriate value of 68 when compared to the ERI reference design. Where on-site renewable energy is included for compliance using the ERI analysis of section N1106.4, the building shall meet mandatory requirements of section N1106.2, and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table N1102.1.2 or Table N1102.1.4

N1102.4.2 FIREPLACES. New wood burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air.

N1102.4.3 FENESTRATION AIR LEAKAGE. Windows, skylights and sliding glass doors shall have an air infiltration rate of no more than 0.3 cfm per square foot, and swinging doors no more than 0.5 cfm per square foot, when tested according to NFRC 400 or AAMA/WDMA/CSA 01/I.S.2/A 440 by an accredited, independent laboratory and listed and labeled by the manufacturer.

Exception: Site-built windows, skylights and doors.

N1102.4.4 RECESSED LIGHTING. Recessed luminaires installed in the building thermal envelope shall be sealed to limit air leakage between conditioned and unconditioned spaces. All recessed luminaires shall be IC-rated and labeled as having an air leakage rate not more than 2.0 cfm when tested in accordance with ASTM E 283 at a 1.57 psf (75 pa) pressure differential. All recessed luminaires shall be sealed with a gasket or caulk between the housing and the interior wall or ceiling covering.

(Ord. 2279 , Sec. 1, 2013)

4-223. AMENDMENTS TO TABLE N1102.4.1.1 AIR BARRIER AND INSULATION INSTALLATION.

Table N1102.4.1.1 of the 2012 IRC is hereby amended to read as follows:

TABLE N1102.4.1.1
AIR BARRIER AND INSULATION INSTALLATION

COMPONENT	CRITERIA (a)

Commented [MD60]: New verbiage consistent with all other Johnson county Kansas municipalities, this sections relates to amendment to 303.4 clarifying that maximum air changes per hour allowed is 5 and when air changes are 3 air changes or less per hour whole house mechanical ventilation is required.

Commented [MD61]: This section has been amended to reflect ERI score maximum of 68 is required when utilizing an Energy Rating Index method. This Score matches Overland Park.

Commented [MD62]: This section may be removed from PVMC written language in 2018 code is sufficient.

Commented [MD63]: This section may be removed from PVMC written language in 2018 code is sufficient.

Commented [MD64]: This section may be removed from PVMC written language in 2018 code is sufficient.

Air barrier and thermal barrier	A continuous air barrier shall be installed in the building envelope. Exterior thermal envelope contains a continuous air barrier. Breaks or joints in the air barrier shall be sealed. Air permeable insulation shall not be used as sealing material.
Ceiling/attic	The air barrier in any dropped ceiling/soffit shall be aligned with the insulation and any gaps in the air barrier sealed. Access opening, dropdown stair or knee wall doors to unconditioned attic spaces shall be sealed.
Walls	Corners and the junction of the foundation and sill plate shall be sealed. Exterior thermal envelope insulation for framed walls shall be installed in substantial contact and continuous alignment with the air barrier. Knee walls shall be sealed.
Windows, skylights and doors	The space between window/door jambs and framing and skylights and framing shall be sealed.
Rim joists	Rim shall be sealed to prevent air leakage.
Floors (including above-garage and cantilevered floors)	Insulation shall be installed to maintain permanent contact with underside of subfloor decking. The air barrier shall be installed at any exposed edge of insulation.
Crawl space walls	Where provided in lieu of floor insulation, insulation shall be permanently attached to crawl space walls. Exposed earth in unvented crawl spaces shall be covered with a Class I vapor retarder with overlapping joints taped.
Shafts, penetrations	Duct shafts, utility penetrations and flue shafts opening to exterior or unconditioned space shall be sealed.
Narrow cavities	Batts in narrow cavities shall be cut to fit, or narrow cavities shall be filled with insulation that on installation readily conforms to the available cavity space.
Garage separation	Air sealing shall be provided between the garage and conditioned spaces.
Recessed lighting	Recessed light fixtures installed in the building thermal envelope shall be air tight, IC rated, and sealed to the drywall.
Plumbing and wiring	Batt insulation shall be cut neatly to fit around wiring and plumbing in exterior walls, or insulation that on installation readily conforms to the

	available space shall extend behind piping and wiring.
Shower/tub on exterior wall	Exterior walls adjacent to showers and tubs shall be insulated and the air barrier installed separating them from the showers and tubs.
Electrical/phone box on exterior walls	The air barrier shall be installed behind electrical or communication boxes or air-sealed boxes shall be installed.
HVAC register boots	HVAC register boots that penetrate building thermal envelope shall be sealed to the sub floor or drywall.
Fireplace	An air barrier shall be installed on fireplace walls.

Commented [MD65]: This section may be removed from PVMC written language in 2018 code is sufficient.

([Ord. 2279](#), Sec. 1, 2013)

4-224. AMENDMENTS TO SECTION N1103.2 — DUCTS.

Section N1103.2 of the 2012 IRC is hereby amended to read as follows:

Ducts and air handlers shall be in accordance with Sections N1103.2.1 through N1103.2.3.

N1103.2.2 SEALING (MANDATORY). Ducts, air handlers, and filter boxes shall be sealed. Joints and seams shall comply with Section M1601.4.1 of this code.

Exceptions:

1. Air-impermeable spray foam products shall be permitted to be applied without additional joint seals.
2. Where a duct connection is made that is partially inaccessible, three (3) screws or rivets shall be equally spaced on the exposed portion of the joint so as to prevent a hinge effect.
3. Continuously welded and locking-type longitudinal joints and seams in ducts operating at static pressures less than 2 inches (2") of water column (500 pa) pressure classification shall not require additional closure systems.

Where required by the code official, duct tightness shall be verified by either of the following:

1. Post-construction test: Total leakage shall be less than or equal to 4cfm (113.3L/min) per 100 square feet (9.29m²) of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 pa) across the entire system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test.
2. Rough-in test: Total leakage shall be less than or equal to 4 cfm (113.3 L/min) per 100 square feet (9.29m²) of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 pa) across the system, including the manufacturer's air handler enclosure. All registers shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 3 cfm (85L/min) per 100 square feet (9.29m²) of conditioned floor area.

Exceptions:

1. The total leakage test is not required for ducts and air handlers located entirely within the building thermal envelope.
2. On the post construction test, it is permissible to test for "leakage to the outdoors" versus a "total leakage". Leakage to the outdoors shall be less than or equal to 8 cfm per 100 square feet of conditioned floor area.

Commented [MD66]: This section may be removed from PVMC written language in 2018 code is sufficient.

([Ord. 2279](#), Sec. 1, 2013)

~~4-225. AMENDMENTS TO SECTION N1104.1 — LIGHTING EQUIPMENT.~~

Section N1104.1 of the 2012 IRC is hereby amended to read as follows:

Fuel gas systems shall not have continuous burning pilot lights.

Commented [MD67]: This section may be removed from PVMC written language in 2018 code is sufficient.

([Ord. 2279](#), Sec. 1, 2013)

~~4-226. AMENDMENTS TO SECTION AG105.2 — OUTDOOR SWIMMING POOL.~~

Section AG105.2 of Appendix G of the 2012 IRC is hereby amended to read as follows:

An outdoor swimming pool, including an in-ground or above-ground pool, hot tub, or spa, shall be surrounded by a barrier which shall comply with the following:

1. The top of the barrier shall be at least forty-eight (48") above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two inches (2") measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (4").
2. Openings in the barrier shall not allow the passage of a four inch (4") diameter sphere.
3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions, except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members, the distance between the tops of the horizontal members shall be equal to or greater than thirty-two inches (32"). Where vertical members are spaced one and three-fourths inches (1 ¾") or less the horizontal members shall be allowed to be spaced at a distance less than thirty-two inches (32"). The horizontal members shall be located on the swimming pool side of the fence.
5. Maximum mesh size for chain link fences shall be a two and one fourth inch (2 ¼") square, unless the fence has fastened to the top or the bottom which reduce the openings to not more than one and three fourths inch (1 ¾").
6. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than one and three fourths inches (1 ¾").
7. Access gates shall comply with the requirements of Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool, and shall be self-closing and have a self-latching device. Gates, other than pedestrian access gates, shall have a self-latching device. Where the release mechanism is located less than fifty-four inches (54") from the bottom of the gate, the release mechanism and openings shall comply with the following:

~~7.1 The release mechanism shall be located on the pool side of the gate at least three inches (3") below the top of the gate; and~~

~~7.2 The gate and barrier shall have no opening larger than one half inch (1/2") within eighteen inches (18") of the release mechanism.~~

~~8. Where a wall of the dwelling serves as part of the barrier, one of the following conditions shall be met:~~

~~8.1 The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346.~~

~~8.2 Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switch(es) shall be located at least fifty four inches (54") above the threshold of the door; or~~

~~8.3 Other means of protection, such as self-closing doors with self-latching devices, which are approved by the Governing Body, shall be acceptable as long as the degree of protection afforded is not less than the protection afforded by Item 8.1 or 8.2 described herein.~~

~~9. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps:~~

~~9.1 The ladder or steps shall be capable of being secured, locked or removed to prevent access; or~~

~~9.2 The ladder or steps shall be surrounded by a barrier which meets the requirements of Items 1 through 8. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four inch (4") sphere.~~

~~4-217245~~ AMENDMENTS TO SECTION ~~E~~3902.5 Unfinished basement receptacles. 125-volt, single phase, 15- and 20-ampere receptacles installed in unfinished basements shall have ground-fault circuit-interrupter protection for personnel. For the purpose of this section, unfinished basements are defined as portions or areas of the basement not intended as habitable rooms.

Exceptions: A receptacle supplying only a permanently installed fire alarm, burglar alarm system or where a dedicated single use style receptacle is installed for the sole purpose to supply power to a sump pump and the face of the receptacle cover is labeled not GFCI protected. Receptacles installed in accordance with this exception shall not be considered as meeting the requirement of section E3901.9.

Commented [MD68]: This section may be removed from PVMC written language in 2018 International swimming Pool and Spa Code (ISPSC) section 305 code is sufficient. As amended. Section AG105 has been completely removed from the IRC 2018 code cycle.

Commented [MD69]: This exception has been amended to clarify GFCI protection will not be required for sump pumps when they are supplied with a single style receptacle and identified as Not GFCI protected. The intent is to provide a more stable power supply to sump pumps.

([Ord. 2279](#), Sec. 1, 2013)

ARTICLE 3. - INTERNATIONAL PLUMBING CODE (IPC)

4-301. - INTERNATIONAL PLUMBING CODE INCORPORATED.

There is hereby adopted and incorporated by reference that certain plumbing code, known as the "International Plumbing Code," 2012-2018 Edition, and copyrighted 2011-2017 by the International Code Council, Inc., including Appendices B, D, E and F (hereinafter referred to as the "IPC" or "plumbing code") except for the amendments provided in this Article. Not less than three copies of said plumbing code shall be marked or stamped "Official Copy as Adopted by Ordinance No. _____." A copy of this article shall be on file at City Hall, open for inspection and available to the public at all reasonable business hours. The municipal court, and all administrative departments of the city charged with the enforcement of this code shall be supplied, at the cost of the city, with such numbers of official copies similarly marked as deemed expedient.

The following sections of this article are in addition to, or amendments of, the provisions of the standard code incorporated by reference in Section 4-301.

The *International Plumbing Code, 2018 edition*, published by the International Code Council, including Appendices B, D, E, and F, hereafter referred to as the 2018 IPC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Plumbing Code, 2018 edition*, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. ???," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

(Code 2003; [Ord. 2280](#), Sec. 1, 2013)

4-302. - AMENDMENTS TO SECTION 101.1 - TITLE.

Section 101.1 of the 2012 **2018** IPC is hereby amended to read as follows:

These [regulations-provisions](#) shall be known as the International Plumbing Code of the City of Prairie Village, Kansas, hereinafter referred to as the "[2018 IPC](#)," "IPC," or "plumbing code".

(Ord. 2054, Sec. 1, 2003; Ord. 2141, Sec. 1, 2007; [Ord. 2280](#), Sec. 1, 2013)

4-303. - SECTION 101.5 ADDED - ADMINISTRATION AND ENFORCEMENT.

Section 101.5 of the 2012 **2018** IPC is hereby added to read as follows:

The administrative and enforcement provisions for this code shall be those provisions contained in Sections 103 through 116 of the International Building Code, [2018 edition](#).

(Ord. 2057, Sec. 2, 2003; Ord. 2141, Sec. 1, 2007; [Ord. 2280](#), Sec. 1, 2013)

4-304. - AMENDMENTS TO SECTION 107.4 - TESTING.

Section 107.4 of the 2012 **2018** IPC is hereby amended to read as follows:

Plumbing work and systems shall be tested as required in Section 312 and in accordance with Sections **107.4.1 through** 107.4.3. Tests shall be made by the permit holder and observed by the code official as deemed necessary.

107.4.1 NEW, ALTERED, EXTENDED OR REPAIRED SYSTEMS. New plumbing systems and parts of existing systems that have been altered, extended or repaired shall be tested as prescribed herein to disclose leaks and defects, except that testing is not required in the following cases:

1. In any case that does not include addition to, replacement, alteration or relocation of any water supply, drainage or vent piping.
2. In any case where plumbing equipment is set up temporarily for exhibition purposes.

107.4.2 EQUIPMENT, MATERIAL AND LABOR FOR TESTS. All equipment, material and labor required for testing a plumbing system or part thereof shall be furnished by the permit holder.

107.4.3 REINSPECTION AND TESTING. Where any work or installation does not pass any initial test or inspection, the necessary correction shall be made to comply with this code. The work or installation shall then be re-submitted to the code official for inspection and testing.

(Code 2003; Ord. 2141, Sec. 1, 2007; [Ord. 2280](#), Sec. 1, 2013)

Commented [MD70]: Date change and this section provides consistency of enforcement regulation referring all to one document.

Commented [MD71]: Date changes and code section added verbiage as deemed necessary carry over from previous code cycle give the Building official more ability of enforcement.

Commented [MD72]: This content is verbatim to code text left in because its applicable to a amendment. .

4-305. - AMENDMENTS TO SECTION 305.4 - FREEZING.

Section 305.4 of the 2012 ~~2018~~ IPC is hereby amended to read as follows:

Water, soil, and waste pipes shall not be installed outside of a building, in attics or crawl spaces, concealed in outside walls, or in any other place subjected to freezing temperatures unless adequate provision is made to protect such pipes from freezing by insulation or heat, or both. Exterior water supply system piping shall be installed not less than six inches (6") below the frost line. The frost line depth for the City of Prairie Village is thirty six inches (36").

(Code 2003; Ord. 2141, Sec. 1, 2007; [Ord. 2280](#), Sec. 1, 2013)

Commented [MD73]: Date change, information is a carryover from previous cycle, frost depths must be determined by the local authority.

~~4-306. - AMENDMENTS TO TABLE 403.1 - MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES (a).~~

~~Table 403.1 of the 2012 IPC is hereby amended to read as follows:~~

TABLE 403.1
MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES (a)
(See Sections 403.2 and 403.3)

No.	Classification	Occupancy	Description	Water closets (Urinals See Section 419.2)	Lavatories	Bathtubs/Showers	Drinking Fountain (e)(f) See Section 410.1)	Other
~~1~~	Assembly	~~A-1 (d)~~	Theaters and other buildings for the performing arts and motion pictures	Male ~~1 per 125~~ Female ~~1 per 65~~	~~1 per 200~~	-	~~1 per 500~~	~~1 service sink~~
	Assembly	~~A-2 (d)~~	Nightclubs, bars, taverns, dance halls and buildings for similar purposes Restaurants, banquet halls and food courts	Male ~~1 per 40~~ Female ~~1 per 40~~ Male ~~1 per 75~~ Female ~~1 per 75~~	~~1 per 75~~ ~~1 per 200~~	-	~~1 per 500~~	~~1 service sink~~
	Assembly	~~A-3 (d)~~	Auditoriums without permanent seating, art galleries, exhibition halls, museums, lecture halls, libraries, arcades and gymnasiums	Male ~~1 per 125~~ Female ~~1 per 65~~	~~1 per 200~~	-	~~1 per 500~~	~~1 service sink~~
			Passenger terminals and transportation	Male ~~1 per 500~~	~~1 per 750~~	-	~~1 per~~	~~1 service sink~~

			facilities	Female—1 per 500			1000	
			Places of worship and other religious services	Male—1 per 150 Female—1 per 75	1 per 200	-	1 per 1000	1 service sink
1 (cont.)	Assembly	A-4	Coliseums, arenas, skating rinks, pools and tennis courts for indoor sporting events and activities	Male—1 per 75 for the first 1500 and 1 per 120 for the remainder exceeding 1500 Female—1 per 40 for the first 1520 and 1 per 60 for the remainder exceeding 1520	Male—1 per 200 Female—1 per 150	-	1 per 1000	1 service sink
	Assembly	A-5	Stadiums, amusement parks, bleachers and grandstands for outdoor sporting events and activities	Male—1 per 75 for the first 1500 and 1 per 120 for the remainder exceeding 1500 Female—1 per 40 for the first 1520 and 1 per 60 for the remainder exceeding 1520	Male—1 per 200 Female—1 per 150	-	1 per 1000	1 service sink
2	Business	B	Buildings for the transaction of business, professional services, other services involving merchandise, office buildings, banks,	1 per 25 for the first 50 and 1 per 50 for the remainder exceeding 50	1 per 40 for the first 80 and 1 per 80 for the remainder exceeding 80	-	1 per 100	1 service sink (6)

			light industrial and similar uses					
3	Educational	E	Educational facilities	1 per 50	1 per 50	-	1 per 100	1 service sink
4	Factory and Industrial	F-1 and F-2	Structures in which occupants are engaged in work fabricating, assembly, or processing of products or materials	1 per 100	1 per 100	See Section 411	1 per 400	1 service sink
5	Institutional	I-1	Residential care	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink
	Industrial	I-2	Hospitals, ambulatory nursing home care recipient	1 per room (e)	1 per room (e)	1 per 15	1 per 100	1 service sink per floor
5 cont.			Employees, other than residential care (b)	1 per 25	1 per 25	-	1 per 100	-
			Visitors other than residential care	1 per 75	1 per 100	-	1 per 500	-
	Industrial	I-3	Prisons (b)	1 per cell	1 per cell	1 per 15	1 per 100	1 service sink
	Industrial	I-4	Adult day care and child day care	1 per 15	1 per 15	1	1 per 100	1 service sink
6	Mercantile	M	Retail stores, service stations, shops, salesrooms, markets and shopping centers	1 per 500	1 per 750	-	1 per 1000	1 service sink (e)
7	Residential	R-1	Hotels, Motels, boarding houses (transient)	1 per sleeping unit	1 per sleeping unit	1 per sleeping unit	-	1 service sink
	Residential	R-2	Dormitories, fraternities, sororities and boarding houses	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink

			(non-transient)					
	Residential	R-2	Apartment house	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	-	1 kitchen sink per dwelling unit; 1 automatic clothes washer connection per 20 dwelling units
	Residential	R-3	Congregate living facilities with 16 or fewer persons	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink
7	Residential	R-3	One and two family dwellings	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	-	1 kitchen sink per dwelling unit; 1 automatic clothes washer connection per dwelling unit
	Residential	R-4	Congregate living facilities with 16 or fewer persons	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink
8	Storage	S-1 S-2	Structures for the storage of goods, warehouses, storehouse and freight depots. Low and Moderate Hazard	1 per 100	1 per 100	See Section 411	1 per 1000	1 service sink

- a. The fixtures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated. The number of occupants shall be determined by the International Building Code.
- b. Toilet facilities for employees shall be separate from facilities for inmates or care recipients.
- c. A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient sleeping units shall be permitted where such room is provided with direct access from each patient sleeping unit and with provisions for privacy.
- d. The occupant load for seasonal outdoor seating and entertainment areas shall be included when determining the minimum number of facilities required.

- e. ~~The minimum number of required drinking fountains shall comply with Table 403.1 and Chapter 11 of the International Building Code.~~
- f. ~~Drinking fountains are not required for an occupant load of 15 or fewer.~~
- g. ~~For business and mercantile occupancies with an occupant load of 15 or fewer, service sinks shall not be required.~~

Commented [MD74]: This section is not required within the PVMC for the written text in the 2018 IPC is sufficient.

(Code 2003; Ord. 2141, Sec. 1, 2007; [Ord. 2280](#), Sec. 1, 2013)

ARTICLE 4. - INTERNATIONAL MECHANICAL CODE (IMC)

4-401. - INTERNATIONAL MECHANICAL CODE INCORPORATED.

~~There is hereby adopted and incorporated by reference that certain International Mechanical Code, 2012-2018 edition and copyrighted in 2011-2017 by the International Code Congress, including Appendix A thereof (hereinafter referred to as the "IMC" or mechanical code). One copy of the Mechanical Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. ____." A copy of this article shall be attached to each mechanical code copy and shall be filed with City Hall to be open for inspection and available to the public at all reasonable business hours. The municipal court and all administrative departments of the city charged with the enforcement of this code shall be supplied, at the cost of the city, with such numbers of official copies similarly marked as deemed expedient.~~

The *International Mechanical Code, 2018 edition*, published by the International Code Council, including Appendix A thereof, hereafter referred to as the 2018 IMC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Mechanical Code, 2018 edition*, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. ???," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

(Ord. 1700, Sec. 1, 2990; [Ord. 2281](#), Sec. a, 2013)

4-402. - AMENDMENTS TO SECTION 101.1 - TITLE.

Section 101.1 of the 2012-2018 IMC is hereby amended to read as follows:

These regulations shall be known as the International Mechanical Code of the City of Prairie Village, Kansas, hereinafter referred to as the "2018 IMC," "IMC" or "this mechanical cCode".

(Code 2003; [Ord. 2281](#), Sec. 1, 2013)

4-403. - SECTION 101.5 ADDED - ADMINISTRATION AND ENFORCEMENT.

~~Section 101.5 of the 2012-2018 IMC is hereby added to read as follows:~~

~~The administration and enforcement provisions for this Code shall be those provisions contained in Sections 103 through 116 of the International Building Code, 2018 edition.~~

Commented [MD75]: Date change and provides consistency for enforcement

(K.S.A. 17-1914; Code 1973, 16.08.020; Code 2003; [Ord. 2281](#), Sec. 1, 2013)

4-404. - SECTION 102.12 ADDED - STATE BOILER INSPECTOR.

~~Section 102.12 of the 2012-2018 IMC is hereby added to read as follows:~~

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 the 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 fifteen (15) cubic feet and 250 psi.

(Ord. 1700, Sec. 1; [Ord. 2281](#), Sec. 1, 2013)

ARTICLE 5. - INTERNATIONAL FUEL GAS CODE (IFGC)

4-501. - INTERNATIONAL FUEL GAS CODE INCORPORATED.

~~There is hereby adopted and incorporated by reference that certain fuel gas code known as the "International Fuel Gas Code", 2012-2018 edition, copyright 2011-2017 by the International Code Council (hereinafter referred to as the "IFGC" or "this Code"), except for the amendments provided in this Article. Not less than one copy of the Fuel Gas Code shall be marked or stamped "Official Copy as adopted by Ordinance No. ____." A copy of this article shall be attached to each Fuel Gas Code copy and shall be filed with City Hall to be open for inspection and available to the public at all reasonable business hours. The municipal court and all administrative departments of the city charged with the enforcement of this code shall be supplied, at the cost of the city, with such numbers of official copies similarly marked as deemed expedient.~~

The *International Fuel Gas Code, 2018 edition*, published by the International Code Council, hereafter referred to as the 2018 IFGC, is hereby adopted by reference and made a part of this Chapter and Article, save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Fuel Gas Code, 2018 edition*, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. ???," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

(Ord. 1845, Sec. 1, 1994; [Ord. 2282](#), Sec. 1, 2013)

4-502. - AMENDMENTS TO SECTION 101.1 - TITLE.

Section 101.1 of the IFGC is hereby amended to read as follows:

These regulations shall be known as the Fuel Gas Code of the City of Prairie Village, Kansas, hereinafter referred to as the "IFGC" or "this code".

(Ord. 1845, Sec. 1, 1994; [Ord. 2282](#), Sec. 1, 2013)

4-503. - SECTION 101.5 ADDED - ADMINISTRATION AND ENFORCEMENT.

Section 101.5 of the ~~2012~~ **2018** IFGC is hereby added to read as follows:

The administrative and enforcement provisions for this Code shall be those provisions contained in Sections 103 through 116 of the international Building Code.

Commented [MD76]: Date change and carry over from previous code cycle section is added to the code to clarify the Kansas state boiler inspector is required to inspect certain boilers.

Commented [MD77]: Date change and amendment added for consistency of enforcement.

(Ord. 1845, Sec. 1, 1994; Ord. 2076, Sec. 1, 2004; [Ord. 2282](#), Sec. 1, 2013)

4-504. - SECTION 301.16 ADDED - PROTECTION FROM PHYSICAL DAMAGE.

Section 301.6 of the 2012 IFGC is hereby added to read as follows:

Where meters supplying fuel gas are located adjacent to parking spaces or vehicular driveways, they shall be protected from physical damage per Section 312 of the International Fire Code.

AMENDMENTS TO SECTION 303.4 - PROTECTION FROM VEHICLE IMPACT DAMAGE.

Section 303.4 of the 2018 IFGC is hereby amended to read as follows:

Appliances and gas meters shall not be installed in a location subject to vehicle impact damage unless protected from vehicle impact damage per Section 312 of the International Fire Code.

Commented [MD78]: Amendment added to clarify vehicle impact design criteria per section 312 if the IFC 2018

(Ord. 1845, Sec. 1, 1994; Ord. 2076, Sec. 1, 2004; [Ord. 2282](#), Sec. 1, 2013)

ARTICLE 6. - INTERNATIONAL ENERGY CONSERVATION CODE (IECC)

4-601. - INTERNATIONAL ENERGY CONSERVATION CODE INCORPORATED.

There is hereby adopted and incorporated by reference that certain energy conservation code known as the "International Energy Conservation Code", 2012-2018 edition, copyright 2011 2nd printing August 2018 by the International Code Council (hereinafter referred to as the "IECC" or "this Code"), except for the amendments provided in this Article. Not less than one copy of the Energy Conservation Code shall be marked or stamped "Official Copy as adopted by Ordinance No. _____". A copy of this article shall be attached to each Energy Conservation Code copy and shall be filed with City Hall to be open for inspection and available to the public at all reasonable business hours. The municipal court and all administrative departments of the city charged with the enforcement of this code shall be supplied, at the cost of the city, with such numbers of official copies similarly marked as deemed expedient.

The International Energy Conservation Code, 2018 edition, published by the International Code Council hereafter referred to as the 2018 IECC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said International Energy Conservation Code, 2018 edition, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. ???," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

Commented [MD79]: Date change

(Ord. 2055, Sec. 1, 2003; Ord. 2142, Sec. 1, 2007; [Ord. 2283](#), Sec. 1, 2013)

4-602. - AMENDMENTS TO SECTION 101.1 - TITLE.

Section 101.1 of the 2012 2018 IECC is hereby amended to read as follows:

These regulations shall be known as the International Energy Conservation Code of the City of Prairie Village, Kansas, hereinafter referred to as the "IECC" or "this code".

SECTION C101.1.1 ADDED City of Prairie Village Design Criteria for Energy Code
Compliance shall be Climate zone 4 Not Marine

Commented [MD80]: This section added to clarify Prairie Village is zoned 4A not Marine.

Section C101.1.2 **ADDED, Applicability.** One and two Family Dwellings and townhouses shall comply with the IRC 2018 as amended for energy code compliance all other Residential occupancies identified in the IBC 2018 Chapter 3 such as R1, R2, R3 and R4 shall comply with IECC 2018 with the exception of R3 and R4 facilities that are allowed within one or two family dwellings they then shall use the IRC 2018 for energy code compliance.

Commented [MD81]: This section added with the intent to clarify which energy code should be used with which type of residential building.

(Ord. 1976, Sec. 3, 1999; Ord. 2142, Sec. 1, 2007; [Ord. 2283](#), Sec. 1, 2013)

4-603. AMENDMENTS TO TABLE C402.2—OPAQUE THERMAL ENVELOPE REQUIREMENTS (a) FOR CLIMATE ZONE 4.

Table C402.2 of the 2012 IECC is hereby amended to read as follows:

**TABLE C402.2
OPAQUE THERMAL ENVELOPE REQUIREMENTS (a) FOR CLIMATE ZONE 4**

Roofs		
	All other	Group R
Insulation(f) entirely above deck	R-20ci	R-20ci
Metal buildings (with R-5 thermal blocks) (a) (b)	R-19 + R-11 LS	R-19 + R-11 LS
Attic and other	R-38	R-38
Walls, Above grade	All other	Group R
Mass	R-9.5ci	R-11.4ci
Metal building	R-13 + R-13ci	R-13 + R-13ci
Metal framed	R-13 + R-7.5ci	R-13 + R-7.5ci
Wood framed(f)	R-13	R-13
Walls, below grade	All other R-7.5ci	Group R R-7.5ci

Floors	All-Other	Group R
Mass	R-10ci	R-10.4ci
Joist/framing(e)	R-30	R-30
Slab-on-grade Floors	All-other	Group-R
Unheated slabs	R-10 for 24" below	R-10 for 24" below
Heated slabs	R-15 for 24" below	R-15 for 24" below
Opaque Doors	All-other	Group-R
Swinging	U-0.61	U-0.61
Roll-up or sliding	R-4.75	R-4.75

-

For SI: 1 inch = 25.4mm. ci= continuous insulation NR=no requirement LS= liner system (a continuous membrane installed below the purlins and uninterrupted by framing members. Uncompressed, unfaced insulation rests on top of the membrane between the purlins).

- a. Assembly descriptions can be found in ANSI/ASHRAE/IESNA Appendix A.
- b. Where using R-value compliance method, a thermal spacer block shall be provided, otherwise use the U-factor compliance method in Table C402.1.2.
- c. R-5.7ci is allowed to be substituted with concrete block walls complying with ASTM C90; ungrouted or partially grouted at 32" or less on center vertically and 48" or less on center horizontally with ungrouted cores filled with materials having a maximum thermal conductivity of 0.44 Btu-in/h-ft²°F.
- d. Where heated slabs are below grade, below-grade walls shall comply with the exterior insulation requirements for heated slabs.
- e. Steel floor joist systems shall be insulated to R-38.
- f. The U-factors shown in Table C402.1.2 shall be adjusted to correspond with the R-values shown in this table.

(Ord. 2283, Sec. 1, 2013)

~~4-604. AMENDMENTS TO SECTION C402.3 FENESTRATION(PRESCRIPTIVE).~~

Section C402.3 of the 2012 IECC is hereby amended to read as follows:

Fenestration shall comply with Table C402.3. Automatic day-lighting controls specified by this section shall comply with Section C405.2.2.3.2.

C402.3.1 MAXIMUM AREA. The vertical fenestration area (not including opaque doors and opaque spandrel panels) shall not exceed forty percent (40%) of the gross above-grade wall area. The skylight area shall not exceed three percent (3%) of the gross roof area.

~~4-605. SECTION C406 DELETED.~~

Section C406 of the 2012 IECC is hereby deleted.

(~~Ord. 2283~~, Sec. 1, 2013)

Commented [MD82]: This section does not need to be added into the PVMC written text within code book is sufficient.

~~4-606. SECTION C408 DELETED.~~

Section C408 of the 2012 IECC is hereby deleted.

Commented [MD83]: Section does not need to be deleted from 2018 code cycle.

(~~Ord. 2283~~, Sec. 1, 2013)

~~4-607. AMENDMENTS TO TABLE R402.1.1 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT (a).~~

Table R402.1.1 of the 2012 IECC is hereby amended to read as follows:

Table R402.1.1
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT (a)

Climate Zone	Fenestration U-factor (b)	Skylight (b) U-factor	Glazed Fenestration SHGC (b)	Ceiling (g) R-value	Wood-Frame Wall R-value	Mass Wall R-value (f)	Floor R-value	Basement Wall R-value (c)	Slab (d) R-value & Depth	Crawl Space (c) Wall R-value
4	0.35	0.55	0.40	49	13	8/13	19	10/13	NR	10/13

- a. R-values are minimums. U-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed R-value of the insulation shall not be less than the R-value specified in the table.
- b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- c. "10/13" means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement walls.
- d. R-5 shall be added to the required slab edge R-values for heated slabs.
- e. Or insulation sufficient to fill the framing cavity, R-19 minimum.
- f. The second R-value applies when more than half the insulation is on the interior of the mass wall.

- g. Loose-fill insulation shall be installed at the rate recommended by the manufacturer's statement "so many bags per 1000 sq. ft." Where the pitch of the roof restricts the "minimum thickness" at the exterior wall line, the insulation shall be blown into the cavity so as to achieve a greater compacted density to a point where the "minimum thickness" can be achieved. An alternative is to install high-density batts around the perimeter edge per R402.2.

(Ord. 2283, Sec. 1, 2013)

4.608. AMENDMENTS TO SECTION R402.4 – AIR LEAKAGE (MANDATORY).

Section R402.4 of the 2012 IECC is hereby amended to read as follows:

The building thermal envelope shall be constructed to limit air leakage in accordance with the requirements of Sections R402.4.1.1 and R402.4.1.2.

R402.4.1 BUILDING THERMAL ENVELOPE. The building thermal envelope shall comply with Section R402.4.1.1 and R402.4.1.2. The sealing methods between dissimilar materials shall allow for differential expansion and contractions:

R402.4.1.1 INSTALLATION. The components of the building thermal envelope as listed in Table R402.4.1.1 shall be installed in accordance with the manufacturer's instructions and the criteria listed in Table R402.4.1.1, as applicable to the method of construction. Where required by the code official, an approved third party shall inspect all components and verify compliance.

R402.4.1.2 TESTING. Where required by the code official, the building or dwelling unit shall be tested and verified as having an air leakage rate not exceeding 5 air changes per hour. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Where required by the code official, testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the code official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weather-stripping or other infiltration control measures;
2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, shall be open;
4. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling systems, if installed at the time of the test, shall be turned off; and
6. Supply and return registers, if installed at the time of the test, shall be fully open.

R402.4.2 FIREPLACES. New wood burning fireplaces shall have tight-fitting flue dampers and outdoor combustion air.

R402.4.3 FENESTRATION AIR LEAKAGE. Windows, skylights, and sliding glass doors shall have an air infiltration rate of no more than 0.3 cfm per square foot, and swinging doors no more than 0.5 cfm per square foot, when tested according to NFRC 400 or AAMA/WDMA/CSA 101/I.S.2/A440 by an accredited, independent laboratory and listed and labeled by the manufacturer.

Exception: Site built windows, skylights and doors.

R402.4.4 RECESSED LIGHTING. Recessed luminaires installed in the building thermal envelope shall be sealed to limit air leakage between conditioned and unconditioned spaces. All recessed luminaires shall be IC-rated and labeled as having an air leakage rate not more than 2.0 cfm when tested

Commented [MD84]: This section may be removed from the Municipal code for the written text in the IECC 2018 is sufficient as is. For the purpose and intent of commercial projects they shall comply 100% with requirements as stated in the code.

in accordance with ASTM E 283 at a 1.57 psf (75 Pa) pressure differential. All recessed luminaires shall be sealed with a gasket or caulk between the housing and the interior wall or ceiling covering. (Ord. 2283, Sec. 1, 2013)

4-609. AMENDMENTS TO SECTION R403.2 DUCTS.

Section R403.2 of the 2012 IECC is hereby amended to read as follows:

Ducts and air handlers shall be in accordance with Sections R403.2.1 through R403.2.3.

R403.2.2 SEALING (MANDATORY). Ducts, air handlers, and filter boxes shall be sealed. Joints and seams shall comply with the International Mechanical Code.

Exceptions:

1. Air-impermeable spray foam products shall be permitted to be applied without additional joint seals.
2. Where a duct connection is made that is partially inaccessible, three screws or rivets shall be equally spaced on the exposed portion of the joint so as to prevent a hinge effect.
3. Continuously welded and locking-type longitudinal joints and seams in ducts operating at static pressures less than 2 inches (2") of water column (500 Pa) pressure classification shall not require additional closure systems.

Where required by the code official, duct tightness shall be verified by either of the following:

1. Post-construction test: Total leakage shall be less than or equal to 4 cfm per 100 square feet of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the entire system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test.
2. Rough-in test: Total leakage shall be less than or equal to 4 cfm per 100 square feet of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the entire system, including the manufacturer's air handler enclosure. All registers shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 3 cfm per 100 square feet of conditioned floor area.

Exceptions:

1. The total leakage test is not required for ducts and air handlers located entirely within the building thermal envelope.
2. On the post-construction test, it is permissible to test for "leakage to the outdoors" versus a "total leakage". Leakage to the outdoors shall be less than or equal to 8 cfm per 100 square feet of conditioned floor area.

R403.2.2.1 SEALED AIR HANDLER. Air handlers shall have a manufacturer's designation for an air leakage of no more than two percent (2%) of the design air flow rate when tested in accordance with ASHRAE 193.

R403.2.3 BUILDING CAVITIES (MANDATORY). Building framing cavities shall not be used for ducts or plenums.

(Ord. 2283, Sec. 1, 2013)

4-610. AMENDMENTS TO SECTION R403.4 SERVICE HOT WATER SYSTEM.

Section R 403.4 of the 2012 IECC is hereby amended to read as follows:

Energy conservation measures for service hot water systems shall be in accordance with Section R403.4.1.

Commented [MD85]: All of these sections can be enforced as written in the IECC 2018 code book with no amendments

Commented [MD86]: All of these sections may be enforced as written in the IECC 2018 with no amendments

~~R403.4.1 CIRCULATING HOT WATER SYSTEMS (MANDATORY). Circulating hot water systems shall be provided with an automatic or readily accessible manual switch that can turn off the hot water circulating pump when the system is not in use.~~

~~(Ord. 2283 , Sec. 1, 2013)~~

~~4-611. - AMENDMENTS TO SECTION R404.1 - LIGHTING EQUIPMENT (MANDATORY).~~

~~Section 404.1 of the 2012 IECC is hereby amended to read as follows Fuel gas lighting systems shall not have continuously burning pilot lights:~~

~~(Ord. 2283 , Sec. 1, 2013)~~

ARTICLE 7. - NFPA70: NATIONAL ELECTRICAL CODE (NEC)

4-701. - NFPA 70: NATIONAL ELECTRICAL CODE INCORPORATED.

~~There is hereby adopted and incorporated by reference that certain electrical code known as "NFPA 70: National Electrical Code", 2011-2017 edition, copyrighted in 2010-2016 by the National Fire Protection Association, Inc. (hereinafter referred to as the "NEC" or "this Code"), except for the amendments provided in this Article. Not less than three copies of the NEC shall be marked or stamped "Official Copy as adopted by Ordinance No. _____. A copy of this article shall be attached to each NEC copy and shall be filed with City Hall to be open to the public at all reasonable business hours. The municipal court and all administrative departments of the City charged with the enforcement of this code shall be supplied, at the cost of the City, with such numbers similarly marked as deemed expedient.~~

~~The NFPA 70: National Electrical Code, 2017 edition, published by the National Fire Protection Association, Inc. is hereby adopted by reference and made a part of this Chapter and Article, save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said NFPA 70: National Electrical Code, 2017 edition, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. ???," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.~~

~~(Ord. 2052, Sec. 1, 2003; Ord. 2143, Sec. 1, 2007; Ord. 2284, Sec. 1, 2013)~~

4-702. - SECTION 90.10 ADDED - ADMINISTRATION AND ENFORCEMENT.

~~Article 90, Section 90.10 of the NEC 2017 is hereby added to read as follows:~~

~~The administrative provisions for this code shall be those provisions contained in Sections 103 through 116 of the International Building Code. ;hn0; (Ord. 20452, Sec. 2, 2003; Ord. 2284, Sec. 1, 2013)~~

~~4-703. - AMENDMENTS TO SECTION 210.12 - ARC FAULT CIRCUIT INTERRUPTER PROTECTION.~~

~~Article 210, Section 210.12 of the NEC is hereby amended to read as follows:~~

~~A. Dwelling Units. All branch circuits that supply 120-volt, single phase 15 and 20 ampere receptacles installed in bedrooms shall be protected by a combination type arc-fault circuit interrupter installed to provide protection of the branch circuit.~~

~~Exceptions:~~

- ~~1. If RMC, IMC, EMT, type MC, or steel armored type AC cables meeting the requirements of Section 250.118 and metal outlet and junction boxes are installed for the portion of the~~

Commented [MD87]: All of these code sections may be enforced as written within the IECC 2018 with no amendments.

Commented [MD88]: This section is added for consistency with enforcement.

branch circuit between the branch-circuit overcurrent device and the first outlet, it shall be permitted to install an outlet branch-circuit type AFCI at the first outlet to provide protection for the remaining portion of the branch circuit.

2. Where a listed metal or nonmetallic conduit or tubing is encased in not less than two inches (2") of concrete for the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet, it shall be permitted to install an outlet branch-circuit type AFCI at the first outlet to provide protection for the remaining portion of the branch circuit.
 3. Where an individual branch circuit to a fire alarm system installed in accordance with Section 760.121 (B) is installed in RMC, IMC, EMT, or steel-sheathed cable type AC or type MC, meeting the requirements of Section 250.118, with metal outlet and junction boxes, AFCI protection shall be permitted to be omitted.
- B. Branch circuit extensions or modifications dwelling units. If any of the areas specified in Section 210.12(A), where branch-circuit wiring is modified, replaced, or extended, the branch circuit shall be protected by one of the following:
1. A listed combination-type AFCI located at the origin of the branch circuit.
 2. A listed outlet branch-circuit type AFCI located at the first receptacle outlet of the existing branch circuit.

(Ord. 2052, Sec. 3, 2003; [Ord. 2284](#), Sec. 1, 2013)

~~4-704. AMENDMENTS TO SECTION 334.10 USES PERMITTED.~~

Article 334, Section 334.10 of the NEC is hereby amended to read as follows:

Type NM, Type NMC, and Type NMS cables shall be permitted to be used in the following:

1. One and two family dwellings and their attached or detached garages and their storage buildings.
2. Multi-family dwellings except as prohibited in Section 334.12.
3. Other structures except as prohibited in Section 334.12. Cables shall be concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at least a 15 minutes finish rating as identified in listings of fire-rated assemblies.
4. Cable trays, where the cables are identified for the use:
 - A. Type NM. Type NM cable shall be permitted as follows:
 1. For both exposed and concealed work in normally dry locations except as prohibited in Section 334.10(3).
 2. To be installed or fished in air voids in masonry block or tile walls.
 - B. Type NMC. Type NMC cable shall be permitted as follows:
 1. For both exposed and concealed work in dry, moist, damp, or corrosive locations, except as prohibited in Section 334.10(3).
 2. In outside and inside walls of masonry block or tile walls.
 3. In a shallow chase in masonry, concrete, or adobe protected against nails or screws by a steel plate at least 1/16 inch thick and covered with plaster, adobe, or similar finish.
 - C. Type NMS. Type NMS cable shall be permitted as follows:
 1. For both exposed and concealed work in normally dry locations except as prohibited in Section 334.10(3).

Commented [MD89]: This section may be removed from PVMC the text within the NEC and IRC regarding Arch fault protection may be enforced as written with no amendments. The difference summarized as within residential homes arch fault protection is required for all circuits other than ones required to be GFCI protected that are 120 volt electrical outlets, the previous 2012 cycle required this but was amended to reflect arch fault protection only required for electrical outlets within sleeping areas only.

2. ~~To be installed or fished in air voids in masonry block or tile walls.~~
3. ~~To be used as permitted in Article 780.~~

~~(Ord. 2088, Sec. 1, 2004; [Ord. 2284](#), Sec. 1, 2013)~~

~~4-705. ARTICLE 406 SECTION 406.12 DELETED.~~

~~Article 406 Section 406.12 (Tamper-Resistant Receptacles in Dwelling Units) of the NEC is hereby deleted.~~

(Ord. 2052, Sec. 4, 2003; [Ord. 2284](#), Sec. 1, 2013)

ARTICLE 8. - ASSOCIATION NOTIFICATION OF CONSTRUCTION ACTIVITY

4-801. - INTENT.

The purpose of this Article is to establish procedures for notifying homes associations of planned construction activity occurring within association boundaries.

(Ord. 2150, Sec. 1, 2007; [Ord. 2285](#), Sec. 1, 2013)

4-802. - DEFINITIONS.

As used in this Article, unless the context otherwise requires:

- (a) "Construction activity" means any improvement, construction, renovation or demolition of a single-family residential property requiring a permit issued by the City and which meets any of the following:
 - (1) Involves the partial or total demolition of a residential structure;
 - (2) Increases the interior square footage of a residential structure; or
 - (3) Alters the building footprint of a residential structure.
- (b) "Homes Association" means any legally constituted homes association, including any homeowners' association or residential condominium or townhome owners' association representing property within the City, whose formation is recorded through its Articles of Incorporation filed with the State of Kansas and/or recognized through filings with the Johnson County, Kansas, County Clerk's Office.

(Ord. 2150, Sec. 1, 2007; [Ord. 2285](#), Sec. 1, 2013)

4-803. - HOMES ASSOCIATION REGISTRATION.

- (a) In order to receive notice of construction activity as described in this Article, the homes' association must register with the Codes Administration Department by completing a form provided by the City and supplying information including but not limited to:
 - (1) The name of the homes' association;
 - (2) The boundaries of the association, including addresses of all properties within the association's boundaries;

Commented [MD90]: All of these sections may be enforced as written within the NEC 2017 code text no need to place within the PVMC.

Commented [MD91]: This section maybe enforced as written within the NEC 2017, it is now common practice that tamper resistant receptacles are installed in new construction and the products are readily available. They were previously required in the code but was amended out mostly due to product availability at the time regarding GFCI products being tamper resistant.

Commented [MD92]: Note this section is not referring to neighborhood notification as required per PVZC regarding R1A and R1B structures when being Demolished and rebuilt. This is for HOA notifications.

- (3) A copy of the association's Articles of Incorporation or similar document; and
- (4) The name and address of the individual designated to receive notices from the City as required by this Article.
- (b) It shall be the responsibility of the homes' association to notify the City of changes to its name, boundaries or contact information.
- (c) There shall be no registration fee charged for homes associations.

(Ord. 2150, Sec. 1, 2007; [Ord. 2285](#), Sec. 1, 2013)

4-804. - NOTIFICATION PROCEDURE.

- (a) Upon receipt of a construction permit application, the City shall determine whether the location of the proposed construction activity is to occur at a single-family residence within the boundaries of a registered homes' association.
- (b) If the proposed construction activity is to occur at an address within the boundaries of a registered homes' association, the City shall, within five (5) business days of receipt of the permit application, send notice to the individual identified according to 4-903(a)(4). The notice shall be delivered by United States mail and/or, if provided by the homes association, electronic mail. The notice shall include information including but not limited to:
 - (1) The location and general description of the proposed construction activity; and
 - (2) The name and telephone number of the individual filing the permit application.
- (c) Upon review, acceptance, and issuance of a construction permit, the City shall notify the homes association that the permit has been approved and issued.

(Ord. 2150, Sec. 1, 2007; [Ord. 2285](#), Sec. 1, 2013)

ARTICLE 9. INTERNATIONAL EXISTING BUILDING CODE (IEBC) 2018

4-901 INTERNATIONAL EXISTING BUILDING CODE INCORPORATED

The *International Existing Building Code, 2018 edition*, published by the International Code Council, hereafter referred to as the 2018 IEBC, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said *International Existing Building Code, 2018 edition*, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. 222," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

~~There is hereby adopted and incorporated by reference that certain existing building code known as the "International Existing Building Code", 2018 edition, copyright 2017 by the International Code Council (hereinafter referred to as the "IEBC" or "this Code"), except for the amendments provided in this Article. Not less than one copy of the International Existing Building Code shall be marked or stamped "Official Copy as adopted by Ordinance No. 2283." A copy of this ordinance shall be attached to each International Existing Building Code copy and shall be filed with City Hall to be open for inspection and available to the public at all reasonable business hours. The municipal court and all administrative departments of the city charged with the~~

~~enforcement of this code shall be supplied, at the cost of the city, with such numbers of official copies similarly marked as deemed expedient.~~

4-902 AMENDMENT TO SECTION 101.1 Title. These regulations shall be known as the Existing Building Code of “The City of Prairie Village Kansas”, herein after to as “this code”.

4-903 SECTION 101.1.1 ADDED-AMINISTRATION AND ENFORCEMENT

The administrative provisions for this code shall be those provisions contained in Sections 103 through 116 of the International Building Code.

4-904 AMENDMENT TO SECTION 1502 PROTECTION OF ADJOINING AND NEIGHBORING PROPERTIES 1502.1 Protection Required. Adjoining and neighboring properties public or private shall be protected from damage during construction and demolition work. Protection must be provided for footings, foundations, party-walls, chimneys, skylights, walls, windows, and roofs. Provisions shall be made to control water runoff and erosion during construction or demolition activities. The person making or causing an excavation to be made shall provide written notice to the owners of adjoining and neighboring properties advising them that the excavation is to be made and that the adjoining and neighboring buildings should be protected. Said notification shall be delivered not less than 10 days prior to the scheduled starting date of the excavation.

Commented [MD93]: This section has been amended to aid with enforcing protection of neighboring properties.

ARTICLE 10. INTERNATIONAL SWIMMING POOL AND SPA CODE 2018

4-1001 INTERNATIONAL SWIMMING POOL AND SPA CODE 2018

There is hereby adopted and incorporated by reference that certain Swimming Pool and Spa Code known as the “International Swimming Pool and Spa Code”, 2018 edition, copyright 2017 by the International Code Council (hereinafter referred to as the “ISPSC” or “this Code”), except for the amendments provided in this Article. Not less than one copy of the International Swimming Pool and Spa Code shall be marked or stamped “Official Copy as adopted by Ordinance No. 2283.” A copy of this ordinance shall be attached to each International Swimming Pool and Spa Code copy and shall be filed with City Hall to be open for inspection and available to the public at all reasonable business hours. The municipal court and all administrative departments of the city charged with the enforcement of this code shall be supplied, at the cost of the city, with such numbers of official copies similarly marked as deemed expedient.

4-1002 AMENDMENT TO SECTION 101.1 Title. These regulations shall be known as the Swimming Pool and Spa Code, of “The City of Prairie Village Kansas”, herein after to referred to as “this code”.

4-1003 SECTION ~~101.1.1103~~ AMENDED DDDE-ADMINISTRATION AND ENFORCEMENT

The administrative provisions for this code shall be those provisions contained in Sections 103 through 116 of the International Building Code.

4-1004 SECTION 305.1 General Amended to read as; The provisions of this section shall apply to the design of barriers for restricting entry into areas having pools and spas. Where spas or hot tubs are equipped with a lockable safety cover complying with ASTM F1346, the areas where those spas or hot tubs are located shall not be required to comply with Sections 305.2 through 305.7.

Commented [MD94]: Recommended for adoption The international Swimming Pool and Spa Code (ISPSC) 2018. Barrier requirements have been removed from the IRC 2018 code cycle. To not adopt this code as suggested will require rework of ordinance.

ARTICLE 11 – CONSTRUCTION SITE FENCING AND SCREENING

4-1101 INTENT

The purpose of this Article is to require construction sites to be fenced to protect adjacent properties from construction activities and debris, to safeguard public safety by restricting public access to the construction site, preserve the esthetics of the neighborhood, and minimize construction nuisance by screening the clutter of construction, thereby ensuring the comfort, safety, and welfare of the residents of the City of Prairie Village.

Commented [MD95]: This section amended to prevent safety barrier requirement from depending on an individual to remember to activate a power safety cover. As the text currently is written states that swimming pools with a power safety cover meeting ASTM 1346 the pool is not required to have a fence around it/ safety barrier.

4-1102 APPLICABILITY

The provisions of this Article shall specifically apply to:

- A. Any new structure built on a vacant lot
- B. A demolition of an existing structure, whether it is just a demolition or a demolition and rebuild of a new structure
- C. Any addition of an existing structure that adds more than 600 square feet to the existing building footprint
- D. Any remodel of an existing structure that tears down more than 10% of the existing structure associated with the new construction.

Commented [JR96]: Staff is recommending to add a new article to Chapter 4 to require fences and screening at construction sites where demolitions, new builds, and major additions occur. The purpose of this is to help address some of the common code violations and complaints that are received due to construction activity in neighborhoods and minimize the impact of construction on neighboring properties as much as possible.

4-1103 CONSTRUCTION SITE FENCING REQUIRED

Prior to starting grading, excavation, or construction, the Building Official shall require the site to be temporarily fenced and screened on all sides for the duration of the construction project until a Temporary Certificate of Occupancy is issued. The height of the fence shall be between seventy-two (72) and eighty-four (84) inches, and fence material shall be chain link metal fence overlaid on the exterior with an opaque vinyl screen, or other equivalent fencing and screening material as approved by the Building Official. The fence shall be located on or behind the lot line and not be located in any part of the right-of-way unless approval is granted by the Public Works Department through a right-of-way permit.

Exception: The Building Official may grant exceptions to this provision where fencing on one or more sides is not feasible due to physical constraints or determined to be unnecessary due to the presence of equivalent barrier(s) or other extenuating circumstances.

4-1104 TEMPORARY PROJECT INFORMATION SIGN

All construction projects that fall under the requirements of this Article shall affix a temporary project information sign to the fence that can be readily viewed by the public, in addition to displaying the approved building permit issued by the City. The temporary project information sign shall be two feet in height by three feet in length with the following information printed legibly in seventy-two (72) point font:

- A. Permit number
- B. Site address
- C. General contractor’s name
- D. Primary contact name
- E. Contact phone number; and
- F. Contact email address

The temporary project information sign shall be labeled with the words “PROJECT INFORMATION” at the center top and also include the most current allowable construction hours per city ordinance.

The temporary project information sign shall be in substantial conformance to the following:

PROJECT INFORMATION	
ADDRESS: _____	
CONTACT: _____	PHONE #: _____
CONTRACTOR: _____	EMAIL: _____
PERMIT #: _____	
<u>PURSUANT TO ORDINANCE 2427, CONSTRUCTION NOISE IS PERMITTED DURING SUMMER MONTHS (MAY 15 – SEPTEMBER 15) FROM 7 A.M. – 8 P.M. ON WEEKDAYS AND 8 A.M. – 8 P.M. ON WEEKENDS. DURING NON-SUMMER MONTHS AND FEDERAL HOLIDAYS, CONSTRUCTION NOISE IS PERMITTED FROM 8 A.M. – 8 P.M. MONDAY – SUNDAY.</u>	
<u>REPORT VIOLATIONS OF THIS ORDINANCE TO 913-642-6868</u>	

ARTICLE 2. - PROPERTY MAINTENANCE CODE

8-201. - PROPERTY MAINTENANCE CODE—INCORPORATION; INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED.

In addition to the other provisions set forth in this chapter, there is hereby adopted and incorporated by reference that certain property maintenance code, known as the "International Property Maintenance Code", 2012 edition and appendix A copyrighted in 2011 by the International Code Council (hereinafter referred to as the IPMC), regulating and governing the conditions and maintenance of all property; buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings of such existing structures in the City; providing for the issuance of permits and collection of fees. Not less than (4) four copies of the Property Maintenance Code shall be marked or stamped as "Official Copy" as Adopted by Ordinance No. _____, A copy of this article shall be attached to each Property Maintenance Code copy and shall be on file with the City to be open for inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with the enforcement of the Property Maintenance Code shall be supplied, at the cost of the City, such number of official copies as deemed expedient. The International Property Maintenance Code, 2018 edition, published by the International Code Council, hereafter referred to as the 2018 IPMC, is hereby adopted by reference and made a part of this Chapter and Article, save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code. At least one (1) copy of said International Property Maintenance Code, 2018 edition, will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. ???," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

(Ord. 1994, Sec. 1; [Ord. 2289](#), Sec. 1, 2013)

8-202. — AMENDMENTS TO SECTION 101.1 – TITLE, SCOPE, APPLICABILITY AND ADMINISTRATION.

Section 101.1 of the 2012 IPMC is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the International Property Maintenance Code of the City of Prairie Village, Kansas, hereinafter referred to as "this code" and/or "IPMC".

Section 101.2 of the 2012 IPMC is hereby added to read as follows:

101.2 Scope. ~~The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises and for administration, enforcement and penalties.~~

Section 102.3 of the ~~2012~~ IPMC is hereby added to read as follows:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code and NFPA 70(NEC). Nothing in this Code shall be construed to cancel, modify or set aside any provision of Chapter 16 of the Prairie Village Municipal Code also known as the "Zoning Regulations".

Commented [JR1]: Removed because this is the same language from the code book and does not need to be amended.

Commented [JR2]: Removed because the language in the code book is sufficient as is now that the City is adopting the International Existing Building Code – that was the only change from this section before.

8-203 – DELETION OF SECTION 103.5

~~Section 103.5 of the 2012 IPMC is hereby deleted and will be replaced with Section 106.4.~~

Section 104.1(a) of the 2012 IPMC is hereby added to read as follows:

~~**104.1 (a) Public Officer.** The assistant city attorney is hereby designated the public officer to exercise the powers prescribed in this chapter. The mayor may appoint, with the approval of the Governing Body, some other city official to serve as the public officer. In addition to the authority which may be specifically provided in the 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 some city employee to act as his or her agent(s) to carry out the purposes of this chapter and he or she may delegate any of the aforementioned functions or powers to such employees.~~

Commented [JR3]: This section is deleted because it sets a fee schedule for code enforcement – fines for violations are established in Section 106.4 below.

Commented [JR4]: 106.4 is amended further down in this ordinance.

8-204 – AMENDMENT TO SECTION 106.4 – VIOLATION PENALTIES

Section 106.4 of the 2012 IPMC is hereby amended as follows:

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, may be prosecuted within the limits provided by state or local law in the Prairie Village Municipal Court. Each day that a violation continues, after due notice has been served, shall be deemed as a separate offense. Prosecution of any violation as a public offense pursuant to this section may be in addition to, or as an alternative to, any other remedy or course of action available to the city under this chapter.

- (a) Upon first conviction of a violation of any provision of this chapter, a person shall be punished by a fine not exceeding \$500.
- (b) Upon a second conviction for a violation of any provision of this chapter a person shall be punished by a fine of at least ~~\$400-250~~ and not more than ~~\$500-750~~ or by imprisonment for not more than 10 days or by both such fine and imprisonment.
- (c) Upon a third or subsequent conviction for a violation of any provision of this chapter, a person shall be punished by a fine of at least ~~\$250-500~~ and not more than \$1000 or by imprisonment for not more than 10 days or by both such fine and imprisonment.
- (d) For the purpose of determining whether a conviction is first, second, third or subsequent in sentencing under this section, only convictions occurring in the immediate preceding three years shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offender, whichever is applicable.

Section 107.5 of the 2012 IPMC is hereby amended to read as follows:

~~**107.5 Penalties.** Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.~~

Commented [JR5]: This is very old language that needs to be updated – the code official (or designee) is the one charged with carrying out the provisions of this code so the language as written in this section of the code is sufficient.

Commented [JR6]: Increased the fines for a second violation slightly to ensure that adequate accountability and fines are in place for second violations.

Commented [JR7]: Deleted as this reads word for word as to what is listed in the Code Book – no amendment needed.

8-205 – ADDITION OF SECTION 108.8 – DAMAGE BY FIRE, EXPLOSION OR WINDSTORM; INSURANCE PROCEEDS

Section 108.8 (A) through (D) of the 2012 IPMC is hereby added to read as follows:

108.8 (A) through (D) Damage by fire, explosion or windstorm; insurance proceeds. Damage created by fire, explosion, or windstorm shall comply with the provisions of Sections 108.8 (A) through (D).

- A. If fire, explosion, or windstorm causes damage to a structure that is covered by insurance and the covered claim payment is in excess of 75 percent (75%) of the face value of the policy covering the structure, then the insurance provider shall be required to pay to the City an amount not to exceed 15% of the proceeds of such policy. The insurer first shall pay all amounts due the holder of a first real estate mortgage against the structure pursuant to the terms of the policy and endorsements thereto and then shall withhold from the covered claim payment the sums required to be paid to the City. Such payments shall be made to the City on or before the date any moneys are released by the

insurer to any party, or within 30 days of the incident resulting in the claim, whichever is earlier in time. The payment shall be made by check or money order made payable to the "City of Prairie Village" with no post-dating of the check or money order allowed and sent by certified mail, return receipt requested to the City Clerk of Prairie Village, Kansas, 7700 Mission Road, Prairie Village, Kansas 66208, along with a statement explaining the reason for payment and giving the address of the property involved. All such funds received by the City Clerk shall be placed in an interest bearing account of the City. (Ref. K.S.A. 40-3901 et seq.)

- B. The City shall release the insured's proceeds and any interest which has accrued thereon within 30 days after receipt of such monies, unless the City has instituted abatement proceedings and/or a permit has been issued for re-construction pursuant to this chapter. If such proceedings have been instituted, the City shall retain the proceeds until the abatement proceedings and/or re-construction is complete. At the conclusion of the abatement proceedings and/or re-construction, all monies in excess of that expended by the City for abatement proceedings and /or re-construction expenses (such as removing mud or debris off the streets), less any salvage value, shall be paid to the insured.
- C. The City may create a lien in favor of the City in the proceeds of any insurance policy based upon a covered payment made for damage or loss to the building or other structure, caused by or arising out of any fire, explosion or windstorm.
- D. The City Clerk shall notify the Commissioner of Insurance for the State of Kansas within 14 days after the adoption of this section. Such notification shall state that the city has enacted an ordinance, pursuant to the authority of K.S.A 40-3901 et seq. concerning payment of insurance proceeds to the City arising out of claims due to fire, explosion or windstorms. A copy of the notice shall be maintained by the City Clerk.

8-206 – AMENDMENTS TO SECTION 109.1 – IMMINENT DANGER

Section 109.1 of the ~~2012-2018~~ IPMC is hereby amended to read as follows:

109.1 Imminent danger. When in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code Official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This structure is unsafe and its occupancy has been prohibited by the Code Official". It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or demolishing the same. When the Code Official has determined that a structure is in danger of collapse or has suffered a partial collapse and thus poses an imminent danger to life for those in proximity to the structure, the Code Official is further authorized to order the immediate removal or demolition of the structure or portion thereof as authorized ~~under K.S.A. 12-1756~~ under Kansas State Statute.

8-207 AMENDMENTS TO SECTION 110 - DEMOLITION

Section 110 of the ~~2012-2018~~ IPMC is hereby amended to read as follows:

Section 110 Demolition

110.1 Order of demolition. The Code Official shall order the owner of any premises upon which is located any structure, which in the Code Official's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two

years, the Code Official shall order the owner to demolish and remove such structure, or board up until further repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the Building Official. All notices and orders shall comply with Section 107.

110.2 Demolition or repair by the City. The Governing Body shall have the power to cause the repair or removal of, or to remove any structure located within the city, which may have become unsafe or dangerous. This provision and the following subsections are intended to conform with the provisions of K.S.A. 12-1750 et seq.; and to the extent there is any conflict, the Statute shall take precedent.

110.2.1 Code official's report. Whenever the Code official's investigation discloses a basis that any structure is unsafe or dangerous, the Code Official shall file a written report with the Governing Body describing the situation, its location and the circumstances that support the determination that the structure is unsafe or dangerous.

110.2.2 Notice and publication for hearing. The Governing Body, by resolution, shall fix a time and place at which the owner, the owner's agent, any lienholders of record and any occupant of such structure may appear and show cause why such structure should not be condemned and ordered repaired or demolished. Such resolution shall be published once each week for two (2) consecutive weeks on the same day of each week. At least thirty (30) days shall elapse between the last publication and the date set for the hearing. A copy of the resolution shall be mailed by certified mail within three (3) days after its first publication to each such owner, agent, lienholder and occupant, at the last known address and shall be marked "deliver to addressee only."

110.2.3 Hearing. On the date fixed for hearing or any adjournment thereof, the Governing Body shall hear all evidence submitted by the owner, the owner's agent, lienholders of record and occupants having an interest in such structure as well as evidence submitted by the Code Official and shall make findings by resolution. Provided, in the event the Code Official determines on or before the date fixed for hearing that the structure has been sufficiently repaired or removed, the Code official shall inform the Governing Body and recommend the cancellation of the hearing. Upon acceptance of said recommendation, no further action shall be required by the Governing Body.

110.2.4(a), (b) Findings and resolution.

- (a) If the Governing Body finds that such structure is unsafe or dangerous, such resolution shall direct the structure to be repaired or removed and the premises made safe and secure. Such resolution shall be published once in the official City paper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall affix a reasonable time within which the repair or removal 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 repaired or razed and removed.
- (b) If the Governing Body finds that such structure is not unsafe or dangerous, such resolution shall state such finding and that the proceeding is terminated. Such resolution shall not be required to be published.

110.2.5(a), (b), (c), (d) Action, assessment and collection of costs by the City.

- (a) If the owner of any structure has failed to commence the repair or removal of such structure within the time stated in the resolution or has failed to make diligent progress toward the same thereafter, the City may proceed to raze and remove such structure, make the premises safe and secure, or let the same to contract.
- (b) 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 removing such structure and making the premises safe and secure. All monies in excess of that necessary to pay such costs and the costs of publications of notice and any postage for mailing of notice, after the payment of all costs, shall be paid to the owner of the premises upon which the structure was located.

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

110.3 Duties of owner after removal of structure. The owner of any structure, upon removing the same, shall remove concrete spoils, debris and fill in any basement or other excavations located upon the premises and take any other action necessary to leave such premises in a safe and secure condition.

Section 110.4 of the ~~2012-2018~~ IPMC is hereby deleted.

~~8-203207~~. - DEFINITIONS.

Section 202 of the ~~2012-2018~~ IPMC is hereby amended as follows:

Definitions to be added:

Calendar year. The period of time beginning January 1 and ending December 31 of the same year.

Graffiti. Markings, as initials, slogans, or drawings written, spray painted, or sketched on a sidewalk, driveway, street, wall of a building, or public restroom, or the like.

Noxious plants. Means poison ivy, poison oak and poison sumac, at any height or state of maturity.

~~*Public Officer.* The Assistant City Attorney or person appointed by the Mayor and approved by the Governing Body to exercise the powers prescribed by this article.~~

Rank weeds. Means all vegetation which may exhale unpleasant or noxious odors, or transmit pollen into the air at any state of maturity and which exceeds 8 inches in height; also, all vegetation, regardless of height, including thickets, which conceals or invites filthy deposits, or which harbors rodents, refuse, or vermin. Such rank weeds include, but are not limited to the following: large crabgrass, large hairy crabgrass, barnyard grass, Pennsylvania smartweed, ladythumb, smartweed, curled dock, sour dock, lambsquarter, rough pigweed, redroot, shepherds purse, nodding spurge, upright spotted purge, velvet leaf, indian mallow, sticktight, blue stickseed, common ragweed, giant ragweed, horseweed, kinghead, dandelion, cocklebur, clotbur, downy brome grass, downy chess, bermuda grass, devilgrass, stinkgrass, lovegrass, witchgrass, tumble panicgrass, giant foxtail, Johnson grass, hop sedge, sloughgrass, hemp, stinging nettle, nettle, swamp smartweed, tanweed, devils shoestring, smooth dock, maple-leaved goosefoot, waterhemp, tumbleweed, tumble amaranth, common milkweed, common mullen, burdock, beggar tick, sticktight, devils pitchfork, tall con flower, golden glow, gray goldenrod, field goldenrod.

Thickets. Means dense growths of wild shrubbery and/or uncontrolled or invasive species including but not limited to bamboo, briar patches and similar growth having stems or trunks less than one and one half inches in diameter.

Vehicle. Any automobile, truck, tractor, farm machinery or motorcycle which as originally built contained an engine, regardless of whether it contains an engine at any other time.

Commented [JR8]: The Code Official is the person charged with carrying out the powers and responsibilities of this code, so this section is not needed.

Vehicle; Inoperable. Means a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned, or unable to perform the function or purpose for which it was originally intended.

Workmanlike. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work and compatible with the undamaged surfaces of the structure.

8-204207. - GENERAL REQUIREMENTS GRADING & DRAINAGE

Section 302.2 of the 2012-2018 IPMC is hereby amended to read as follows:

302.2 Grading and drainage. All premises shall be graded and maintained to include grass or suitable ground cover to prevent the erosion of soil and to prevent the accumulation of standing and/or stagnant water thereon, or within any structure located thereon.

Section 302.4 of the 2012-2018 IPMC is hereby amended to read as follows:

8-208 – AMENDMENTS TO SECTION 302.4 – WEEDS & THICKETS

302.4 Weeds and Thickets. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches in height. All noxious weeds and uncontrolled thickets shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Upon failure of the owner or agent having charge of a property to cut and destroy weeds and/or uncontrolled thickets after a service of notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction by the City of Prairie Village municipal code. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds and/or uncontrolled thickets growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

Sections 302.4.1 through 302.4.6 of the 2012 IPMC is hereby added to read as follows:

302.4.1 Weeds/Thickets to be Removed. ~~It shall be unlawful for any owner, occupant, or agent of any property or any area between the property lines of said property and the centerline of any adjacent street or alley, including but not specifically limited to, sidewalks, streets, alleys, easements, rights-of-way and all other areas, public or private. All weeds and/or uncontrolled thickets as hereinabove defined are hereby declared a nuisance and are subject to abatement as hereinafter provided. Property owners are responsible for maintaining property free from weeds and thickets, including the area between the property lines of said property and the centerline of any adjacent street or alley, including, but not specifically limited to, sidewalks, streets, alleys, easements, right-of-way, and all other areas, public or private. All weeds and/or uncontrolled thickets as herein described are hereby declared a nuisance and are subject to abatement as hereinafter provided.~~

Commented [JR9]: Reworded for clarity.

302.4.2 Notice to Remove.

A. The code official or an authorized agent shall ~~direct the City Clerk to~~ issue a notice of violation and order the owner, occupant, or agent of any property in the City upon which weeds exist in violation of this chapter; provided however, in the event a notice and order was previously served upon the owner, occupant or agent of the property for a violation of the City's weed control ordinance during the same calendar year, no further notice shall be required prior to any abatement action by the City. Such notice and order shall be issued in writing to the owner, occupant or agent by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, such notice and order shall be sent by certified mail, return receipt requested to the last known address of the owner. The notice and order may be made by publication in the official City newspaper in the event there is no resident agent and the owner is either unknown or is a nonresident (provided a nonresident owner with a known address is also sent notice by certified mail as required hereinabove.)

Commented [JR10]: The City clerk is not normally involved in issuing notices of violation – this is done by code enforcement officers.

B. Such notice shall include the following:

1. That the owner, occupant, or agent is in violation of the City weed control ordinance.
 2. That the owner, occupant, or agent is ordered to cut, destroy or remove the weeds and/or uncontrolled thickets within (5) days of the receipt of notice and order, or if the notice and order is served by publication, within (10) days of the date of publication, the applicable time period hereinafter referred to as the "correction period".
 3. That before the expiration of the correction period, the owner, occupant, or agent may request a hearing before the governing body or its designated representative.
 4. That if within the correction period the owner, occupant, or agent fails to request a hearing or to cut destroy or remove the weeds and/or uncontrolled thickets to the satisfaction of the code official or an authorized assistant, the City or its authorized agent will cut, destroy, or remove the weeds and/or uncontrolled thickets and assess against the owner, occupant or agent the total costs of the cutting, destruction, or removal of the weeds and/or uncontrolled thickets including a reasonable administrative fee and the cost of all notices.
 5. That payment of the assessed total costs are due and payable within thirty (30) days following the receipt of notice of such costs, or the city will levy such costs against the property as a special assessment. And further pursuant to Kansas statute, the City may also pursue the collection of such costs by seeking a personal judgment against the owner in Johnson County District Court as provided by K.S.A. 12-1, 115 and amendments thereto.
 6. That no further notice shall be given by the City prior to any additional cutting or removal of weeds and/or uncontrolled thickets on the property by the City or its authorized agent during the current calendar year and that any such additional costs will be assessed in the same manner.
 7. That separate from and independent of any abatement action of the weed violation by the City, the code official, at his or her option, may also file a complaint or complaints in the Municipal Court of the City against the owner, occupant or agent of the property for any violation of the City weed control ordinance.
 8. That the code official shall be contacted if there are any questions regarding the notice and order.
- C. In the event any owner, occupant or agent of any property refuses acceptance of any notice and order prescribed ~~by subsection (A) above~~, or in the event the city has made reasonable but unsuccessful efforts to provide notice in the manner prescribed ~~by subsection (A) above~~, a copy of said notice and order shall be posted on the premises and additional copies shall be sent to all known addresses of any owner, occupant or agent by First Class U.S. mail, and notice shall then be deemed given at such time pursuant to ~~K.S.A 12-1617f~~, Kansas State Statute.

302.4.3 Abatement; Assessment of Costs.

- A. If during the correction period prescribed above, the owner, occupant or agent fails to request a hearing or refuses or fails to cut, destroy or remove such weeds and/or uncontrolled thicket to the satisfaction of the code official or an authorized assistant, the City or its authorized agent shall cut, destroy, or remove such weeds and/or uncontrolled thicket and shall keep an account of the cost of same and report them to the City Clerk. Provided, if a notice and order was previously served upon the owner, occupant, or agent of the property for a violation of the city weed control ordinance during the same calendar year, the city or its authorized agent may proceed to cut, destroy or remove any weeds and/or uncontrolled thicket without any delay or further notice.
- B. The City shall issue a notice of costs to the owner, occupant or agent by certified mail, return receipt requested, providing the costs of abatement of the nuisance, which shall include the costs of cutting, destroying, or removing the weeds and/or uncontrolled thickets, a reasonable administrative fee and the cost of all notices. Such notice shall also state that payment of the costs is due and payable within thirty (30) days following receipt of the notice.
- C. If the costs of abatement remain unpaid after thirty (30) days following receipt of the notice of costs, a record of the costs of abatement shall be certified to the City Clerk, who shall cause such costs to be assessed against the property. The City Clerk shall certify the assessment to the County Clerk at

the time other special assessments are certified for spreading on the tax rolls of the county. Further, the City may also pursue the collection of such costs by seeking a personal judgment against the owner in Johnson County District Court, as provided by K.S.A 12-1, 115, and amendments thereto.

- D. If there is a change in the record owner of title to the property subsequent to giving notice pursuant to this article, the City may not recover any costs or levy an assessment for the costs incurred by the cutting, destruction or removal of weeds and/or uncontrolled thickets on the property unless a new record owner of title to the property is provided notice as required by this article. (K.S.A. 12-1617f)

302.4.4 Right of Entry. The City and its authorized agent(s) are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of cutting, destroying, or removing such weeds and/or uncontrolled thickets in a manner consistent with this article.

302.4.5 Unlawful Interference. It shall be unlawful for any person to interfere with or to attempt to prevent the City or its authorized agent(s) from entering upon any such property or from proceeding with such cutting, destruction, or removal. Such interference shall constitute a code violation.

302.4.6 Complaint. Separate from and independent of any abatement action as provided for herein, the code official, at his or her option, may also file a complaint or complaints in the Municipal Court of the City against the owner, occupant or agent of the property for any violation of the city weed control ordinance.

8-209 AMENDMENTS TO SECTION 302.8 – MOTOR VEHICLES

Section 302.8 of the ~~2012-2018~~ IPMC is hereby amended to read as follows:

302.8 Motor vehicles. It is a violation of this chapter for any person, partnership, corporation, or other entity, or their agent either as owner, lessee, tenant, or occupant of land within the city to park, store, deposit, or permit to be parked, stored, or deposited on such land or on the public street adjacent thereto a vehicle that is inoperative or unlicensed. No vehicle shall at any time be in a state of major disassembly, disrepair, on in a state of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth designed for the environmentally safe application of the paint. The provisions of this article shall not apply to owners who have temporarily placed their motor vehicle in an inoperable condition while working on the vehicle on their premises, provided that such work is performed inside an enclosed structure designed and approved for such use. In no event shall an owner or person in possession maintain a motor vehicle on his or her premises in an inoperable condition, outside of an enclosed structure, for a period in excess of 48 hours.

Sections 302.8.1 through 302.8.14 of the 2012 IPMC are hereby added as follows:

302.8.1 Motor Vehicle Nuisances Unlawful; Defined; Exceptions. It shall be unlawful for any person to maintain or permit any motor vehicle nuisance within the City.

- (A) A motor vehicle nuisance is any motor vehicle which is not currently registered or tagged pursuant to K.S.A. 8-126 to 8-149 inclusive, as amended; or parked in violation of City ordinance; or incapable of moving under its own power; or in a junked, wrecked, or inoperable condition. Any one of the following conditions shall raise the presumption that a vehicle is junked, wrecked, or inoperable.
- (1) Absence of a current registration plate upon the vehicle;
 - (2) Placement of the vehicle or parts thereof upon jacks, blocks, or other supports;
 - (3) Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon street or highway.
- (B) The provisions of this section shall not apply to:
- (1) Any motor vehicle which is fully enclosed in a garage or other building;
 - (2) The parking or storage of a vehicle inoperable for a period of 48 consecutive hours or less;

- (3) Any person conducting a business enterprise in compliance with the existing zoning regulations.

However, nothing in this subsection shall be construed to authorize the maintenance of a public nuisance.

302.8.2 Complaints; Inquiry and Inspection. The code official shall make inquiry and inspection of premises upon receiving a complaint or complaints stating that a motor vehicle nuisance exists and describing the same and where located ~~or is informed that a motor vehicle nuisance may exist by the Board of Health, Police Chief, or the Fire Chief.~~ The code official or designee may make such inquiry and inspection when he or she observes conditions which appear to constitute a motor vehicle nuisance. Upon making any inquiry and inspection, the code official or designee shall maintain a written report of findings.

302.8.3 Right of Entry. It shall be a violation of this article to deny the code official or his or her designated agent(s) the right of access and entry upon private property at any reasonable time for the purpose of making inquiry and inspection to determine if a nuisance exists.

302.8.4 Notice. Any person found by the code official to be in violation of Section 302.8.1, as amended, shall be served a notice of such violation. The notice shall be served by restricted mail, postage prepaid, return receipt requested or personally served; ~~provided that if the owner or his or her agent in charge of the motor vehicle is a resident of Johnson County, Kansas, the notice shall be personally served by the code official or a law enforcement officer.~~ In the event that such person cannot be served in person or by restricted mail or such person is unknown or his or her location is unknown, the code official shall make an affidavit to that effect and service may be made by publication of the notice once each week for two consecutive weeks in an official city newspaper and by posting the notice on the motor vehicle.

302.8.5 Same: Contents. The notice shall state the condition(s) which is (are) in violation of Section 302.8.1. The notice shall also inform the person that:

- (1) He, she or they will have ten (10) days from the date of serving the notice to abate the condition(s);
- (2) He, she, or they will have ten (10) days from the date of serving the notice to request a hearing before the governing body on the matter as provided by Section 302.8.9.
- (3) Failure to abate the condition(s) or to request a hearing within the time allowed may result in prosecution as provided in Section 302.8.9 and/or abatement of the condition(s) by the City as provided in Section 302.8.7.

302.8.6 Failure to Comply; Penalty. Should the person fail to comply with the notice to abate the nuisance or request a hearing, the code official may file a complaint in the Municipal Court of the City against such person and upon conviction, be finned an amount consistent with the violation penalties outlined in 106.4 of the IPMC. ~~finned in an amount not to exceed \$500, or be imprisoned not to exceed 30 days, or be both fined and imprisoned. Each day during, or on which a violation occurs, or continues after notice has been served shall constitute an additional or separate offense.~~

302.8.7 Abatement. In addition to, or as an alternative to prosecution as provided in Section 302.8.6 the code official may seek to remedy violations of this article in the following manner. If a person to whom a notice has been sent pursuant to Section 302.8.4 has neither alleviated the condition(s) causing the alleged violation, or requested a hearing before the governing body within the time period specified herein, the code official may present a resolution to the governing body for adoption authorizing the code official or other agents of the city to abate the condition(s) causing the violation at the end of ten (10) days after passage of the resolution. The resolution shall further provide that the costs incurred by the city shall be charged against the lot or parcel of ground on which the motor vehicle nuisance was located, or against lots or parcels of property in the city which are owned by the owner of the motor vehicle causing the nuisance, as provided in Section 302.8.10. A copy of the resolution shall be served upon the person in violation in one of the following ways:

- (1) Personal service upon the person in violation;
- (2) Service by certified mail, postage prepaid, return receipt requested;

Commented [JR11]: Amended this section to reflect the same violation penalties as other violations of the IPMC.

- (3) In the event the whereabouts of such person are unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the code official and filed with the city clerk, and the serving of the resolution shall be made by publishing the same once each week for two consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premises where such condition(s) exist.

302.8.8 Disposition of Vehicle. Disposition of any motor vehicle removed and abated from private property pursuant to this article shall be as provided by ~~K.S.A. 8-1102, as amended.~~[Kansas State Statute.](#)

302.8.9 Hearing. If a hearing is requested within the ten (10) day period as provided in Section 302.8.5, such request shall be made in writing to the governing body. Failure to make a timely request for a hearing shall constitute a waiver of the person's right to contest the findings of the code official before the governing body. The hearing shall be held by the governing body as soon as possible after filing the request and the person shall be advised by the city of the time and place of the hearing at least five (5) days in advance thereof. At such hearing the person may be represented by counsel, and the person and the city may introduce such witnesses and evidence as is deemed necessary and proper by the governing body. The hearing need not be conducted according to the formal rules of evidence. Upon conclusion of the hearing, the governing body shall record its determination of the matter by means of adopting a resolution and serving the resolution upon the person in the manner provided in Section 302.8.7.

302.8.10 Costs Assessed. If the city abates the motor vehicle nuisance pursuant to this chapter, the cost of abatement shall be charged against the lot or parcel of ground on which the nuisance was located or against lots or parcels of property in the city which are owned by the owner of the motor vehicle causing the nuisance. The city clerk shall, at the time of certifying other taxes to the county clerk, certify the costs as provided in this section. The county clerk shall extend the same on the tax roll and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid.

302.8.11 Inoperable Vehicles; Authorization of Code Official to Order Removal. It is a violation of this chapter for any person, partnership, corporation, or other entity, or their agent either as owner, lessee, tenant, or occupant of land within the city to park, store, or deposit, or permit to be parked, stored, or deposited on such land or on the public street adjacent thereto, a vehicle that is not in an operating condition. In the event that the code official finds that any such person has parked, stored, or deposited, or permitted to be parked, stored, or deposited on such land or in the streets immediately adjacent thereto such a vehicle, the orders that he or she enters may include an order to remove such vehicle from such land or the street immediately adjacent thereto. In the event the person to whom the order is directed fails to remove such vehicle within the specified time, the code official may enter an order authorizing the city to tow and remove the vehicle as provided by ~~K.S.A. 8-1102, as amended.~~[Kansas State Statute.](#)

302.8.12 Parking and Storage of Inoperable Vehicles in Districts Zoned R-1 Through R-4 and RP-1 Through RP-4.

- (A) It is unlawful for the owner or person in possession of any motor vehicle to park or place the vehicle upon a street, driveway, lot, plot, or tract within any district zoned R-1 through R-4 and RP-1 through RP-4 (except in an enclosed structure) while the vehicle is in an inoperable condition. The provisions of this article shall not apply to owners who have temporarily placed their motor vehicles in a inoperable condition while working on the vehicles on their premises. In no event shall an owner or person in possession maintain a motor vehicle on his or her premises in an inoperable condition for a period in excess of forty eight (48) hours unless such vehicle is placed in an enclosed structure.
- (B) Prior to issuing a citation the code official or a police officer of the city shall make a reasonable attempt to notify and inform the owner or person in possession of the vehicle of the ordinance violation. The notification shall state the date and time which it is issued and shall notify the owner or person in possession of the vehicle that in the event the same is not placed in an operating condition, removed from the premises, or placed in an enclosed structure within forty eight (48) hours of the issuance of the notice, a citation will be filed against the owner or person in possession in municipal court. In no event shall the temporary moving of such vehicle by the owner or person in possession of the same operate as a defense to a citation alleging violation of this section.

302.8.13 Parking and Storage of Inoperable Vehicles in Districts Zoned C-O Through C-2 and CP-O Through CP-2.

- (A) It is unlawful for the owner or person in possession of any motor vehicle to park or place the vehicle upon a street, driveway, lot, plot or tract within any district zoned C-O through C-2 and CP-O through CP-2 (except in an enclosed structure) while the vehicle is in an inoperable condition. Provided however, that section 302.8.14 shall apply to filling stations (or gasoline service stations) operating as special uses or nonconforming uses.
- (B) Prior to issuing a citation, the code official or a police officer of the city shall make a reasonable attempt to notify and inform the owner or person in possession of the vehicle of the ordinance violation. The notification shall state the date and time at which it is issued and shall notify the owner or person in possession of the vehicle that in the event the same is not removed from the premises, or placed in an enclosed structure within forty eight (48) hours of the issuance of the notice, a citation will be filed against the owner or person in possession in municipal court. In no event will the temporary moving of such vehicle by the owner or person in possession operate as a defense to a citation alleging violation of this section.

302.8.14 Parking and Storage of Motor Vehicles Accepted for Repair by Filling Stations (Or Gasoline Service Stations) Operating as Special Uses or Nonconforming Uses.

- (A) The regulations set forth in this section shall apply to the parking or storing of motor vehicles accepted for repair by filling stations (or gasoline service stations) operating as special or nonconforming uses anywhere in the city.
- (B) All such vehicles may be stored or parked only in an enclosed structure or in parking spaces located on the premises of such filling station. Such vehicles shall not be parked on the street.
- (C) No more than twelve (12) such vehicles shall be stored or parked on the premises of such filling station (other than in an enclosed structure) at any one time.
- (D) No such vehicles shall be parked or stored on the premises (other than in an enclosed structure) for a period in excess of fourteen (14) consecutive days.

8-210 – AMENDMENTS TO SECTION 304.7 – ROOFS AND DRAINAGE

Section 304.7 of the ~~2012-2018~~ IPMC is hereby amended to read as follows:

304.7 Roofs and Drainage. The roof and flashing shall be sound, not missing shingles or any other roofing component, not have holes, or other obvious visible damage or deterioration, nor have any other defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance or discharges the water directly onto adjacent property.

8-211 – ADDITION OF SECTION 302.10 – ANIMAL SANITATION

Section 302.10 of the ~~2012-2018~~ IPMC is hereby added to read as follows:

302.10 Animal sanitation. No excessive accumulation of animal waste shall be permitted on any property. Animal waste shall not be disposed of in an open ditch or storm drain. All carcasses of animals shall not remain exposed after death.

8-212 – ADDITION OF SECTION 302.11 – POOLS OF WATER

Section 302.11 of the ~~2012-2018~~ IPMC is hereby added to read as follows:

302.11 Pools of water. Ponds, reservoirs, swimming pools or any other receptacles of water shall be maintained free of trash, debris, garbage or other effluvia and shall not serve as a breeding ground for insects or other vermin.

8-213 – AMENDMENTS TO SECTION 304.14 – INSECT SCREENS

Section 304.14 of the 2012-2018 IPMC is hereby amended to read as follow:

304.14 Insect screens. During the period from May 15 to October 15, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch, and every screened door used for insect control shall have a self-closing device in good working condition. Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

8-214 – AMENDMENTS TO SECTION 304.19 – GATES AND FENCES

Section 304.19 of the 2012-2018 IPMC is hereby amended to read as follows:

304.19 Gates and fences.

Gates. All exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

Fences. All fencing shall be maintained in good condition free of damage, breaks, or missing structural members. Areas that are leaning, buckling, sagging, or deteriorating shall be repaired or replaced with material compatible with the undamaged portions of the fence and be in compliance with the zoning regulations. Where fences have been painted, all peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

8-215 – ADDITION OF SECTION 308.1.1 – TRASH AND REFUSE.

Section 308.1.1 of the 2012-2018 IPMC is hereby added to read as follows:

308.1.1 Trash and Refuse. The throwing, leaving, depositing or allowing the accumulation of any worn out, broken, or worthless item, waste, garbage, trash, debris, yard waste or refuse on any property, drainage course or other land is prohibited. Such items include those that impeded mowing of weeds or tall grass, negatively impact surrounding properties, are food products or food containers attracting insects, rodents or animals, or are useless as evidenced by their broken, deteriorated or dismantled condition.

Commented [JR12]: Added yard waste to clarify that leaves and other yard waste are prohibited from being left on property for extended period of time.

Commented [JR13]: Such as blowing leaves and other yard waste onto neighboring property

8-216 – ADDITION OF SECTION 310 – STORAGE OF USEFUL ITEMS

Section 310 of the 2012-2018 IPMC is hereby added to read as follows:

Section 310 Storage of Useful Items

310.1 Storage of Useful Items.

- (A) Residential Property. No person shall place, construct, install affix, store or allow to remain, any item, object or structure on any property zoned or used for single family or duplex purposes except as specifically and explicitly permitted by this section.
- (B) Permitted Items. The following items, objects or structures are permitted as specified in subsection (a):
 - 1. Any item, object or structure permitted under the applicable provisions of the zoning ordinance, 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 permitted accessory uses.
 - 2. Authorized trash containers.
 - 3. Firewood, neatly stacked and free of insects and vermin, behind the front building line extended and behind the front and side platted building lines.
 - 4. Swing sets and other similar recreational equipment.

- (C) All other items. Any item, object or structure not specifically authorized in subsection (b) must be located within a fully enclosed structure, or within the back yard and fully screened from view from any adjacent property by a wall, fence or landscaping installed with materials of quality compatible with the immediate neighborhood as determined by the code official. 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.
- (D) All Other property. With respect to all property other than that covered by subsection (a), no person shall place, construct, install, affix or store or allow to remain, any item, object or structure except those specified in subsection (b) (1).
- (E) Notwithstanding any other applicable provision, permitted items, objects or structures shall occupy no more than 20 percent of the allowable outside storage area. With respect to matters governed by subsection (c) above, in measuring the area occupied by such items, objects or structures to determine if the permitted 20 percent 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 (b)(1), (b)(2), and (b)(3) above.

8-216 – AMENDMENTS TO SECTION 602.3 – HEAT SUPPLY

Section 602.3 of the ~~2012-2018~~ IPMC is hereby amended to read as follows:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units, or sleeping units on terms either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 15 to May 15 to maintain a minimum temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the 2012 International plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

8-217 – AMENDMENTS TO SECTION 602.4 – OCCUPIABLE WORK SPACES.

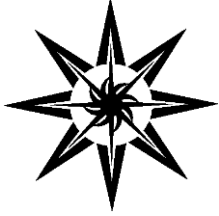
Section 602.4 of the IPMC is hereby amended to read as follows:

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

Exceptions:

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

(Ord. 1994; Sec. 1; [Ord. 2289](#), Sec. 1, 2013)



ADMINISTRATION

Council Meeting Date: March 1, 2021

COMMITTEE OF THE WHOLE AGENDA - 2022 Goals and Objectives

Attached please find the 2022 Goals and Objectives.

2022 Goals and Objectives

- Overall philosophy & approach
- Success factors and challenges
- Items to bring forward or to leave behind
 - 2022 Service / Decision Packages
- Understand revenue constraints

SUGGESTED MOTION

Recommend the City Council approve the 2022 Goals and Objectives.

ATTACHMENTS:

- 2022 Goals and Objectives
- 2022 Goals and Objectives and Mill Levy Presentation

Prepared by: Nicole Lee, Finance Director Date: February 23, 2021



City of Prairie Village 2022 Goals and Objectives

- Budget Process Perspective
 - Serve the Community
 - Run the Organization
 - Manage the Resources
 - Develop Personnel
- Overall philosophy & approach
 - Quality of Life
 - Superior Services
 - Community Safety
 - Be mindful of tax burden
 - Invest in Public Realm
 - Environmental Sustainability
- Success factors and challenges
 - How do we measure success?
 - What are current and future challenges
 - i.e. aging infrastructure
- Items to bring forward or to leave behind
 - What is working and what needs to be changed
 - 2022 Service / Decision Packages
- Understand revenue constraints
 - What can be accomplished within our revenue constraints

2022 GOALS

• OBJECTIVES

Maintain high quality services and programs

- Manage and plan to meet demand for City services
- Promote sustainable growth and development
- Understand the scope of available options (solutions within the City's sphere of influence or control)

Maintain quality streets, parks and infrastructure

- Maintain a comprehensive plan
- Plan and construct capital projects

Continue strong financial condition

- Maintain AAA bond rating
- Budget for General Fund ending fund balance to be 25% of revenues (excluding transfers)
- Continue to tighten actual budget ratio by reducing budget expenditures (96% estimated) and more reliance on contingency
- Emphasis on Equipment Reserve Fund for non-routine equipment purchases
- Prepare and adopt a fiscally prudent 2022 City Budget

Increase financial transparency

- Communicate with Citizens and key local partners
- Continue to utilize "PV Checkbook"

Increase citizen participation in budget issues

- Communicate with Citizens and key local partners
- Gather information and understand questions to ask and actions the City or partners can take to assist citizens



City of Prairie Village 2022 Budget Goals & Objectives and Mill Levy Information

- March 1, 2021



2022 Budget Goals & Objectives

2



City of Prairie Village 2022 Goals and Objectives

- Budget Process Perspective
 - Serve the Community
 - Run the Organization
 - Manage the Resources
 - Develop Personnel
- Overall philosophy & approach
 - Quality of Life
 - Superior Services
 - Community Safety
 - Be mindful of tax burden
 - Invest in Public Realm
 - Environmental Sustainability
- Success factors and challenges
 - How do we measure success?
 - What are current and future challenges
 - i.e. aging infrastructure
- Items to bring forward or to leave behind
 - What is working and what needs to be changed
 - 2022 Service / Decision Packages
- Understand revenue constraints
 - What can be accomplished within our revenue constraints

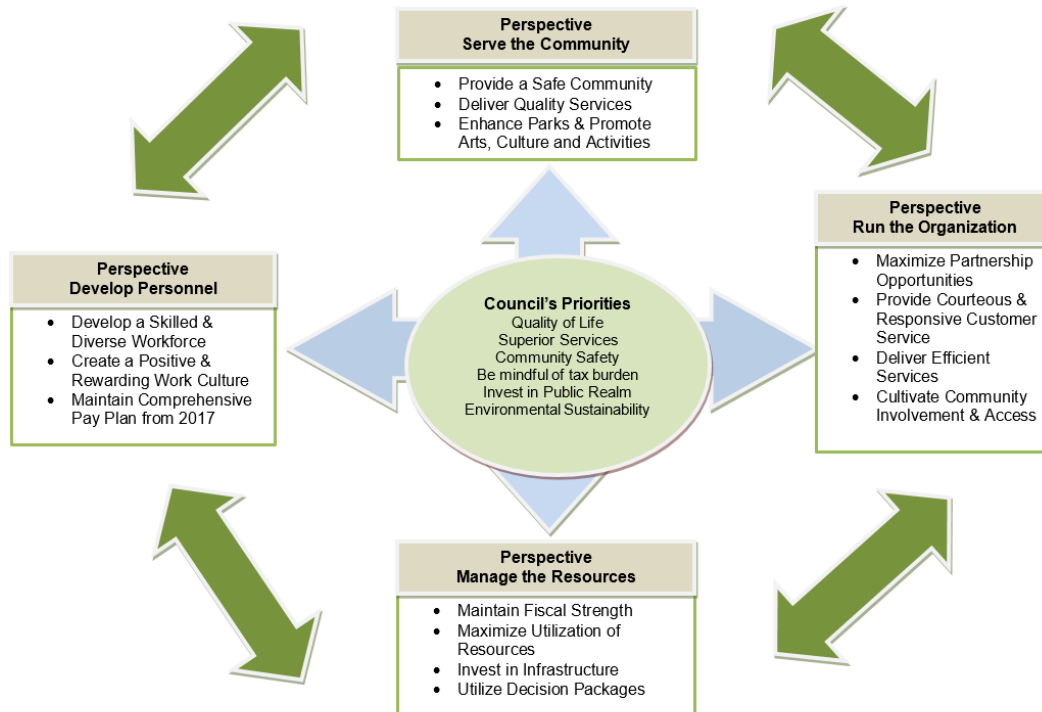
2022 GOALS	• OBJECTIVES
Maintain high quality services and programs	• Manage and plan to meet demand for City services • Promote sustainable growth and development • Understand the scope of available options (solutions within the City's sphere of influence or control)
Maintain quality streets, parks and infrastructure	• Maintain a comprehensive plan • Plan and construct capital projects
Continue strong financial condition	• Maintain AAA bond rating • Budget for General Fund ending fund balance to be 25% of revenues (excluding transfers) • Continue to tighten actual budget ratio by reducing budget expenditures (96% estimated) and more reliance on contingency • Emphasis on Equipment Reserve Fund for non-routine equipment purchases • Prepare and adopt a fiscally prudent 2022 City Budget
Increase financial transparency	• Communicate with Citizens and key local partners • Continue to utilize "PV Checkbook"
Increase citizen participation in budget issues	• Communicate with Citizens and key local partners • Gather information and understand questions to ask and actions the City or partners can take to assist citizens



2022 Budget Goals & Objectives

3

Goals and Objectives - 2022 Budget Process





Decision Packages – Past Examples

4

A “decision package” has traditionally been an item which is above and beyond the existing or core services of the City.

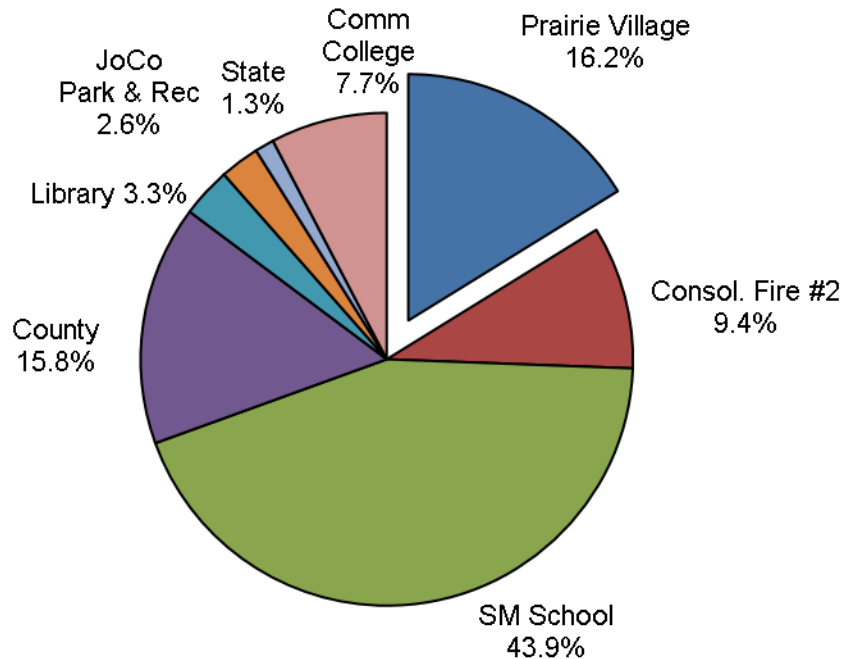
Decision Packages	Funding Source	Description	Amount
Exterior Grant Program	Economic Development Fund		To be determined
Sustainability Grant	General Fund		To be determined
Transient Guest Tax	Transient Guest Tax		To be determined



2020 Taxes Levied for 2021

5

2020 Taxes Levied for 2021





Average Prairie Village Home

6

2020 Taxes Levied for 2021 - Average Prairie Village House

Average Home Appraised

Value: \$ 380,419

Mill Levies

	<u>2020/2021</u>
Prairie Village	19.321
Consol. Fire #2	11.201
SM School	52.351
County	18.799
Library	3.905
JoCo Park & Rec	3.093
State	1.500
Comm College	9.121
	<u>119.291</u>

Assessed Value (11.5%): \$ 43,748

	<u>Annual</u>	<u>Monthly</u>
Prairie Village \$	845	\$ 70
Consol. Fire #2	490	41
SM School	2,290	191
County	822	69
Library	171	14
JoCo Park & Rec	135	11
State	66	6
Comm College	399	33
	<u>\$ 5,218</u>	<u>\$ 435</u>

1 mill for the City = \$437,853 (2020 Annual Abstract of Taxes)

1 mill for the average house = \$43.75 (annual)



Mill Levy

7

Johnson County Cities 2020 Mill Levies On each \$1,000 Tangible Assessed Valuation

City	Mill Levy					
	City	Fire	Bond & Interest	Stormwater	Other	Total
Roeland Park	26.632	11.201	1.916			39.749
Spring Hill C/F	24.762	12.387	2.214		0.298	39.661
Westwood Hills	22.828	11.201	4.705			38.734
Bonner Springs	24.530		9.321		4.477	38.328
Mission Hills	21.955	11.201	0.800			33.956
Westwood	20.812	11.201	0.500			32.513
Fairway	17.729	11.201	2.198			31.128
Prairie Village	19.321	11.201	-			30.522
Edgerton	30.381					30.381
Lenexa	22.946		6.296			29.242
Mission	17.048	11.201				28.249
Merriam	26.520		1.038			27.558
Shawnee	20.129	1.294	5.078			26.501
De Soto	14.108	5.809	5.233			25.150
Leawood	19.754		5.003			24.757
Olathe C/F	9.938	1.731	9.724		3.047	24.440
Gardner	14.622		6.043			20.665
Overland Park	12.619			0.963		13.582

S: 2020 Mill Levies on Each \$1,000 Tangible Assessed Valuation - Johnson County, Kansas worksheet
found on the Johnson County Dept of Records & Tax Administration website.



Mill Levy (cont)

8

Johnson County Cities 2020 Mill Levies (Without Fire District) On each \$1,000 Tangible Assessed Valuation

City	Mill Levy					Total
	City	Fire	Bond & Interest	Stormwater	Other	
Spring Hill C/F	24.762	12.387	2.214		0.298	39.661
Bonner Springs	24.530		9.321		4.477	38.328
Edgerton	30.381					30.381
Lenexa	22.946		6.296			29.242
Roeland Park	26.632	-	1.916			28.548
Merriam	26.520		1.038			27.558
Westwood Hills	22.828	-	4.705			27.533
Shawnee	20.129	1.294	5.078			26.501
De Soto	14.108	5.809	5.233			25.150
Leawood	19.754		5.003			24.757
Olathe C/F	9.938	1.731	9.724		3.047	24.440
Mission Hills	21.955	-	0.800			22.755
Westwood	20.812	-	0.500			21.312
Gardner	14.622		6.043			20.665
Prairie Village	19.321	-	-			19.321
Fairway	17.729	-	2.198			19.927
Mission	17.048	-				17.048
Overland Park	12.619			0.963		13.582

S: 2020 Mill Levies on Each \$1,000 Tangible Assessed Valuation - Johnson County, Kansas worksheet
found on the Johnson County Dept of Records & Tax Administration website.



Mill Levy estimates

9

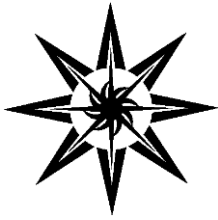
Estimated Value Of One Mill For 2022 (Mill Rate = 19.321) - NO TIF		
		AVG PV Home
The estimated value of one mill would be:		\$469,257
1/10 mill	\$46,926	\$4.14
2/10 mill	\$93,851	\$8.28
3/10 mill	\$140,777	\$12.42
4/10 mill	\$187,703	\$16.56
5/10 mill	\$234,628	\$20.70
6/10 mill	\$281,554	\$24.84
7/10 mill	\$328,480	\$28.98
8/10 mill	\$375,406	\$33.12
9/10 mill	\$422,331	\$37.26
1 mill	\$469,257	\$41.40
1.1 mill	\$516,183	\$45.54
1.2 mill	\$563,108	\$49.68
1.3 mill	\$610,034	\$53.82
1.4 mill	\$656,960	\$57.96
1.5 mill	\$703,885	\$62.10
1.6 mill	\$750,811	\$66.24
1.7 mill	\$797,737	\$70.38
1.8 mill	\$844,663	\$74.52
1.9 mill	\$891,588	\$78.66
2 mill	\$938,513.95	\$82.80



Next Steps – April 5th

10

- Worker's Compensation and Insurance Cost Assumptions
- Decision Package Discussion (decision packages due to Nickie by April 1st)
- Committee 2022 Budget and Outside Funding Requests
 - Village Fest
 - Arts Council
 - Environmental Committee
 - Jazz Fest
 - Diversity Committee
- Preliminary Revenue Estimate Report



POLICE DEPARTMENT

Committee Meeting Date: March 1, 2021

Council Meeting Date: March 15, 2021

COU2021-27: Consider the Contract Agreement with Lexipol for Police Department Policy Manual Management.

RECOMMENDATION:

Staff recommends the Council approve the contract with Lexipol Services for the management, development and updating processes of the Prairie Village Police Department's Policy Manual. As a result of the Covid Pandemic, training opportunities and venues have been greatly reduced in 2021, leaving enough funds to purchase and immediately begin using Lexipol products. The cost of the Lexipol services is \$14,322.50 per year and will be paid from existing funds budgeted in the Department Staff Services line item 01-03-29-6022-000. If approved by Council, fees for Lexipol services will renew annually until such a time that services are no longer needed or the contract is terminated by the Police Department. The contract has been reviewed by the City Attorney and is attached to this document.

SUGGESTED MOTION

Move to approve the contract with Lexipol Services for the management, development and updating processes of the Prairie Village Police Department's Policy Manual as described.

BACKGROUND

For many years the Prairie Village Police Department used the Commission on Accreditation for Law Enforcement Agencies (CALEA) to conduct policy manual review and accreditation. The Department ceased using the service in 2007 as it became cost prohibitive and manpower intensive to maintain files and proofs as part of CALEA's business format. The Department has continued to use CALEA as a standard to maintain and create new policies. We believe with ever evolving legislative initiatives, changing technologies and the fluid social atmosphere of the United States, it is time to partner with a service that can provide real time legislative updates, ongoing training and expert policy modifications and recommendations based on industry standards for the Department's policy manual.

ATTACHMENT(S)

Lexipol Contract and brochure.

PREPARED BY

Byron K. Roberson
Chief of Police
Date: February 23, 2021

21-Lexipol Contract



AGREEMENT FOR USE OF SUBSCRIPTION MATERIAL

Agency's Name: City of Prairie Village, Kansas
Agency's Address: c/o Prairie Village Police
Department 7700 Mission Rd
Prairie Village, Kansas 66208

Attention: Chief Byron Roberson

Lexipol's Address: 2611 Internet Boulevard, Suite 100
Frisco, Texas 75034

Prepared By: Kacy Greene

Effective Date:

(to be completed by Lexipol upon receipt of signed Agreement)

The Agreement for Use of Subscription Material is between Lexipol, LLC, a Delaware limited liability company ("**Lexipol**"), and the Agency identified above. The Agreement consists of (a) this cover sheet; (b) **Exhibit A** (Subscriptions Being Purchased and Subscription Fees) attached to this cover sheet, (c) **Exhibit B** (General Terms and Conditions) attached to this cover sheet, and (d) **Exhibit C** (Scope of Services) attached to this cover sheet. Capitalized terms that are used in Exhibit A and not defined therein shall have the respective meanings given to them in Exhibit B.

City of Prairie Village, Kansas

Lexipol

Signature: _____

Signature: _____

Print Name: _____

Print Name: Van Holland

Title: _____

Title: Chief Financial Officer

Date Signed: _____

Date Signed: _____

EXHIBIT A

SUBSCRIPTIONS BEING PURCHASED AND SUBSCRIPTION FEES

Agency is purchasing the following:

QTY	DESCRIPTION	UNIT PRICE	DISC	DISC AMT	EXTENDED
1	Annual Law Enforcement Policy Manual & Daily Training Bulletins w/Supplemental Publication Service w/ Procedures w/ GrantFinder (12 Months)	USD 16,850.00	15%	USD 2,527.50	USD 14,322.50
	Subscription Line Items Total			USD 2,527.50	USD 14,322.50
				USD 2,527.50	USD 14,322.50
				Discount:	USD 2,527.50
				TOTAL:	USD 14,322.50

*Law Enforcement pricing is based on 47 Law Enforcement Sworn Officers.

*The above subscription services, and when applicable, implementation services, shall be invoiced by Lexipol upon the execution of this Agreement.

Discount Notes

10% EMC Discount

5% additional Discount for 30 day turn around.

EXHIBIT B

GENERAL TERMS AND CONDITIONS

1. **Definitions.** For purposes of this Agreement, each of the following terms will have the meaning indicated in this Section:

1.1 **Agency's Account.** "**Agency's Account**" means the account by which Agency accesses the Subscription Materials.

1.2 **Agreement.** "**Agreement**" means (a) the cover sheet to which these General Terms and Conditions are attached, (b) Exhibit A (Subscriptions and Services Being Purchased and Related Fees) attached to that cover sheet, (c) these General Terms and Conditions, and (d) Exhibit C (Scope of Services).

1.3 **Initial Term/Contract Year.** "**Initial Term**" means the twelve-month period commencing on the Effective Date and "**Contract Year**" means each twelve-month period commencing on each anniversary of the Effective Date, except as may otherwise be modified by Section 2.1 Term below.

1.4 **Derivative Work.** "**Derivative Work**" means a work that is based on the Subscription Material or any portion thereof, such as a revision, modification, abridgement, condensation, expansion, or any other form in which the Subscription Material or any portion thereof may be recast, transformed, or adapted. For purposes of this Agreement, a Derivative Work also includes any compilation that incorporates any portion of the Subscription Material. Further, "**Derivative Work**" includes any work considered a "derivative work" under United States copyright law.

1.5 **Effective Date.** "**Effective Date**" means the date specified on the cover sheet to which these General Terms and Conditions are attached.

1.6 **Subscription Materials.** "**Subscription Materials**" means the policy manuals, supplemental policy publications, daily training bulletins and other materials provided by Lexipol to Agency from time to time during the term of this Agreement under the subscriptions purchased by Agency as specified in Exhibit A.

2. **Term and Termination.**

2.1 **Term.** This Agreement is effective upon the execution and delivery of this Agreement by both Lexipol and Agency, and shall continue in effect until the expiration of the Initial Term; provided, however, that the term of this Agreement will automatically be extended for successive one-year periods thereafter (each a Contract Year), unless either party gives written notice to the other party to the contrary not less than thirty (30) days prior to the expiration of the Initial Term or the then current Contract Year, as the case may be. Notwithstanding the foregoing, however, this Agreement will be subject to termination as provided in Section 2.2 below.

2.2 **Termination.** This Agreement may be terminated by either party, effective immediately, (a) in the event that the other party fails to discharge any obligation or remedy any default under this Agreement for a period of more than thirty (30) calendar days after it has been given written notice of such failure or default; or (b) in the event that the other party makes an assignment for the benefit of creditors or commences or has commenced against it any proceeding in bankruptcy, insolvency or reorganization pursuant to the bankruptcy laws of any applicable jurisdiction.

2.3 **Effect of Expiration or Termination.** Upon the expiration or termination of this Agreement, all of the rights granted to Agency by this Agreement to the subscriptions identified on Exhibit

A shall automatically terminate. The termination or expiration of this Agreement shall not, however, relieve either party from any obligation or liability that has accrued under this Agreement prior to the date of such termination or expiration. The right to terminate this Agreement pursuant to Section 2.2 above shall be in addition to, and not in lieu of, any other remedy, legal or equitable, to which the terminating party shall be entitled at law or in equity. The provisions of Sections 1 (Definitions), 4 (Copyright; Derivative Works; Lexipol's Ownership), 5 (Right to Use; Limitations on Use of Subscription Material and Derivative Works), 7 (Privacy Policy), 8 (Policy Adoption), 9 (Disclaimer of Liability), 10 (Limitation of Liability), 13 (Miscellaneous), and this Section 2.3 shall survive the expiration or termination of this Agreement for any reason whatsoever.

3. Subscription Fees, Etc.

3.1 Subscription Fee/Invoicing. Lexipol will invoice Agency at the commencement of the Subscription Service (Initial Term) and thirty (30) days prior to the date for each Contract Year (refer to 2.1 above). Agency will pay to Lexipol the subscription fee specified on Exhibit A within thirty (30) days following Agency's receipt of the invoice for such subscription and renewal fees. All invoices will be sent to Agency at the address for Agency specified on the cover sheet to which these General Terms and Conditions are attached. All payments will be made to Lexipol at the address for Lexipol specified on the cover sheet to which these General Terms and Conditions are attached. Lexipol reserves the right to increase pricing for subsequent Contract Years.

3.2 Taxes; Past Due Amounts. All amounts required to be paid under this Agreement, unless otherwise stated on Exhibit A, are exclusive of all taxes and similar fees now in force or enacted in the future imposed on the subscriptions purchased by Agency under this Agreement and/or delivery by Lexipol to Agency of Subscription Material, all of which Agency will be responsible for and will pay in full, except for taxes based on Lexipol's net income. In the event any amount owed by Agency is not paid when due, and such failure is not cured within ten (10) days after written notice thereof from Lexipol, then in addition to any other amount due, Agency shall pay a late payment charge on the overdue amount at a rate equal to the lower of (a) one percent (1%) per month, or (b) the highest rate permitted by applicable law.

4. Copyright; Derivative Works; Lexipol's Ownership. Agency acknowledges and agrees that the Subscription Material is a proprietary product of Lexipol, protected under U.S. copyright law, and that Lexipol reserves all rights not expressly granted in this Agreement. Subject to the terms and conditions contained in this Agreement, Lexipol hereby grants Agency the right to prepare Derivative Works, except as limited by the terms of this agreement; provided, however, that Agency acknowledges and agrees that Lexipol will be the sole owner of all right, title and interest in and to all Derivative Works prepared by or for Agency, including all copyrights and other intellectual property and proprietary rights therein or pertaining thereto, and Agency hereby assigns and transfers to Lexipol all right, title and interest in and to all Derivative Works prepared by or for Agency, including all copyrights and other intellectual property and proprietary rights therein or pertaining thereto. Agency will not remove from any copies of the Subscription Material provided by Lexipol to Agency any copyright notice or other proprietary notice of Lexipol appearing thereon, and shall include such copyright and other notices at the appropriate place on each copy of the Subscription Material and each copy of any Derivative Work made by or for Agency, in any form.

5. Right to Use; Limitations on Use of Subscription Material and Derivative Works. Subject to the terms and conditions contained in this Agreement, Lexipol hereby grants to Agency a perpetual, personal, fully paid-up, right to use, except as limited by the terms of this agreement the Subscription Material and any Derivative Works prepared by or for Agency, solely for the Agency's internal purposes. Agency will not use, copy, republish, lend, distribute, post on servers, transmit, redistribute, display, in whole or in part, by any means or medium, electronic or mechanical, or by any information storage and retrieval system, any Subscription Material or any Derivative Work prepared by or for Agency other than as expressly authorized by the immediately preceding sentence. Without limiting the generality of the foregoing, Agency will not import, upload, or otherwise make available any

Subscription Material or any Derivative Work prepared by or for Agency into or onto any third party knowledge, document, or other content management system or service without Lexipol's prior written consent. The foregoing does not, however, prohibit or restrict Agency from providing Subscription Material or Derivative Works prepared by or for Agency pursuant to an order from a court or other governmental agency or other legal process, or Freedom of Information Act (FOIA) request, or Public Records Act (PRA) request, nor does it prohibit or restrict Agency from displaying the adopted/approved final policy document on a publicly accessible website for official Agency purposes, so long as Agency includes the appropriate copyright and other proprietary notices on such final policy document as required by Section 4 above.

6. Account Security. Agency is solely responsible for maintaining the confidentiality of Agency's user name(s) and password(s) and the security of Agency's Account. Agency will not permit access to Agency's Account, or use of Agency's user name(s) and/or password(s) by any person or entity other than authorized Agency personnel. Agency will immediately notify Lexipol in writing if Agency becomes aware that any person or entity other than authorized Agency personnel has used Agency's Account or Agency's user name(s) and/or password(s).

7. Privacy Policy. Lexipol will hold all information Agency provides in confidence unless required to provide information in accordance with an order from a court or other governmental agency or other legal process such as a Freedom of Information Act (FOIA) request, or Public Records Act (PRA) request. Lexipol will use commercially reasonable efforts to ensure the security of information provided by Agency. Lexipol's system also uses Secure Socket Layer (SSL) Protocol for browsers supported by Lexipol application(s). SSL encrypts information as it travels between the Agency and Lexipol. However, Agency acknowledges and agrees that Internet data transmission is not always 100% secure and Lexipol does not warrant or guaranty that information Agency transmits utilizing the Lexipol system or online platform is 100% secure.

Agency acknowledges that Lexipol may provide view-only access and summary information (including but not limited to, status of number of policies developed or in development, percentage of staff reviews of developed policies, and percentage of DTBs taken) to the Agency's affiliated Risk Management Authority, Insurance Pool or Group, or Sponsoring Association, if they are actively funding their member Agencies' Subscription Fees.

8. Policy Adoption. Agency hereby acknowledges and agrees that any and all policies and Daily Training Bulletins (DTBs) included in the Subscription Material provided by Lexipol have been individually reviewed, customized and adopted by Agency for use by Agency. Agency further acknowledges and agrees that neither Lexipol nor any of its agents, employees or representatives shall be considered "policy makers" in any legal or other sense and that the chief executive of Agency will, for all purposes, be considered the "policy maker" with regard to each and every such policy and DTB.

9. Disclaimer of Liability. Agency acknowledges and agrees that Lexipol its officers, agents, managers, and employees will have no liability to Agency or any other person or entity arising from or related to the Subscription Materials, or any act or omission by Agency or its personnel pursuant to, or in reliance on, any of the Subscription Materials.

10. Limitation of Liability. Lexipol's cumulative liability to Agency and any other person or entity for any loss or damages resulting from any claims, demands, or actions arising out of or relating to this Agreement or the use of any Subscription Materials shall not exceed the subscription fees actually paid to Lexipol for the use of the Subscription Materials under this Agreement during the twelve-month period immediately prior to the assertion of such claim, demand or action. In no event shall Lexipol be liable for any indirect, incidental, consequential, special, or exemplary damages or lost profits, even if Lexipol has been advised of the possibility of such damages. The limitations set forth in this Section shall apply whether Agency's claim is based on breach of contract, tort, strict liability, product liability or any other theory or cause of action.

11. Non-Transferability. The subscriptions and rights to use the Subscription Material granted by this Agreement are personal to Agency and Agency shall not assign or otherwise transfer the same to any other person or entity.

12. Confidentiality. From time to time during the term of this Agreement, either party may be required to disclose information to the other party that is marked "confidential" or the like, or that is of such a type that the confidentiality thereof is reasonably apparent ("Confidential Information"). The receiving party will: (a) limit disclosure of any Confidential Information of the other party to the receiving party's directors, officers, employees, agents and other representatives (collectively "Representatives") who have a need to know such Confidential Information in connection with the business relationship between the parties to which this Agreement relates, and only for that purpose; (b) advise its Representatives of the confidential nature of the Confidential Information and of the obligations set forth in this Agreement and require such Representatives to keep the Confidential Information confidential and to use it only as permitted by this Agreement; (c) keep all Confidential Information confidential by using a reasonable degree of care, but not less than the degree of care used by it in safeguarding its own confidential information; and (d) not disclose any Confidential Information received by it to any third party (except as otherwise provided for herein). Notwithstanding the foregoing, however, a party may disclose Confidential Information of the other party pursuant to any governmental, judicial, or administrative order, subpoena, discovery request, regulatory request, or Freedom of Information Act (FOIA) request, or Public Records Act (PRA) request. Each party shall be responsible for any breach of this Section by any of such party's Representatives.

Miscellaneous.

13.1 Governing Law. This Agreement shall be construed in accordance with, and governed by, the laws of the State of Kansas, without giving effect to any choice of law doctrine that would cause the law of any other jurisdiction to apply.

13.2 Entire Agreement. This Agreement embodies the entire agreement and understanding of the parties hereto and hereby expressly supersedes any and all prior written and oral agreements and understandings with respect to the subject matter hereof, including without limitation any and all agreements and understandings pertaining to the use of the Subscription Materials by Agency. No representation, promise, inducement, or statement of intention has been made by any party hereto that is not embodied in this Agreement. Terms and conditions set forth in any purchase order, or any other form or document of Agency, which are inconsistent with, or in addition to, the terms and conditions set forth in this Agreement, are hereby objected to and rejected in their entirety, regardless of when received, without further action or notification by Lexipol, and shall not be considered binding on Lexipol unless specifically agreed to in writing by it.

13.3 Headings. The captions and other headings contained in this Agreement are for convenience only and shall not be considered a part of or affect the construction and interpretation of any provision of this Agreement.

13.4 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same document.

13.5 Amendment. No amendment, modification, or supplement to this Agreement shall be binding unless it is in writing and signed by the party sought to be bound thereby.

13.6 Attorneys' Fees. If any action is brought by either party to this Agreement against the other party regarding the subject matter hereof, the prevailing party shall be entitled to recover, in addition to any other relief granted, reasonable attorneys' fees and expenses of litigation.

13.7 General Interpretation. The language used in this Agreement shall be deemed to be the language chosen by the parties hereto to express their mutual intent. This Agreement shall be construed without regard to any presumption or rule requiring construction against the party causing such instrument or any portion thereof to be drafted, or in favor of the party receiving a particular benefit under the Agreement. No rule of strict construction will be applied against any person or entity.

13.8 Notices. Any notice required by this Agreement or given in connection with it, shall be in writing and shall be given by personal delivery, by certified mail, postage prepaid, or by recognized overnight delivery service to the appropriate party at the address of such party stated on the cover sheet to which these General Terms and Conditions are attached, or such other address as such party may indicate by a notice delivered to the other party in accordance with the terms of this Section. Alternatively, electronic mail or facsimile notice is acceptable when acknowledged by the receiving party.

13.9 Invalidity of Provisions. Each of the provisions contained in this Agreement is distinct and severable and a declaration of invalidity or unenforceability of any such provision or part thereof by a court of competent jurisdiction shall not affect the validity or enforceability of any other provision hereof. Further, if a court of competent jurisdiction finds any provision of this Agreement to be invalid or unenforceable, then the parties agree that the court should endeavor to give effect to the parties' intention as reflected in such provision to the maximum extent possible.

13.10 Waiver. Lexipol's failure to exercise, or delay in exercising, any right or remedy under any provision of this Agreement shall not constitute a waiver of such right or remedy.

End of General Terms and Conditions

Scope of Services (Exhibit C)

Policy Manual

Constitutionally sound, up-to-date policies are the foundation for consistent, safe public safety operations and are key to reducing risk and enhancing personnel and community safety. Lexipol's comprehensive policy manual covers all aspects of your agency's operations.

- More than 155 policies researched and written by public safety attorneys and subject matter experts
- Policies based on State and federal laws and regulations as well as nationwide best practices
- Content customized to reflect your agency's terminology and structure

Daily Training Bulletins (DTBs)

Even the best policy manual lacks effectiveness if it's not backed by training. Lexipol's Daily Training Bulletins are designed to help your personnel learn and apply your agency's policy content through 2-minute training exercises.

- Scenario-based training ties policy to real-world applications
- Understanding and retention of policy content is improved via a singular focus on one distinct aspect of the policy
- Each Daily Training Bulletin concludes with a question that confirms the user understood the training objective
- Daily Training Bulletins can be completed via computers or from smartphones, tablets or other mobile devices
- Reports show completion of Daily Training Bulletins by agency member and topic

Policy Updates

Lexipol's legal and content development teams continuously review state and federal laws and regulations, court decisions and evolving best practices. When needed, we create new and updated policies and provide them to your agency, making it simple and efficient to keep your policy content up to date.

- Updates delivered to you through Lexipol's web-based content delivery platform
- Changes presented in side-by-side comparison against existing policy so you can easily identify modifications/improvements
- Your agency can accept, reject or customize each update

Web-Based Delivery Platform and Mobile App (Knowledge Management System)

Lexipol's online content delivery platform, called KMS, provides secure storage and easy access to all your policy and training content, and our KMS mobile app facilitates staff use of policies and training completion.

- Ability to edit and customize content to reflect your agency's mission and philosophy
- Efficient distribution of policies, updates and training to staff
- Archival and easy retrieval of all versions of your agency's policy manual
- Mobile app provides in-the-field access to policy and training materials

Reports

Lexipol's Knowledge Management System provides intuitive reporting capabilities and easy-to-read reports that enhance command staff meetings and strategic planning.

- Track and report when your personnel have acknowledged policies and policy updates
- Produce reports showing completion of Daily Training Bulletins
- Sort reports by agency member, topic and other subgroups (e.g., shift, assignment)
- Reduce the time your supervisors spend verifying policy acknowledgement and training completion

Supplemental Publication Service

Lexipol's Supplemental Publication Service (SPS) streamlines the storage of your agency's content, giving you one place to access procedures, guidelines, general orders, training guides or secondary policy manuals.

- Electronically links department-specific procedural or supplemental content to your policy manual
- Provides electronic issuance and tracking for your agency's procedural or supplemental content
- Allows you to create Daily Training Bulletins against your procedural content
- Designed for standard operating guidelines, procedures, general orders or field guides

Law Enforcement Operations Procedures

To ensure consistent, effective and safe operations, a law enforcement agency's procedures should align with its policies and be accessible in an easy-to-understand format. Lexipol's Law Enforcement Procedure Guide and Framework, based on national best practices, gives you the guidance and a template to build such a procedure manual.

- More than 40 procedure guides designed to help you ensure your procedures follow important policy requirements and national best practices
- Each procedure provides an editable template to conveniently author new content and merge existing agency content
- Procedures are aligned with Lexipol policy requirements to address the most important operations of a law enforcement agency
- Well-structured and policy-aligned procedures enhance preparation for accreditation assessments

GrantFinder <http://app.grantfinder.com>

GrantFinder is a real-time database of federal, state, and private grant opportunities tailored to municipalities, nonprofits, educational institutions, and public safety organizations. The simplicity and efficiency of our service will result in identifying grant applications intelligently tailored to your needs; greatly improving the chance your organization will ultimately be funded.

Currently tracking over 10,000 grants, GrantFinder monitors more than 4,300 grant websites to update and keep communities aware of the universe of funding. GrantFinder is being used by more than 8,000 individual users spread across 800 cities and organizations like yours.

The accompanying proposal outlines the functions of Lexipol's GrantFinder service and what would be provided.

GrantFinder includes:

- Access to Federal, State, Corporate & Foundation grants programs in once place with summaries, links to applications, guidelines and much more
- 10+ search filters including geographic coverage, program area, keyword, deadline, matching funds, etc.
- Save and download grant listings + track deadlines
- Custom grant email alerts tailored to user preference
- Application and performance tracking
- Document and application upload + storage
- Ongoing dedicated account management support + user-based training

POLICY MANAGEMENT, DEVELOPMENT AND UPDATING PROCESSES

Lexipol provides fully developed, state-specific policies researched and written by subject matter experts and vetted by attorneys. We provide more than 2 million first responders and local government officials with policies, training, wellness support and grant assistance.

Our policies are based on nationwide standards and best practices while also incorporating state and federal laws and regulations where appropriate.

POLICY MANAGEMENT

Lexipol's comprehensive policy solution streamlines policy maintenance, issuance, acknowledgment and training, freeing up your time to focus on serving your community.

How Do We Help You Manage Your Policies?



POLICY & UPDATES

Our legal and policy content development teams monitor **thousands of pieces** of new legislation, statutes and case law on the state and federal levels, looking for anything that impacts policy content. These experts author policies and updates using a **5-step process** of analysis, development, testing, release and maintenance.



TRAINING

Our Daily Training Bulletins use a proven system of solid, realistic, ongoing and verifiable training to help personnel learn to apply policies and improve their ability to make well-reasoned decisions. Each training takes just **minutes to complete** and includes a test question to measure comprehension.



ONLINE & MOBILE PLATFORM

Our online Knowledge Management System (KMS) provides electronic policy acknowledgment tracking, automatic archiving of policy versions and efficient distribution of policies and training to staff. Additionally, our web-based platform and mobile app provides **24/7 access** to your policies.



PROFESSIONAL SERVICES

We help you complete your policy manual **5 times faster** than if you were to go it alone. With Lexipol, you obtain customized policy implementation assistance from professionals who average **35 years of experience** in public safety.



DOCUMENT STORAGE

Lexipol's Supplemental Publication Service (SPS) stores your procedures, training manuals and other documents and integrates them with your agency's policies, creating **one platform** for easy reference of all your policy-related documentation.



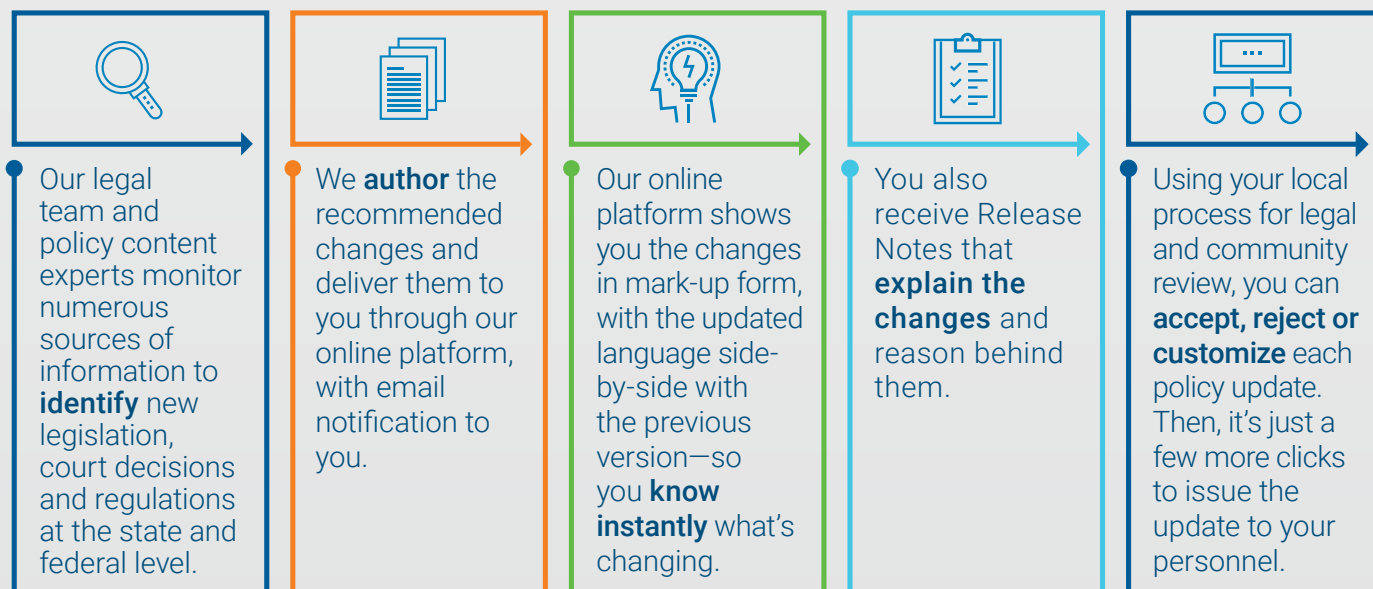
ACCREDITATION SUPPORT

Lexipol's Accreditation Workbench significantly reduces the time and effort needed to successfully prepare for and execute an accreditation assessment. The Accreditation Workbench links Lexipol policy content to standards, typically **addressing 85 to 95%** of the policy-related standards, and provides a robust tool set to help you manage the accreditation process.

What Is Our Policy Updating Process?

When laws change, your policies need to change, too. **Trusted by more than 4,500 public safety agencies and municipalities**, Lexipol's policy solutions provide constitutionally sound policies that comply with all federal and state laws while also ensuring they are regularly updated in response to changes.

Here's how we make it happen:



Discover why Lexipol is the best risk management solution to protect your community.

Visit www.lexipol.com or email info@lexipol.com.



EDUCATE, TRACK AND VERIFY WITH TRAINING BULLETINS

Are You Training On Your Policies?

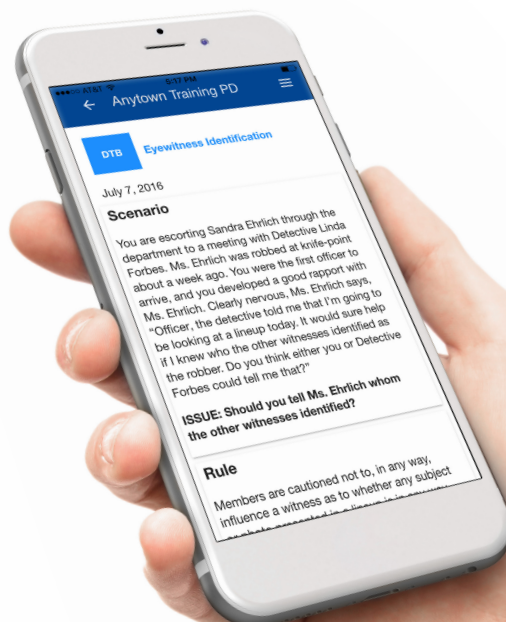
Even the best policy manual isn't as effective if it's not backed by ongoing training. Yet too often, public safety agencies merely ask personnel to acknowledge policies; they don't offer ongoing training. This creates the risk that personnel don't understand policy. It also leaves the organization vulnerable when something goes wrong and it's impossible to prove employees were trained on and understood agency policies.

Improve Policy Compliance

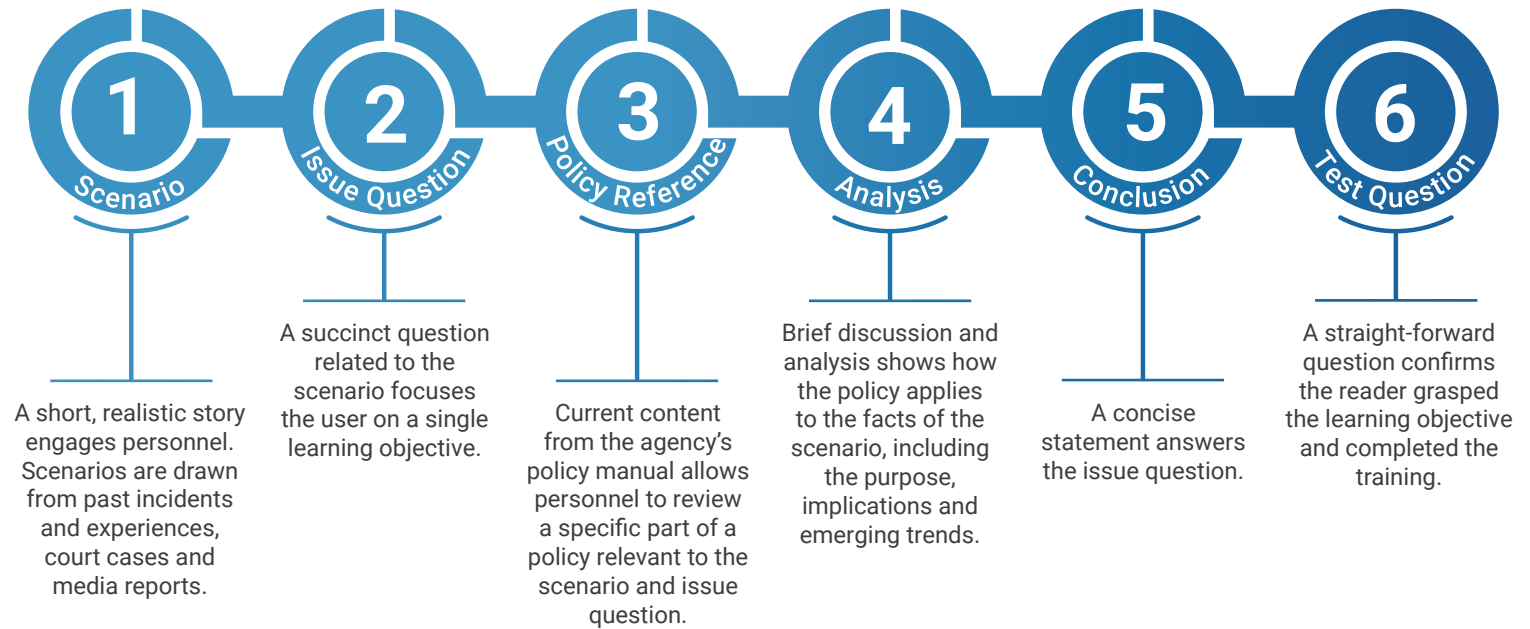
Lexipol's Daily Training Bulletins use a proven system of realistic, ongoing and verifiable training to help personnel learn to apply policies and improve their ability to make well-reasoned decisions. These brief, scenario-based lessons provide a convenient way to enhance your members' policy understanding and defend against claims that you failed to train.

Lexipol's Daily Training Bulletin service provides:

- Enhanced retention of policy content in just minutes a day
- Application of policies to real-world situations
- Ability to electronically issue training bulletins and track completion
- Reports that document training by topic and staff member
- 24/7 access via a web-based platform and mobile app



Anatomy of a Daily Training Bulletin



Training Designed To Protect

Scenario-based training covering high-risk, low-frequency events and core critical tasks, including:

Law Enforcement

- Preventing bias in policing
- Interacting with mentally ill persons
- Use of force
- Traffic stops
- Body-worn cameras

Fire

- Social media
- Personal protective equipment
- Critical incident stress debriefing
- Apparatus operation
- Response to violent incidents

Corrections

- Inmate classification
- Inmate safety checks
- PREA compliance
- Restrictive housing
- Mentally ill inmates

Plus, you can use Lexipol's technology platform to create custom training bulletins!

More Than 3,000 Public Safety Agencies In 35 States Trust Lexipol



"The Daily Training Bulletins [DTBs] make training on policy so simple. They give the officers an opportunity to review the policies using real-life scenarios, and we can easily track completion. Obviously a more thorough knowledge of the policy manual keeps the officers safer. And the DTBs are huge in helping us avoid litigation."

Chief Clifford Block
Midland (MI) Police Department



"The Daily Training Bulletins are a big asset. We now have a tool where an employee can log in any time, be given a policy to review, and complete a test. It shows that the employees have been taken through the policy and understand it."

Chief Ted Martin
Branson (MO) Fire and Rescue

Due to COVID-19 restrictions, most meetings will be held virtually. Please continue to check <http://pvkansas.com> for access details.

MAYOR'S ANNOUNCEMENTS
Monday, March 1, 2021

Planning Commission	03/02/2021	7:00 p.m.
Insurance Committee	03/03/2021	4:00 p.m.
Tree Board	03/03/2021	6:00 p.m.
Parks and Recreation	03/10/2021	5:30 p.m.
Arts Council	03/10/2021	5:30 p.m.
City Council	03/15/2021	6:00 p.m.
Environmental Committee	03/24/2021	7:00 p.m.
VillageFest Committee	03/25/2021	5:30 p.m.

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INFORMATIONAL ITEMS
March 1, 2021

1. Proclamation recognizing Ginger Powers' 90th birthday
2. Planning Commission minutes - January 5, 2021
3. March plan of action

CITY OF PRAIRIE VILLAGE

Proclamation

Ginger Powers' 90th Birthday

Whereas, Ginger Powers was born on March 24, 1931 in Kansas City, Missouri; and

Whereas, Ginger graduated from Baker University, and married Ed Powers in 1956; and

Whereas, Ginger and Ed became Prairie Village residents in 1970; and

Whereas, Ginger and Ed raised four children who attended Belinder Elementary and Shawnee Mission East: Ben, Sarah, Dick and Stephen, and hosted more than a dozen foreign exchange students; and

Whereas, Ginger now dotes on her eight grandchildren and one great-grandchild; and

Whereas, Ginger and Ed were instrumental in forming the All Souls Unitarian Church and the renovation of the Simpson House; and

Whereas, Ginger is an avid consumer and supporter of the arts, and is a gifted artist and master seamstress herself; and

Whereas, Ginger volunteers at a Kansas City public school reading to struggling children;

Now, therefore, I, Eric Mikkelson, Mayor of the City of Prairie Village, Kansas, do hereby recognize **Ginger Powers' 90th birthday** on March 24, 2021, and share my appreciation for all that she has brought to our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Prairie Village, Kansas, to be affixed at my office in the City of Prairie Village, Kansas, the 1st day of March, 2021.

Mayor Eric Mikkelson

Adam Geffert, City Clerk

PLANNING COMMISSION MINUTES JANUARY 5, 2021

ROLL CALL

The Planning Commission of the City of Prairie Village met in regular session on Tuesday, January 5, 2021 at 7:13 p.m. Due to the COVID-19 pandemic, Commission members attended a virtual meeting via the Zoom software platform. Chair Greg Wolf called the meeting to order at 7:13 p.m. with the following members present: Jonathan Birkel, James Breneman, Patrick Lenahan, Melissa Brown, Nancy Wallerstein, Jeffrey Valentino.

The following individuals were present via Zoom in their advisory capacity to the Planning Commission: Chris Brewster, Gould Evans; Jamie Robichaud, Deputy City Administrator; Mitch Dringman, City Building Official; Graham Smith, Gould Evans; Abby Kinney, Gould Evans; Ron Nelson, Council Liaison; Adam Geffert, City Clerk/Planning Commission Secretary.

APPROVAL OF MINUTES

Mr. Birkel moved for the approval of the minutes of the December 1, 2020 regular Planning Commission meeting as presented. Mr. Lenahan seconded the motion.

Mrs. Wallerstein asked that the concerns she raised about an additional building at the rear of the property that was not shown on the originally submitted plans for PC2020-123 be included in the minutes.

The motion to approve the minutes as amended passed 5-0, with Ms. Brown in abstention and Mr. Breneman in abstention due to technical issues.

PUBLIC HEARINGS

PC2021-101 Consider adoption of Village Vision 2.0, a revised comprehensive plan

Mr. Smith and Ms. Kinney stated that in the fall of 2018, the City Council authorized staff and the Planning Commission to begin working to update "Village Vision", the City's Comprehensive Plan. The original Village Vision was adopted in 2007, and many of the goals and implementation strategies outlined in that version had since been accomplished. After numerous work sessions with the Planning Commission and three public input meetings throughout 2019 and 2020, the draft of Village Vision 2.0 was presented to the City Council. The Council held three work sessions in the fall of 2020 to continue to work through Village Vision 2.0 and made the following changes to the document:

- Added definitions of housing affordability on pages 64-65 in Chapter 3: Implementation.
- Numbered definitions regarding allowable height and scale in village centers on page 52-59 were removed from the Comprehensive Plan, replaced instead by mentioning “multistory structures.” Text was updated regarding the height in village centers, calling for new development to reinforce existing development patterns (in both scale and height) with the exception that expanded height and scale might be considered if the developer was contributing to the Plan’s stated policies in an exceptional way, particularly when providing lower cost housing units.
- The Neighborhood Patterns section on page 68 generally discouraged lot splits, but stated that they may be considered when serving a higher public purpose and the policies outlined within the Comprehensive Plan.
- The Civic Campus section on page 62 was revised to remove specific mention of the YMCA in relation to the civic center project and general wording was revised to reflect that the “city remained committed to considering a community center at the appropriate time.”
- The 75th Street section on page 61 had been clarified to recommend consideration of a future street redesign for 75th Street when the time was appropriate, advancing a more specific process with robust public input.

Mr. Birkel asked about accessory dwelling units (ADUs) being located in close proximity to village centers in an effort to promote walking and connectivity between surrounding neighborhoods. Mr. Smith stated that the plan treated the location of ADUs near village centers as an area of emphasis, adding that even though there wasn’t a specific implementation measure to draw boundaries, it was a policy within the plan.

Mr. Wolf opened the public hearing at 7:44 p.m.

Todd Bleakley, 8621 Delmar, shared his thoughts on the affordable housing aspects of the plan. He stated that at the present time, single-family homes were in higher demand, and that subsidizing affordable housing to achieve social diversity was not the role of the City.

With no one else present to speak, Mr. Wolf closed the public hearing at 7:51 p.m.

Mr. Valentino discussed some of the edits made by the Council, specifically the change to building height allowances for village centers to “multi-story structures.” He shared concern that the new language introduced too much vagueness to the plan. Mr. Birkel agreed.

Mr. Breneman asked if the “multi-story” language was requested by Council. Ms. Robichaud stated that it was, noting that several Councilmembers were apprehensive about potentially allowing five-story buildings in every village center in the City, since development patterns and styles differed from one center to the next, and while up to 5

stories might work at the shopping center at 95th and Nall, it wouldn't fit in with the existing scale and form in established Village Centers like Corinth Square and the Village Shops.

Mr. Lenahan added that studies on each individual area might end up being required to achieve more precise recommendations. Mr. Valentino said that with the amended language, the City wasn't sending a consistent or specific message to residents and developers. Mrs. Wallerstein suggested that the Commission make a commitment to review the document on a yearly basis to determine what, if any, modifications might be beneficial.

After further discussion, Mr. Valentino made a motion to recommend approval of the comprehensive plan to the City Council as presented, with the condition that per state statute and municipal code, the Planning Commission would commit to review the plan every year and make necessary and relevant recommendations to the City Council for amendments as needed. Mr. Birkel seconded the motion, which passed 7-0.

NON-PUBLIC HEARINGS

PC2020-123 Site Plan Approval for Exception to Neighborhood Design Standards
3111 W. 79th Street
Zoning: R-1A
Applicant: David Herron

Mr. Brewster stated that the applicant was seeking an exception to the Neighborhood Design Standards, related to the construction of a new house. Specifically, the applicant requested an exception to Section 19.06.025.D.1 regarding building massing and windows. Mr. Brewster added that the application had been continued from the December 2020 meeting, at which the Planning Commission had requested that the applicant modify his design plan to include more glass on the north (front) and west sides of the home.

Property owner David Herron, 3117 W. 79th Street, was present to speak about the application. He shared a presentation detailing the modified design of the home, noting that he had made significant changes to better meet the glazing requirements, including adding additional windows on the north and west elevations.

Mr. Valentino made a motion to approve the application as presented. Mr. Breneman seconded the motion, which passed 7-0.

OTHER BUSINESS

Election of Officers

Ms. Brown made a motion to reelect the current slate of officers:

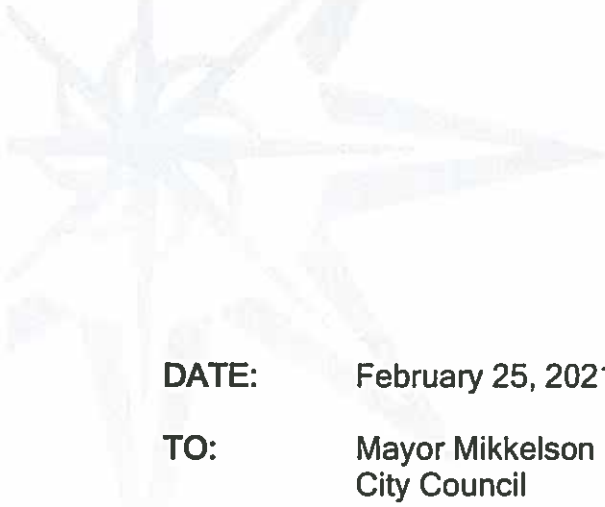
- Mr. Wolf, Chair
- Mr. Breneman, Vice-Chair
- Mr. Geffert, Secretary

The motion was seconded by Mrs. Wallerstein, and passed 5-0, with Mr. Wolf and Mr. Breneman in abstention.

ADJOURNMENT

With no further business to come before the Commission, Chair Greg Wolf adjourned the meeting at 8:54 p.m.

Greg Wolf
Chair



THE CITY OF PRAIRIE VILLAGE

STAR OF KANSAS

DATE: February 25, 2021

TO: Mayor Mikkelson
City Council

FROM: Wes Jordan 

SUBJECT: MARCH PLAN OF ACTION

The following projects will be initiated during the month of March:

- Renewable Energy Addendum w/Everygy & Update - Wes/David (03/21)
- "SevenDays" Project Support - Meghan (03/21)
- PV Foundation Meeting - Meghan (03/21)
- 2021 Exterior Grant Applications - Jamie/Penny/Cindy (03/21)
- 2021 Budget Process - Staff (03/21)
 - Council Goals & Objectives
 - Committee Funding Requests
 - Decision Packages
 - Insurance Cost Assumptions
 - Personnel Assumptions
 - Reappraisal Projections
 - Preliminary Revenue Estimates Report
- Large Item Pickup Coordination/Promotion - Adam/Ashley (03/21)
- Consider Smoking Ban in Parks - Meghan (03/21) [[Park & Rec Agenda](#)]
- VillageFest Feasibility and Planning - Meghan (03/21)
- JazzFest Feasibility and Planning - Meghan (03/21)
- IS Tech Specialist Hiring Process - Tim Schwartzkopf (03/21)
- 2020 Financial Audit - Nickie (03/21)

In Progress

- Review Alternative Changes to the Marijuana Ordinance - Tim (02/21)
- 2020 Annual Report - Ashley/Staff (02/21)
- Annual Statements of Financial Interest - Adam (02/21)
- 2020 Audit Preparation - Nickie (02/21)
- Master Personnel Spreadsheet Updates - Cindy/Jamie/Nickie (01/21)
- Special Event Coordinator Hiring Process - Meghan (01/21)
- Pool Reopening Plan - Meghan (01/21)
- 2021 Pool Staffing/Hiring - Meghan/Suzanne (01/21)
- Orientation Process for New Volunteer Committee Members - Staff (12/20)

- Geothermal Software Upgrade - PW (10/20)
- E/V Charging Station Installation - Meghan/PW (10/20)
- Dynamhex Implementation - Meghan (10/20)
- Historic Trail Signage - Keith (09/20)
- Tree Protection Zoning Consideration - Staff (08/20)
- Bias Training - Byron (07/20)
- Energy Efficiency Audit Public Buildings - David McAuliffe (04/20)
- 2018 Building Code Adoption - Jamie/Mitch (01/20)
- PW New Facility Planning - Keith (09/19)
- Memorial Plaques in Parks Criteria Review - Staff (08/19)
- JOCO Municipalities Housing Study Task Force - Jamie (07/19)
- Research Viability of Interior Rental Inspections - Jamie (06/19)
- Statuary Maintenance Plan - Meghan (05/19)
- Property Maintenance Code Revisions - Jamie (03/19)
- Contractor's License Requirements/Revisions - Jamie (03/19)
- Personnel Policy Updates - Cindy/Jamie (07/18)
- Organization of City Records/Contracts - Adam (05/19)
- Sustainability Grant Program - Jamie (02/20)

Completed

- Review of the Virtual Court Process - Tim/Wes (11/20)
- Finalize Insurance Renewal Reports - Nickie/Jamie/Cindy (02/21)
- Annual Meetings with County/State Elected Officials - Jamie/Wes/Mayor (11/20)
- AT&T Small Cell Agreement - Jamie/Keith/David (01/21)
- Restrictive Deed Restrictions/By-Laws - Tim/David (02/21)
- 2021 Budget Calendar Review & Presentation - Nickie/Wes (02/21)
- Village Voice Articles/Publication - Ashley (02/21)
- Volunteer Committee Appointments - Staff (02/21)
- Hazard Mitigation Plan Agreement w/County - Tim (01/21)
- Coordination of Marijuana Agenda Item (Inga/Ian request) - Tim (01/21)
- 2021 Recreation Fees - Meghan (01/21)
- Annual Health Risk Assessments - Cindy (01/21)
- JCPRD Programming - Meghan (01/21)
- Diversity Task Force - Mayor/Staff (09/20)
- Pool Opening Plan Update to Council - Meghan (02/21)

Removed

- Consideration of Fireworks Display - Meghan (02/21) [no request has been made by Committee or other Community Partner]
- Superpass Agreement - Meghan (01/21) [COVID-19 preventive protocols will preclude such agreement in 2021]

Tabled Initiatives

- 20/20 Fitness Business Introduction to Council - Wes (04/20) [delayed]
- Civic Center Action Plan - Staff (03/20) [on hold]
 - Bond Capacity Discussion w/Council - Jeff White [completed]
 - Framework of Partnership Agreements with YMCA & Library
 - MOU - Public Engagement & Site Design
- Review & update the City Code/Ordinances
- Review & Update City Policies
- Review of Smoking Ordinance/e-cigs
- Sculpture Unveiling - Keith (11/19) [delayed]
- Single Use Plastic Bag Discussion - Staff (02/20) [pending Council direction]