

CHAPTER 4.

BUILDINGS AND CONSTRUCTION

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ARTICLE 1. INTERNATIONAL AND NATIONAL CODES

4-101. DEFINITIONS.

As used in this article, the words and phrases herein defined shall have the following meanings unless the context otherwise requires:

- (a) Whenever the word municipality is used in the building code, it shall be held to mean the City of Westwood, Kansas;
- (b) Whenever the term corporation counsel is used in the building code, it shall be held to mean the city attorney of the City of Westwood;
- (c) Whenever the terms building official and code official are used in the building code, it shall be held to mean the building official or his or her authorized designee.
- (d) Builder or building contractor defined.
 - (1) A builder or building contractor for purposes of this article shall be any person, firm, co-partnership, corporation, association, or any combination thereof, whether a resident or not of the city:
 - (A) Who or which undertakes with or for another, for a fixed sum, price, fee or any compensation other than wages, to build, construct, alter, repair, add to, wreck or move any building or structure (or any portion thereof), or any sidewalk, driveway entrance or structure in any street, or any advertising sign, panel poster or billboard, or any other structure, in the city, for which a building or construction permit may now or hereafter be required by the laws of the city; or

(B) Who or which advertises or represents himself, herself, or itself to the public to have the capacity or ability to undertake, or submit a bid or offer to build, construct, alter, repair, add to or wreck, remove, restore, or replace any building, structure or construction work or any portion thereof; or

(C) Who or which builds, constructs, alters, adds to or wrecks any buildings or structures either on his or her own or other property for purposes of sale or speculation.

(2) A builder or building contractor as defined shall not mean or include:

(A) Any subcontractor working under the supervision of a general contractor; or

(B) Any plumbers, gas fitters, electricians, or other specialized occupation for which special licenses or bonds are required by other laws; or

(C) Any owner or his or her authorized agents or employees making ordinary repairs to his, her or its own building or structure not involving the structural parts of the building for which a permit is not required or on which a contractor, as defined, is not required, employed or engaged to perform; or ¹

(D) Any property owner personally performing any improvements, alterations or building construction within or upon his or her own residence and intended for his or her own personal use and permanent occupancy; provided, the owner shall satisfy the building official as to his or her ability to perform such work, secure a permit, pay required fees, do work in accordance with this article, and apply for an inspection and receive approval. Personal building construction by an owner under this section shall be by himself, herself, for himself or herself on his or her own residence, without compensation and no person shall be employed to assist him or her in any way on such work except a builder or building contractor.

(Code 2008, § 4-101; Ord. No. 1009, § 1(4-101), 3-11-2021)

4-102. CONFLICT CLAUSE.

In the event there is a conflict between a provision in any code adopted by reference in Articles 2-9 herein, with an ordinance passed by the governing body of the City of Westwood, the Westwood ordinance shall prevail.

(Code 2008, § 4-101; Ord. No. 1009, § 1(4-102), 3-11-2021)

4-103. CLARIFICATION; MODIFICATION

(a) The building official shall have power to modify any of the provisions of the building code upon application in writing by the owner or lessee or his or her authorized agent when there are practical difficulties in the way of carrying out the strict letter of the code. In approving modifications, the building official shall see that the spirit of the code is observed, public safety secured, and substantial justice done. The particulars of a

¹ **Legal analysis: 4-101. DEFINITIONS, (d)(2)(C).** Please verify whether the city intended for this to indicate "...ordinary repairs...*not* involving the structural parts of the building for which a permit is *not* required..."

modification when granted or allowed and the decision of the inspector thereon shall be entered upon the records of the building official and a signed copy shall be furnished to the applicant.

(Ord. No. 1009, § 1(4-103), 3-11-2021)

4-104. BOARD OF BUILDING CODE APPEALS

(a) A Board of Building Code Appeals shall determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of the codes incorporated in this Chapter. The Board of Building Code Appeals shall be the final determiner of the scope and meaning of all provisions of the building code which may be unclear, ambiguous, or requiring interpretation.

(b) The Board of Building Code Appeals shall consist of five members appointed by the Mayor and approved by the appellant on an as-needed, case-by-case basis when an appeal is filed with the City Clerk.

(c) All appeals to the Board of Code Appeals by any party aggrieved by any order or decision shall be filed in writing with the City Clerk. Every appeal shall be taken within thirty (30) days from the date of the order or decision from which the appeal is taken. Each appeal shall be accompanied by a fee sufficient to cover the costs of the appeal which amount shall be determined by the Clerk. In determining such amount, the Clerk shall take into account only the costs of notice and other non-administrative costs. The final disposition of any appeal to the Board shall be in the form of a resolution, which shall affirm, modify or reverse the order or decision from which the appeal is taken.

(d) The Board of Code Appeals shall keep minutes of its proceedings, showing a summary of evidence presented at the hearing, the findings of fact by the Board, the decisions of the Board, and the vote of each member upon each question. Prior to taking binding action, the Board may take under deliberation all matters presented at the hearing. If any member is absent from a hearing or fails to vote, the minutes shall reflect this fact. All minutes and records shall be filed in the office of the City Clerk and shall be a public record.

(e) Any person aggrieved by any action or inaction of the Board of Code Appeals may appeal the same to the District Court of Johnson County, Kansas pursuant to K.S.A. 60-2101(d), and amendments thereto. (~~Ordinance 1009~~)
(Ord. No. 1009, § 1(4-104), 3-11-2021)

4-105. LIABILITY.

This article shall not be construed to relieve from any liability or lessen the liability of any person performing any activity connected herewith, nor shall the city be held as assuming any liability by reason of any inspection authorized herein, by reason of any certificate of inspection issued by it or by reason of any permit or license granted herein.

(Ord. No. 1009, § 1(4-105), 3-11-2021)

ARTICLE 2. BUILDING CODE

4-201. INCORPORATING THE 2018 EDITION OF THE INTERNATIONAL

BUILDING CODE.

There is hereby incorporated by reference for the purpose of regulating building and construction practices and to provide for the public safety and welfare within the corporate limits of the City of Westwood, Kansas, that certain document known as the "International Building Code," 2018 Edition, excluding all appendices, as published by the International Code Council, Inc., save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than two (2) copies of the International Building Code shall be marked or stamped "Official Copy as incorporated by ordinance No.1010," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or changes and to which shall be attached a copy of this ordinance and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. One such copy, however, may be in electronic form, provided that any changes or amendments are attached to or recorded in such electronic format so as to be readily understood.

(Code 2008, § 4-201; Ord. No. 1010, § 1(4-201), 3-11-2021)

4-202. REVISED, AMENDED, OR DELETED SECTIONS OF THE ~~2003~~ 2018 EDITION OF THE INTERNATIONAL BUILDING CODE: ²

The following sections of the International Building Code shall be revised, amended, or deleted:

(a) Section 101.1, entitled "Title," shall be amended to read "These regulations shall be known as the Building Code of the City of Westwood, Kansas, hereinafter referred to as "this code.""

(b) Section 101.2, entitled "Scope," shall be amended to read as follows: "Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code as amended."

(c) Section 101.4.4, entitled "Property maintenance," shall be amended such that: "International Property Maintenance Code" shall be replaced with "City Code of Westwood" as shall any other references in this code.

(d) Section 101.4.8 shall be added to read: "101.4.8 Electrical. The provisions of the 2017 National Electrical Code, as amended, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto."

(f) Section 105.1.3 is hereby added to read as follows: "105.1.3 COUNTY LICENSE REQUIRED. All persons undertaking work which requires a permit as provided in Section 105, or seeking to obtain that permit from the City, are required to have a currently valid contractor's license from the Johnson County Contractor's Licensing Program. That County license shall have been issued by the County in accordance with the provisions of the

² **Legal analysis: 4-202. REVISED, AMENDED, OR DELETED SECTIONS.** Revise heading to indicate the 2018 edition.

Johnson County Contractors Licensing Program and the Contractor Licensing Regulations adopted by the Board of County Commissioners by Resolution 058-01 on August 9, 2001, and any regulations subsequently adopted by the Contractor Licensing Review Board as authorized by said County Licensing Regulations, as said Resolution and regulations may be amended from time to time by said Boards.

Exception: The owner of a single family dwelling shall be allowed to secure a permit to construct, alter or repair said dwelling provided the following conditions are met: (1) the homeowner currently occupies the dwelling or will occupy the dwelling once the construction has been completed; and (2) the homeowner undertakes the work himself/herself, 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 Johnson County. 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.

(g) Section 105.2, entitled "Work exempt from permit," shall be revised to and amended to delete the following exemptions from the permit requirement under "Building:":

(1) One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet (11.15 square meters).

(2) Fences not over 6 feet (1829 mm) high.

(3) Oil derricks.

(4) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.

(5) Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.

(h) Section 105.2, entitled "Work exempt from permit," shall also be revised and amended for exemption 9 under "Building," to read "Prefabricated swimming pools which are less than 12 inches deep."

(i) Section 105.3.2, "Time limit of application," shall be amended to read as follows: "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 180 days each. The extension or extensions shall be requested in writing and justifiable cause demonstrated."

(j) Section 109.3, entitled "Building Permit Valuations," shall be amended to add the following sentence at the end of said provision: "Alternatively, building permit fees may be set and established administratively by the City according to the schedule as established by the City and as amended."

(k) Section 109.4, entitled "Work commencing before permit issuance" shall be amended

to read; "Any person who commences work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits, shall be subject to a fee equal to one half of the permit fee, in addition to required fees.

(l) Section 113.1, entitled "General," shall be amended to read as set out in section 4-104 of the City Code.

(m) Section 114.4, entitled "Violation penalties," shall be amended to add the following at the end of said provision: "In addition to any administrative remedies or other legal or equitable remedies provided, any persons violating the provisions of this code shall, upon conviction thereof, be fined in a sum not to exceed \$500.00, or be imprisoned not to exceed six months or be both so fined and imprisoned. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the city ordinances is committed, continued or permitted by any such person."

(n) Section 115.2, entitled "Issuance" (Stop Work Order) shall be amended by adding to the first sentence, "or by posting the notice on the property in a conspicuous place."

(o) Section 1612.3, entitled "Establishment of flood hazard area," shall be deleted, and in lieu thereof, shall be inserted the following: "To establish flood hazard areas, the City of Westwood may adopt a flood hazard map and supporting data. If and when the city undertakes such a task, such shall comply with the requirements of Section 1612.3 and shall be incorporated into the city's code requirements."

(p) Section 2701.1, entitled "Scope," is hereby changed to read; "This chapter governs the electrical components, equipment and systems used in buildings and structures covered by this Code. Electrical components, equipment and systems shall be designed and constructed in accordance with the 2017 National Electrical Code."

(q) Chapter 32, entitled "Encroachments into the Public Right-of-Way", shall be deleted in its entirety.

(Code 2008, § 4-202; Ord. No. 1010, § 1(4-202), 3-11-2021)

ARTICLE 3. RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS

4-301. INCORPORATING THE 2018 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE-AND TWO-FAMILY DWELLINGS.

There is hereby incorporated by reference for the purpose of regulating building and construction practices and to provide for the public safety and welfare within the corporate limits of the City of Westwood, Kansas, that certain document known as the "International Residential Code for One- and Two-Family Dwellings," 2018 Edition, including Appendix Chapters F, H, J, K and N as published by the International Code Council, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. However, with respect to Appendix F, Radon Control Methods, this Appendix shall apply only to the construction of new residential structures and shall not apply to additions to or the remodeling of existing residential structures. No fewer than two (2) copies of the International Residential Code for One- and Two-Family Dwellings shall be marked or stamped "Official Copy as incorporated by ordinance No. 1011" with all sections

or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. One such copy, however, may be in electronic form, provided that any changes or amendments are attached to or recorded in such electronic format so as to be readily understood. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such International Residential Code for One- and Two-Family Dwellings similarly marked, as may be deemed expedient.
(Code 2008, § 4-301; Ord. No. 1011, § 1(4-301), 3-11-2021)

4-302. REVISED, AMENDED, OR DELETED SECTIONS OF THE ~~2003~~ 2018 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE-AND TWO-FAMILY DWELLINGS. ³

The following sections of the International Residential Code for One-and Two-Family Dwellings 2018 Edition shall be revised, amended, or deleted:

- (a) Section R101.1, entitled "Title," shall be amended to read: "These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the City of Westwood, Kansas, and shall be cited as such and will be referred to herein as "this code.""
- (b) Section R105.2, entitled "Work exempt from permit," shall be revised and amended to delete exemptions 1, 2, 3, 4, 5, 7, 9 and 10 from the permit requirement under the heading "Building":
- (c) Section R108.3, entitled "Building permit valuations," shall be amended to add the following sentence at the end of said provision: "Alternatively, building permit fees may be set and established administratively by the City according to the schedule as established by the City and as amended."
- (d) Section R108.6, entitled "Work commencing before permit issuance," shall be amended to read "Any person who commences work requiring a permit on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee equal to one half of the permit fee, in addition to required fees.
- (e) Section R112.1, entitled "General," shall be amended to read as set out in section 4-104 of the City Code.
- (f) Section R113.4, entitled "Violation penalties," shall be amended to add the following at the end of said provision: In addition to any administrative remedies or other legal or equitable remedies provided, any persons violating the provisions of this code shall, upon conviction thereof be fined in a sum not to exceed \$500.00, or be imprisoned not to exceed six months or be both so fined and imprisoned. Each person shall be guilty of a

³ **Legal analysis: 4-302. REVISED, AMENDED, OR DELETED SECTIONS.** Revise heading to indicate 2018 edition.

separate offense for each and every day during any portion of which any violation of any provision of the city ordinances is committed, continued or permitted by any such person.

(g) Section R114., entitled "Notice to Owner (Stop Work Order)" shall be amended so that the second sentence shall read; "The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work, or posted on the property in a conspicuous place; and shall state the conditions under which work will be permitted to resume."

(h) Section R201.3, entitled "Terms defined in other codes," shall be amended to read as follows: "Where terms are not defined in this code and are defined in the 2017 National Electrical Code, International Building Code, International Fire Code, the International Fuel Gas Code, or the International Mechanical Code, such terms shall have meanings ascribed to them as in those codes."

(i) Section R301.2, entitled "Climatic and geographic design criteria, shall be amended as follows: "The criteria herein shall be administratively established by the building official and inserted herein." Section R301.2, Table R301.2(1), is hereby amended to insert the criteria as follows:

Roof Snow Load: 20 pounds per square foot

Wind Speed: 90 miles per hour

Topographic effects: No

Seismic Design Category: A

Weathering: Severe

Frost Line Depth: 36 inches

Termite: Moderate to Heavy

Decay: Slight to Moderate

Winter Design Temperature: Six degrees Fahrenheit

Ice Barrier Underlayment Required: Yes

Flood Hazards: Latest adopted FIRM and FBFM documents

Air Freezing Index: 1000

Mean Annual Temperature: 54.7 degrees Fahrenheit

(j) Section R305.1, entitled "Minimum height," shall be amended to amend only the first sentence thereof to read as follows: "Habitable rooms, hallways, corridors, bathrooms, toilet rooms, laundry rooms and basements shall have a ceiling height of not less than 6 feet 8 inches." Also, the subparagraph of section R305.1, entitled "Exceptions 3.," shall be

amended to read as follows: "Not more than 50% of the required floor area of a room or space is permitted to have a sloped ceiling less than 5 feet, 8 inches in height with no portion of the required floor area less than 5 feet in height."

(k) Section R309.5, entitled "Fire Sprinklers," is hereby deleted in its entirety.

(l) Section R313, entitled "Automatic Fire Sprinkler Systems," is hereby deleted in its entirety.

(m) Section R401.1, entitled "Application," shall be amended by adding the following paragraph: "Foundation designs for one- and two-family dwellings may use the approved standards and designs provided in the Johnson County Residential Foundation Guidelines in lieu of the prescriptive requirements of Chapter 4 of this Code as approved by the Building Official."

(n) Section R403.1.1, entitled "Minimum size," is hereby added to read as follows: "The minimum size for all residential concrete footings shall be 8 inches in depth and 16 inches in width. Steel shall be minimum ½" in size with two (2) bars running parallel in the footing. Single story trench footings are to be a minimum of 12 inches in width. Footing projections shall be at least 2 inches and shall not exceed the thickness of the footing. The minimum load-bearing value of soil shall be 2,000 psf. Soils investigation reports are required when it appears the soil bearing value is below 2,000 psf, or when conditions exist as described in R401.4. Footings for structures with more than two stories shall be designed by a licensed Kansas engineer."

(o) Section R501.3, entitled "Fire protection of floors," is hereby amended to read as follows: "Floor assemblies not required elsewhere in this code to be fire resistance rated shall be provided with a ½ inch gypsum wallboard membrane, 5/8-inch wood structural membrane or equivalent on the underside of the floor framing member for open web-type floor truss systems and I joist systems.

Exceptions:

1. Floor systems located directly over a space protected by an automatic sprinkler system in accordance with Section P2904, NFPA 13D, or other approved systems.
2. Floor systems located directly over a crawl space not intended for storage or fuel fired appliances.
3. The aggregate area of the unprotected portions shall not exceed eighty square feet (80 sq. ft.)."

(p) Section R507.1, entitled "Decks," shall be amended by adding the following paragraph: "In lieu of the requirements of Section R507 Decks, the construction of decks and balconies may use the approved standards and designs provided in the latest edition of the Johnson County Building Officials Deck Design publication."

(q) Section R907.3, entitled "Recovering versus Replacement," is hereby amended to read as follows: "New roof coverings shall not be installed without first removing all existing layers of roof coverings down to the roof decking. Exception: Where the existing roof

assembly includes an ice barrier membrane that is adhered to the roof deck, the existing ice barrier membrane shall be permitted to remain in place and covered with an additional layer of ice barrier membrane in accordance with Section R905.”

(r) Section N1101.1, entitled “Scope,” is hereby amended to add the following paragraphs following the first paragraph:

“As an alternative to the provisions of Chapter 11 of this Code, structures validated by an accepted certified energy auditor to meet a HERS rating score of 85 or less shall be deemed to meet this Code. The energy auditor shall present their national certification credentials for review and approval by the Building Official prior to issuance of the permit.”

“Failure to meet with the compliance rating of 85 or less shall result in a “notice” to the owner that the structure has failed to comply with this Code. Such “notice” shall be signed by the contractor and the owner.”

(s) Table N1102.1.2 of the Residential Code is hereby amended as follows:

Table N1102.1.1

Insulation and Fenestration Requirements by Component^a

<i>Climate Zone</i>	<i>Fenestration U-Factor</i>	<i>Skylight U-Factor^b</i>	<i>Glazed Fenestration SHGC^b</i>	<i>Ceiling R-Value^e</i>	<i>Wood Frame Wall R-Value</i>	<i>Masonry Wall R-Value</i>	<i>Floor R-Value</i>	<i>Basement Wall R-Value^c</i>	<i>Slab R-Value & Depth^d</i>	<i>Crawl Space Wall R-Value^c</i>
4	0.35	0.55	0.4	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. No change.

f. No change.

g. No change.

h. Refers to wall cavity insulation minimum standards only.

i. The second R-value applies when more than half the insulation is on the interior of the mass wall.

j. Loose-fill insulation shall be installed at the rate recommended by the manufacturer's statement "so many bags per 1,000 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 R1102.2.

(t) Section N1102.4.1.2, entitled "Testing," is hereby amended to read as follows: "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.c. (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, fireplaces 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.

(u) Section N1103.3.5, entitled "Building Cavities (Mandatory)," shall be deleted in its entirety.

(v) Section N1103.5.3, entitled "Hot water pipe insulation (prescriptive)," shall be deleted in its entirety.

(w) Section P2503.4, entitled "Building Sewer Testing," is hereby amended to read as follows: "The building sewer shall be tested by insertion of a test plug at the point of

connection with the public sewer and filling the building sewer with water, testing with not less than a ten (10') foot head of water and be able to maintain such pressure for fifteen (15) minutes or by air, maintaining five (5) PSI for fifteen (15) minutes. This testing will be required when ordered by the Building Official."

(x) Section P2503.5, entitled "Drain, waste and vent systems testing," is hereby amended to read as follows: "Rough and finished plumbing installations shall be tested in accordance with Sections P2503.5.1 and P2503.5.2. This testing will be required when ordered by the Building Official."

(y) Section P2903.4, entitled "Thermal expansion control," is hereby amended to read: "A means for controlling increased pressure caused by thermal expansion shall be installed in each dwelling unit. A thermal expansion tank shall be the means in which to control thermal expansion. At the time a water heater is new or replaced, a thermal expansion tank shall be installed.

Exception: In cases where a thermal expansion tank is not feasible, the Code Official shall determine an approved method of thermal expansion control.

(z) Section P2904, entitled "DWELLING UNIT FIRE SPRINKLER SYSTEMS," is hereby to be used as a reference for standards and requirements only if a sprinkler system is installed. Automatic Fire Sprinkler systems (section R313) are deleted from the requirements of this code adoption.

(aa) Section P3114.1, entitled "Air admittance valves, General," is hereby amended to read as follows: "Vent systems using air admittance valves shall comply with this section. Individual and branch type air admittance valves shall conform to ASSE 1051. Stack-type air admittance valves shall conform to ASSE 1050. The use of air admittance valves shall only be done so by the approval of the Building Official."

(bb) Section E3902.2, entitled "Garage and accessory building receptacles," is hereby amended to read as follows: "All 125-volt single phase 15 or 20 ampere receptacles installed in garages and grade level portions of accessory buildings used for storage or work areas shall have ground fault circuit interrupter protection for personnel.

Exceptions:

1. Receptacles that are not readily accessible such as a ceiling mounted receptacle for a garage door opener.
2. A single receptacle supplying a dedicated branch circuit that is located and identified for a specific use by a cord and plug connected appliance such as a refrigerator, freezer, or a central vacuum system."

(cc) Section E3902.5, entitled "Unfinished basement receptacles," is hereby amended to read as follows: "All 125-volt single phase 15 and 20 ampere receptacles installed in unfinished basements shall have ground-fault circuit interrupter protection for personnel. For purposes of this section, unfinished basements are defined as portions or areas of the basement not intended as habitable rooms and limited to storage areas, work areas and the like.

Exceptions:

1. A dedicated receptacle supplying only a permanently installed fire alarm or burglar alarm system.
2. Single dedicated receptacles supplying a sump pump.
3. A single receptacle supplying a dedicated branch circuit that is located and identified for a specific use by a cord and plug connected appliance such as a refrigerator, freezer, or a central vacuum system."

(dd) Section E3902.16, entitled "Arc-fault circuit interrupter protection," is hereby amended to read as follows: "All branch circuits that supply 120-volt single phase 15 and 20 ampere outlets installed in libraries, dens, bedrooms, closets and similar rooms or areas shall be protected by a combination type arc-fault circuit interrupter installed to provide protection of the branch circuit. Other rooms, such as family rooms, dining rooms, living rooms, parlors, sunrooms, recreation rooms, hallways and similar rooms or areas are exempt from this requirement. For these purposes a smoke alarm shall not be considered an outlet and is not required to be on an arc-fault circuit. Isolated circuits serving smoke detectors and/or carbon monoxide detectors shall be exempt from arc-fault protection.

Exceptions:

1. Where an outlet branch circuit type AFCI is installed at the first outlet to provide protection for the remaining portion of the branch circuit, the portion of the branch circuit between the branch circuit overcurrent device and the first outlet shall be installed with metal outlet and junction boxes and RMC, IMC, EMT, type MC, or steel armored type AC cables meeting the requirements of Section E3908.8
2. Where an outlet branch circuit type AFCI is installed at the first outlet to provide protection for the remaining portion of the branch circuit the portion of the branch circuit between the branch circuit overcurrent device and the first outlet shall be installed with metal or nonmetallic conduit or tubing that is encased in not less than 2 inches of concrete.
3. AFCI protection is not required for an individual branch circuit supplying only a fire alarm system where the branch circuit is wired with metal outlet and junction boxes and RMC, IMC, EMT, or steel-sheathed armored cable, Type AC or Type MC, meeting the requirements of Section E3908.8.
(Code 2008, § 4-302; Ord. No. 1011, § 1(4-302), 3-11-2021)

ARTICLE 4. EXISTING BUILDING CODE

4-401. INCORPORATING THE 2018 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE.

There is hereby incorporated by reference for the purpose of regulating building and construction practices and to provide for the public safety and welfare within the corporate limits of the City of Westwood, Kansas, that certain document known as the "International

Existing Building Code" 2018 Edition, including Appendix B as published by the International Code Council, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than two (2) copies of the International Existing Building Code shall be marked or stamped "Official Copy as incorporated by ordinance No. 1012," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. One such copy, however, may be in electronic form, provided that any changes or amendments are attached to or recorded in such electronic format as to be readily understood. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such International Existing Building Code similarly marked, as may be deemed expedient. (Code 2008, § 4-901; Ord. No. 1012, § 1(4-401), 3-11-2021)

4-402. REVISED, AMENDED; OR DELETED SECTIONS OF THE 2018 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE.

The following sections of the International Existing Building Code 2018 Edition shall be revised, amended, or deleted:

(a) Section 101.1, entitled "Title," shall be amended to read: "These regulations shall be known as the International Existing Building Code of the City of Westwood, Kansas, hereinafter referred to as "this code."

(b) Section 105.2, entitled "Work Exempt from Permit," shall be amended to delete the following exemptions from the permit requirements:

(1) Sidewalks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below.

(2) Window awnings supported by an exterior wall.

(c) Section R112.1, entitled "General," shall be amended to read as set out in section 4-104 of the City Code.

(d) Section 113.4, entitled "Violation penalties," shall be amended to add the following:

In addition to any administrative remedies or other legal or equitable remedies provided, any persons violating the provisions of this code shall, upon conviction thereof, be fined in a sum not to exceed \$500.00, or be imprisoned not to exceed six months or be both so fined and imprisoned. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the city ordinances is committed, continued or permitted by any such person.

(e) Section 114.2, entitled "Issuance (Stop Work Order)," shall be amended to add to the first sentence, "or posted on the property in a conspicuous place."

(f) Section 201.3, entitled "Terms defined in other codes," shall be amended to add after the term "other International Codes," the term "and the National Electrical Code."

(Code 2008, § 4-902; Ord. No. 1012, § 1(4-402), 3-11-2021)

ARTICLE 5. FIRE CODE

4-501. INCORPORATING THE 2018 EDITION OF THE INTERNATIONAL FIRE CODE.

There is hereby incorporated by reference for the purpose of regulating building and construction practices and to provide for the public safety and welfare within the corporate limits of the City of Westwood, Kansas, that certain document known as the "International Fire Code" 2018 Edition, including Appendices B, C, D, E, F, H and I, and excluding all other Appendices, as published by the International Code Council, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than two (2) copies of the International Fire Code shall be marked or stamped "Official Copy as incorporated by ordinance No.1013," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. One such copy, however, may be in electronic form, provided that any changes or amendments are attached to or recorded in such electronic format so as to be readily understood. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such International Fire Code similarly marked, as may be deemed expedient.

(Code 2008, § 4-501; Ord. No. 1013, § 1(4-501), 3-11-2021)

4-502. REVISED, AMENDED, OR DELETED SECTIONS OF THE 2018 EDITION OF THE INTERNATIONAL FIRE CODE.

The following sections of the International Fire Code 2018 Edition shall be revised, amended, or deleted:

(a) Section 101.1, entitled "Title," shall be amended to read as follows: "These regulations shall be known as the International Fire Code of the City of Westwood, Kansas, hereinafter referred to as 'this code.'"

(b) Section 103.2, entitled "Appointment," is hereby amended to read as follows: "The Fire Code Official shall also be known as Consolidated Fire District #2 of Johnson County, Kansas and/or the Building Official."

(c) Section 105.1.1, entitled "Permits required," shall be amended to add a final sentence as follows: "The fees for this code and the permits therefor shall be set and established administratively by the City according to the schedule as established by the City and as amended."

(d) Section 105.7, entitled "Required Construction Permits," shall be amended to read as follows: "The building official is authorized to issue construction permits for work as set forth in sections 105.7.1 to 105.7.25. Consolidated Fire District #2 requires and is authorized to issue separate permits for new construction, tenant finishes, installation of new or modification of existing fire sprinkler systems, fire alarm systems and/or

commercial cooking suppression systems.”

(e) Section 109.1, entitled “General,” shall be amended to read as set out in section 4-104 of the City Code.

(f) Section 110.4, entitled “Violation penalties,” shall be amended to read as follows: “In addition to any administrative remedies or other legal or equitable remedies provided, any persons violating the provisions of this code shall, upon conviction thereof, be fined in a sum not to exceed \$500.00, or be imprisoned not to exceed six months or be both so fined and imprisoned. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the city ordinances is committed, continued or permitted by any such person.”

(g) Section 112.2, entitled “Issuance (Stop Work Order)” shall be amended to add to the first sentence, “or posted on the property in a conspicuous place.”

(h) Section 112.4, entitled “Failure to comply,” shall be amended to read as follows: “Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a violation of this code, and punished in accordance herewith.”

(i) Section 201.3, entitled “Terms defined in other codes,” shall be amended to read as follows: “Where terms are not defined in this code and are defined in the 2017 National Electrical Code, and 2018 International Building Code, the International Fuel Gas Code, International Mechanical Code, or International Plumbing Code, such terms shall have meanings ascribed to them as in those codes.”

(j) Section 501.3, entitled “Construction Documents,” shall be amended to read as follows: “Construction documents for proposed fire apparatus roads, locations of fire lanes, or security gates across fire apparatus access; and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the Building Code Official and Fire District #2 of Johnson County, Kansas for review and approval prior to construction.”

(k) Section 5706.2.4.4., entitled “Locations where above-ground tanks are prohibited,” shall be amended to read: “The storage of Class I and II liquids in above-ground tanks is prohibited anywhere in the city, except that a permit for such tanks may be granted by the Governing Body upon good cause shown and assurances by all competent sources that such tank poses no unreasonable threat or danger to persons or property.”

(Code 2008, § 4-502; Ord. No. 1013, § 1(4-502), 3-11-2021)

ARTICLE 6. PLUMBING CODE

4-601. INCORPORATING THE 2018 EDITION OF THE INTERNATIONAL PLUMBING CODE.

There is hereby incorporated by reference for the purpose of regulating building and construction practices and to provide for the public safety and welfare within the corporate limits of the City of Westwood, Kansas, that certain document known as the “International Plumbing Code” 2018 Edition, , including Appendix F, and excluding all other Appendix

Chapters; B, C, D, and E, as published by the International Code Council, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than two (2) copies of the International Plumbing Code shall be marked or stamped "Official Copy as incorporated by ordinance No. 1014," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. One such copy, however, may be in electronic form, provided that any changes or amendments are attached to or recorded in such electronic format to be readily understood. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such International Plumbing Code similarly marked, as may be deemed expedient.

(Code 2008, § 4-601; Ord. No.1014, § 1(4-601), 3-11-2021)

4-602. REVISED, AMENDED, OR DELETED SECTIONS OF THE 2018 EDITION OF THE INTERNATIONAL PLUMBING CODE.

The following sections of the International Plumbing Code 2018 Edition shall be revised, amended, or deleted:

(a) Section 101.1, entitled "Title," shall be amended to read: "These regulations shall be known as the International Plumbing Code of the City of Westwood, Kansas, hereinafter referred to as 'this code.'"

(b) Section 106.6.2, entitled "Fee schedule," shall be amended to read as follows: "The fees for all plumbing work and the permits therefor shall be set and established administratively by the City according to the schedule as established by the City and as amended."

(c) Section 106.6.3., entitled "Fee refunds," shall be amended to read as follows: "The building official is authorized to establish a refund policy."

(d) Section 108.4, entitled "Violation penalties," shall be amended to read as follows:

"Any person 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, or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code shall be guilty of a violation of this code. In addition to any administrative remedies or other legal or equitable remedies provided, any persons violating the provisions of this code shall, upon conviction thereof, be fined in a sum not to exceed \$500.00, or be imprisoned not to exceed six months or be both so fined and imprisoned. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the city ordinances is committed, continued or permitted by any such person."

(e) Section 108.5, entitled "Stop work orders," shall be amended so that the second sentence shall have added the following, "or posted on the property in a conspicuous place," and the final sentence thereof shall read: "any person who shall continue any work in or about the structure after having been served with a stop work order, except such

work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a violation of this code and punished in accordance herewith.”

(f) Section R109, entitled “Means of Appeal,” shall be amended to read as set out in section 4-104 of the City Code.

(g) Section 201.3, entitled “Terms defined in other codes,” shall be amended to read as follows: “Where terms are not defined in this code and are defined in the ~~2002~~ 2017 National Electrical Code, International Building Code, International Fire Code, the International Fuel Gas Code, or the International Mechanical Code, such terms shall have meanings ascribed to them as in those codes.” ⁴

(h) Section 305.6.1, entitled “Sewer depth,” shall be amended to read as follows: Building sewers shall be constructed in accordance with the requirements of Johnson County Wastewater.

(i) Section 701.3, entitled “Separate sewer connection,” shall be amended to read as follows: “All residential duplex units and or condominium/townhouse units shall have installed separate sanitary sewer service lines to each living unit from the main line to the living unit.”

(j) Section 702.3, Table 702.3, entitled “Building Sewer Pipe,” is hereby amended by removing the following pipes from the approved material list: “Vitrified clay pipe.”

(k) Section 702.4, Table 702.4, entitled “Pipe Fittings,” is hereby amended by removing the following pipes from the approved material list: “Vitrified clay pipe.”

(l) Section 903.1, entitled “Roof extension,” is hereby amended by inserting “12 in (305mm)” in place of [NUMBER].

(Code 2008, § 4-602; Ord. No. 1014, § 1(4-602), 3-11-2021)

ARTICLE 7. FUEL GAS CODE

4-701. INCORPORATING THE 2018 EDITION OF THE INTERNATIONAL FUEL GAS CODE.

There is hereby incorporated by reference for the purpose of regulating building and construction practices and to provide for the public safety and welfare within the corporate limits of the City of Westwood, Kansas, that certain document known as the “International Fuel Gas Code” 2018 Edition, including Appendices A, B, C and D, as published by the International Code Council, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than two (2) copies of the International Mechanical Code shall be marked or stamped “Official Copy as incorporated by ordinance No. 1015,” with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance and filed with the city clerk to be open to inspection and

⁴ **Legal analysis: 4-602. REVISED, AMENDED, OR DELETED SECTIONS, subsection (d).** Revise to indicate the 2017 edition of the National Electrical Code, as that is the version referred to elsewhere throughout this chapter.

available to the public at all reasonable hours. One such copy, however, may be in electronic form, provided that any changes or amendments are attached to or recorded in such electronic format so as to be readily understood. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such International Mechanical Code similarly marked, as may be deemed expedient. (Code 2008, § 4-701; Ord. No. 1015, § 1(4-701), 3-11-2021)

4-702. REVISED, AMENDED, OR DELETED SECTIONS OF THE 2018 EDITION OF THE INTERNATIONAL FUEL GAS CODE.

(a) Section 101.1, entitled "Title," shall be amended to read: "These regulations shall be known as the International Fuel Gas Code of the City of Westwood, Kansas, hereinafter referred to as 'this code.'"

(b) Section 106.6.2, entitled "Fee schedule," shall be amended to read as follows: "The fees for all fuel gas work and the permits therefor shall be set and established administratively by the City according to the schedule as established by the City and as amended."

(c) Section 108.4, entitled "Violation penalties," shall be amended to read as follows:

"Any person 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, or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code shall be guilty of a violation of this code. In addition to any administrative remedies or other legal or equitable remedies provided, any persons violating the provisions of this code shall, upon conviction thereof, be fined in a sum not to exceed \$500.00, or be imprisoned not to exceed six months or be both so fined and imprisoned. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the city ordinances is committed, continued or permitted by any such person."

(d) Section R109, entitled "Means of Appeal," shall be amended to read as set out in section 4-104 of the City Code.

(Code 2008, § 4-702; Ord. No. 1015, § 1(4-702), 3-11-2021)

ARTICLE 8. MECHANICAL CODE

4-401. INCORPORATING THE 2018 EDITION OF THE INTERNATIONAL MECHANICAL CODE.

There is hereby incorporated by reference for the purpose of regulating building and construction practices and to provide for the public safety and welfare within the corporate limits of the City of Westwood, Kansas, that certain document known as the "International Mechanical Code" 2018 Edition, including Appendix A., but excluding Appendix B., as published by the International Code Council, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than two (2) copies of the International Mechanical Code shall be marked or stamped "Official Copy as incorporated by ordinance No. 1016," with all sections or portions thereof intended to be

omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. One such copy, however, may be in electronic form, provided that any changes or amendments are attached to or recorded in such electronic format to be readily understood. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such International Mechanical Code similarly marked, as may be deemed expedient. (Code 2008, § 4-401; Ord. No. 1016, § 1(4-801), 3-11-2021)

4-402. REVISED, AMENDED, OR DELETED SECTIONS OF THE 2018 EDITION OF THE INTERNATIONAL MECHANICAL CODE.

The following sections of the International Mechanical Code 2018 Edition shall be revised, amended, or deleted:

(a) Section 101.1, entitled "Title," shall be amended to read: "These regulations shall be known as the Mechanical Code of the City of Westwood, Kansas, hereinafter referred to as 'this code.'"

(b) Section 106.5.2, entitled "Fee schedule," shall be amended to read as follows:

"The fees for mechanical work and the permits therefor shall be set and established administratively by the City according to the schedule as established by the City and as amended."

(c) Section 106.5.3, entitled "Fee refunds," shall be amended to read as follows: "The building official is authorized to establish a refund policy."

(d) Section 108.4, entitled "Violation penalties," shall be amended to read as follows:

"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, or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code shall be guilty of a violation of this code. In addition to any administrative remedies or other legal or equitable remedies provided, any persons violating the provisions of this code shall, upon conviction thereof, be fined in a sum not to exceed \$500.00, or be imprisoned not to exceed six months or be both so fined and imprisoned. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the city ordinances is committed, continued or permitted by any such person."

(e) Section 108.5, entitled "Stop work orders," shall be amended so that the following shall be added to the second sentence, "or shall be posted on the property in a conspicuous place," and the final sentence thereof shall read: "Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a violation of this code, and punished in accordance herewith."

(f) Section R109, entitled "Means of Appeal," shall be amended to read as set out in section 4-104 of the City Code.
(Code 2008, § 4-402; Ord. No. 1016, § 1(4-80), 3-11-2021)

ARTICLE 9. ELECTRICAL CODE

4-901. INCORPORATING THE 2017 EDITION OF THE NATIONAL ELECTRICAL CODE.

There is hereby incorporated by reference for the purpose of regulating building and construction practices and to provide for the public safety and welfare within the corporate limits of the City of Westwood, Kansas, that certain document known as the "National Electrical Code 2017 Edition," hereafter also known as "this code," as published by the National Fire Protection Association, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than two (2) copies of the National Electrical Code shall be marked or stamped "Official Copy as incorporated by ordinance No. 1017," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. One such copy, however, may be in electronic form, provided that any changes or amendments are attached to or recorded in such electronic format to be readily understood. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such National Electrical Code similarly marked, as may be deemed expedient.
(Code 2008, § 4-801; Ord. No. 1017, § 1(4-901), 3-11-2021)

4-902. AMENDED SECTION 90.4 OF THE 2017 EDITION OF THE NATIONAL ELECTRICAL CODE -

Section 90.4, entitled "Enforcement," is hereby amended to be replaced with the following paragraphs:

- (a) The National Electrical Code is intended to be suitable for mandatory application by governmental bodies that exercise legal jurisdiction over electrical installations, include signaling and communication systems, and for use by insurance inspectors. The authority having jurisdiction for enforcement of the Code has the responsibility for making interpretations of the rules, for deciding on the approval of equipment and materials and for granting the special permission contemplated in a number of the rules.
- (b) By Special permission, the authority having jurisdiction may waive special requirements in this Code or permit alternative methods where it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety.
- (c) This code may require new products, constructions, or materials that may not yet be available at the time the Code is adopted. In such event, the authority having jurisdiction may permit the use of the products, constructions, or materials that comply with the most recent previous edition of this Code adopted by the jurisdiction.
- (d) Existing Equipment Electrical conductors and equipment lawfully installed prior to the

effective date of this Code may have their existing use, maintenance or repair continued if the use, maintenance, or repair is in accordance with the original design and location and is not a hazard to life, health or property. The owner or his/her designated agent shall be responsible for adequate maintenance of electrical conductors and equipment.

(e) Right of Entry. Upon presentation of proper credentials, the building official or his/her duly authorized representatives may enter any building structure or premises in the City at reasonable hours to perform any duty imposed upon him/her by this Code.

(f) Stop Orders. Whenever any work is being done contrary to the provisions of this Code, the building official shall notify in writing the persons engaged in the doing or causing such work to be done of violations found specifying a period of time allowed to bring the work into code conformance.

(g) Authority to Condemn Equipment:

(1) Whenever the building official learns or ascertains that any electrical conductor or equipment as defined in this Code has become hazardous to life, health or property, he/she shall order in writing that such equipment be restored to a condition of safety or be dismantled or removed from its present location. The written notice shall fix a time limit for compliance with such order.

(2) The building official is authorized to have electrical current and/or fuel supply to equipment as defined in this Code sealed off by the proper utility supplier where such installation is done without permit or does not meet the provisions of this Code. Where electric current or fuel supply has been sealed off, it shall be unlawful for any unauthorized person to break such seal. Upon corrections being made to meet requirements set forth in this Code, the building official shall contact the proper utility supplier to approve the removal of such seal.

(h) Authority to Abate.

(1) Any portion of an electrical system found by the building official to be unsafe as defined herein is hereby declared to be a nuisance.

(2) Where a nuisance exists or an electrical system is maintained in violation of this Code, or any notice issued pursuant to this section, the building official shall require the nuisance or violation to be abated and where necessary shall seek such abatement in the manner provided by Law.

(i) Administrative Authority. The building official or authorized representatives shall be the authority duly appointed to enforce this Code.

(1) Violations. It shall be unlawful for any person, firm, or corporation to violate any of the provisions of this Code. The issuance or granting of a permit or approval of plans shall not prevent the building official from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on hereunder when in violation of this Code, or of any other Ordinance, or from revoking any certificate of approval when issued in error. Every permit issued by the building official under the provisions of this Code shall expire by limitation and become null and void if the

work authorized by such permit is not commenced within 180 days from date of issuance of such permit or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work provided no changes have been made or will be made in the original plans and specifications for such work and provided further that such suspension or abandonment has not exceeded one (1) year.

(2) 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, or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code shall be guilty of a violation of this code. In addition to any administrative remedies or other legal or equitable remedies provided, any persons violating the provisions of this code shall, upon conviction thereof, be fined in a sum not to exceed \$500.00, or be imprisoned not to exceed six months or be both so fined and imprisoned. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the city ordinances is committed, continued or permitted by any such person.

(3) Liability. The building official or any employee charged with the enforcement of this Code acting in good faith without malice for the jurisdiction in the discharge of his/her duties shall not thereby render himself liable personally and he/she hereby is relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reasons of any act or omission in the discharge of his/her duties. Any suit brought against the building official or his/her employees because of such act or omission performed by him/her in the enforcement of any provisions of this Code shall be defended by legal representation of the City until final termination of the proceeding.

(j) Permit Required:

(1) No installation, alteration or removal shall be made to the wiring of any building or structure for light, heat or power or to increase the load of energy carried by such wires or equipment, nor shall any building or structure be wired for electric lights, appliances, motors, apparatus or heating devices, nor shall alterations be made thereto without a permit being first issued by the City and applicable business and contractor licenses.

(2) The building official may in writing suspend or revoke a permit issued under provisions of this Code whenever the permit is issued in error or on the basis of incorrect information supplied or in violation of any Ordinance or regulation of any provisions of this Code.

(k) Permit fees. Permit fees shall be established administratively.

(l) The building official is authorized to establish a refund policy.

(m) Inspections. All work shall be subject to inspection by the building official or his/her appointed designee. Any portion of equipment which will be concealed prior to completion shall be subject to inspection prior to such work being concealed.

(n) Board of Building Code Appeals shall be the same as set out in section 4-104 of the

City Code.
(Ord. No. 1017, § 1(4-902), 3-11-2021)

4-903. REVISED, AMENDED, OR DELETED SECTIONS OF THE 2017 EDITION OF THE NATIONAL ELECTRICAL CODE:

(a) Section 210.12(A), entitled "Dwelling Units," shall be amended to read as follows: All 120-volt, single phase, 15- and 20-ampere branch circuits supplying outlets installed in dwelling unit bedrooms, dens, libraries, closets and similar rooms or areas shall be protected by a listed arc-fault circuit interrupter, combination-type, installed to provide protection of the branch circuit. Arc-fault circuit interrupters, combination types, will not be required for the family rooms, dining rooms, living rooms, parlors, sunrooms, recreation rooms, hallways or similar rooms or areas. Isolated circuits serving smoke detectors and/or carbon monoxide detectors shall be exempt from arc-fault protection.

(b) Section 310.1, entitled "Scope," shall be amended to read as follows: This Article covers general requirements for conductors and their type designations, insulations, markings, mechanical strengths, ampacity ratings and uses. These requirements do not apply to conductors that form an integral part of equipment such as motors, motor controllers and similar equipment or to conductors specifically provided for elsewhere in this Code.

Informational Note: For flexible cords and cables, see Article 400. For fixture wires, see Article 402.

The use of nonmetallic sheathed cable with aluminum or copper clad aluminum conductors size 8 or smaller will not be permitted for branch circuit wiring in construction, alteration, or repair. This shall apply to branch circuits from distribution point.
(Code 2008 § 4-802; Ord. No. 1017, § 1(4-903), 3-11-2021)

ARTICLE 10. ENERGY CONSERVATION CODE

4-1001. INCORPORATING THE 2018 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE.

There is hereby incorporated by reference for the purpose of regulating building and construction practices and to provide for the public safety and welfare within the corporate limits of the City of Westwood, Kansas, that certain document known as the "International Energy Conservation Code" 2018 Edition, including Appendix RA, as published by the International Code Council, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than two (2) copies of the International Mechanical Code shall be marked or stamped "Official Copy as incorporated by ordinance No. 1018," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. One such copy, however, may be in electronic form, provided that any changes or amendments are attached to or recorded in such electronic format so as to be readily understood. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such International Energy Conservation Code similarly marked, as may be deemed expedient.

(Ord. No. 1018, § 1(4-1001), 3-11-2021)

4-1002. REVISED, AMENDED, OR DELETED SECTIONS OF THE 2018 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE:

(a) Section R101.1, entitled "Title," shall be amended to read: "These provisions shall be known as the International Energy Conservation Code of the City of Westwood, Kansas, and shall be cited as such and will be referred to herein as "this code.""

(b) Section R109.1, entitled "General," shall be amended to read as set out in section 4-104 of the City Code.

(c) Table R402.1.2 is hereby amended to read as follows:

Table R402.1.2

Insulation and Fenestration Requirements by Component^a

<i>Clim ate Zone</i>	<i>Fenestrat ion U- Factor</i>	<i>Skylig ht U- Factor _b</i>	<i>Glazed Fenestrati on SHGC^b</i>	<i>Ceili ng R- Valu e^f</i>	<i>Woo d Fram e Wall R- Valu e</i>	<i>Mas s Wall R- Valu e</i>	<i>Floo r R- Valu e</i>	<i>Base ment Wall R- Value ^c</i>	<i>Slab R- Valu e & Dept h^d</i>	<i>Crawl Spac e Wall R- Value ^c</i>
4	0.35	0.55	0.4	49	13	8/1 3	19	10/1 3	NR	10/1 3

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. No change.

f. No change.

g. No change.

h. Refers to wall cavity insulation minimum standards only.

i. The second R-value applies when more than half the insulation is on the interior of the

mass wall.

j. Loose-fill insulation shall be installed at the rate recommended by the manufacturer's statement "so many bags per 1,000 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 R1102.2.

(Ord. No. 1018, § 1(4-1002), 3-11-2021)

ARTICLE 11. MOVING BUILDINGS

4-1101. PUBLIC WORKS DIRECTOR; AUTHORITY.

The Public Works Director or his or her authorized designee shall be responsible for the administration and enforcement of this article and appointment of an inspector in accordance with sections 4-204 through 4-209 of this chapter, which apply in a like manner to this article.

(Code 2008, § 4-1101; Ord. No. 1028, § 1(4-1101), 5-12-2022)

4-1102. PERMIT REQUIRED.

No person, firm or corporation shall move, haul, or transport any house, building, derrick, or other 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 or which cannot be moved at a speed of four miles per hour or faster, upon, across or over any street, alley or sidewalk in this city without first obtaining a permit therefor.

(Code 2008, § 4-1102; Ord. No. 1028, § 1(4-1102), 5-12-2022)

(K.S.A. 17-1914)

4-1103. SAME: APPLICATION FOR PERMIT. ⁵

All applications for permits required under the provisions of this article shall be made in writing to the city clerk specifying the day and time said moving is to commence and the route through the city's streets over which the house, building, derrick or other structure shall be moved. If the house, building, derrick or other structure is being moved outside the city, notice shall also be sent by the applicant to the County Clerk for Johnson County, Kansas and the County Clerk for any other Kansas County through which the house, building, derrick or other structure will be moved. Notice shall state whether it will be necessary to cut and move, raise, or in any way interfere with any wires, cables or other aerial equipment of any public or municipally-owned utility, and if so, the application shall also state the name of the public or municipally-owned utility, and the time and location that the applicant's moving operations shall necessitate the cutting, moving, raising or otherwise interfering with such aerial facilities. Documentation of approved disconnection from each utility provider providing service to the house, building, derrick, or other structure shall be submitted by the applicant to the city clerk .

⁵ **Legal analysis: 4-1103. SAME: APPLICATION FOR PERMIT.** Revised for clarity as to who sends the notice to the county, assuming it is the responsibility of the applicant and not the city.

(Code 2008, § 4-1103; Ord. No. 1028, § 1(4-1103), 5-12-2022)
(K.S.A. 17-1915)

4-1104. SAME; BOND, INSURANCE REQUIRED.

It shall be the duty of any person at the time of making application for a permit as provided in this article to provide public liability insurance policy issued by an insurance company authorized to do business in the State of Kansas, in the amount of not less than \$1 million.

(Code 2008, § 4-1104; Ord. No. 1028, § 1(4-1104), 5-12-2022)

4-1105. SAME; FEE.

Before any permit to move any house or structure is given under the provisions of this article, the applicant shall pay a fee established administratively to the city clerk; plus any additional costs for the time for any city personnel involved in such moving, including, but not limited to, any public works or law enforcement personnel needed to accomplish the move safely. All said fees shall be paid to the city clerk.

(Code 2008, § 4-1105; Ord. No. 1028, § 1(4-1105), 5-12-2022)

4-1106. CONTRACTOR; LICENSE REQUIRED; FEE.

(a) The applicants shall provide to the City the name of the contractor who will move the house, building, derrick, or other structure, along with evidence of that contractor's liability insurance with an insurance company licensed to do business in Kansas. The amount of liability insurance will be not less than \$1,000,000 per occurrence and \$2,000,000 in aggregate. The insurance will protect the City from and against all claims by any person whatsoever for loss or damage from personal injury, bodily injury, death, or property damage to the extent caused or alleged to have been caused by the negligent or wrongful acts or omissions of the applicant or the contractor. The contractor shall also have coverage for automobile liability in an amount of not less than \$1,000,000 per occurrence and \$2,000,000 in aggregate. The City shall be an additional insured on all policies of permittee, to the extent permitted by law, unless waived in writing by the City. If the contractor is self-insured, it shall provide the City proof of compliance regarding its ability to self insure and proof of its ability to provide coverage in the above amounts, and shall agree to indemnify and hold the City harmless for any losses associated with permittee's activities in the right-of-way. All contractors actually performing work for any permittee hereunder shall be subject to the same insurance requirements set forth herein.

(b) The contractor shall at all times during the term of the permit, and for two years thereafter, maintain a performance and maintenance bond in a form approved by the City Attorney. The amount of the bond will be \$50,000 or the value of the restoration, whichever is greater, for a term consistent with the term of the permit plus two additional years, conditioned upon the contractor's faithful performance of the provisions, terms and conditions conferred by this Article. In the event the City shall exercise its right to revoke the permit as granted herein, then the City shall be entitled to recover under the terms of the bond the full amount of any loss occasioned.

(c) A copy of the Liability Insurance Certificate and Performance and Maintenance Bond must be on file with the City Clerk.

(Code 2008, § 4-1106; Ord. No. 1028, § 1(4-1106), 5-12-2022)

4-1107. ROUTE; DUTIES OF PUBLIC WORKS DIRECTOR. ⁶

(a) The city clerk shall, upon filing of the above application, refer the same to the public works director or his or her authorized designee to check the proposed route and determine if it is practical to move such house or other structure over the route proposed. If it shall appear that such route is not practical and another route may be used equally well with less danger to street and travel, then the public works director may designate such other route as the one to be used and shall notify the applicant of the same. The public works director may also require the planking of any street, bridge or culvert or any part thereof to prevent damage thereto, the cost of which shall be borne by the applicant.

(b) It shall also be the duty of the chief building official or his or her authorized designee to inspect the progress of moving any house or other structure to see that the same is being moved in accordance with the provisions of this article. The chief building official is also responsible for ensuring that removal of the house, building, derrick or other structure is performed in a safe manner.

(c) The public works director or the designee thereof has the authority to stop or halt the moving of any house or other structure if it is being moved in violation of the plan established therefore or in the interest of public health and safety.

(Code 2008, § 4-1107; Ord. No. 1028, § 1(4-1107), 5-12-2022)

4-1108. NOTICE TO OWNERS.

(a) Upon issuance of a moving permit the applicant shall give not less than 15 days written notice to any person owning or operating any wires, cables or other aerial equipment along the proposed route of the intent to move the structure, giving the time and location that the applicants moving operation shall necessitate the cutting, moving, raising or interfering of any wires, cables or other aerial equipment.

(b) The notice provision of subsection (a) shall not apply where the person owning or operating any wires, cables or other aerial equipment has waived their right to advance notice.

(c) Should the moving operation be delayed, the applicant shall give the owner or his or her agent not less than 24 hours advance notice of the actual operation.

(Code 1993, 4-205; Code 2008, § 4-1108; Ord. No. 1028, § 1(4-1108), 5-12-2022)

(K.S.A. 17-1916)

4-1109. DUTY OF OWNERS.

(a) It shall be the duty of any public or municipally owned utility owning or operating such wires, cables, or other aerial equipment after service of notice as provided herein, to furnish competent lineman or workmen to remove such poles, or raise or cut such wires

⁶ **Legal analysis: 4-1107. ROUTE; DUTIES OF PUBLIC WORKS DIRECTOR.** Divide this section into subsections so as to more easily differentiate the responsibilities of the public works director versus the chief building official.

as will be necessary to facilitate the moving of such house or structure. The necessary expense which is incurred thereby shall be paid by the applicant to each public or municipally owned utility. The public or municipally owned utility may require the applicant to furnish it with appropriate bond or other surety agreement insuring the payment of all expenses incurred as a result of the applicant's moving operations.

(b) The owner of any wires, cables or other aerial equipment shall be liable to the permit holder for damages in an amount not to exceed \$100.00 per day for each day the owner shall fail or refuse to accommodate the permit holder's moving operations.

(Code 2008, § 4-1109; Ord. No. 1028, § 1(4-1109), 5-12-2022)

(K.S.A. 17-1917)

4-1110. TREES.

If any trees or foliage must be trimmed, cut, or otherwise moved to facilitate the moving operations, the applicant must arrange for an ISA Certified Arborist, or some other licensed arborist service to perform such trimming at the applicant's expense. The applicant must provide notice to the property owner on which any such trees will be trimmed prior to any trimming activities. The public works director shall also be notified of any tree trimming and can require an alternative route if the trimming exceeds what the public works director finds to be reasonable.

(Ord. No. 1028, § 1(4-1110)(1), 5-12-2022)

4-1110. INTERFERING WITH POLES; WIRES.

It shall be unlawful for any person engaged in moving any house or other structure to raise, cut or in any way interfere with any wires or poles bearing wires or any other aerial equipment.

(Code 2008, § 4-1110; Ord. No. 1028, § 1(4-1110)(2), 5-12-2022)

(K.S.A. 17-1918)

4-1111. DISPLAY OF ~~LANTERNS~~ WARNING LIGHTS. ⁷

It shall be the duty of any person moving any of the structures mentioned in this article upon or across any street, alley or sidewalk or other public place, in this city, to display warning lights thereon in such a manner as to show the extreme height and width thereof from sunset to sunrise.

(Code 2008, § 4-1111; Ord. No. 1028, § 1(4-1111), 5-12-2022)

⁷ **Legal analysis: 4-1111. DISPLAY OF LANTERNS.** Revise heading for modern language usage.