

ORDINANCE NO. 2161

AN ORDINANCE ADOPTING THE 2009 INTERNATIONAL BUILDING CODE, EXCEPT AS NOTED HEREIN, PROVIDING FOR BUILDING PERMITS, PROVIDING FOR BUILDING PERMIT FEES, PROVIDING FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND REPEALING ANY AND ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE, WITHIN THE CITY OF COUNCIL GROVE, MORRIS COUNTY, KANSAS, AND WITHIN THE COUNCIL GROVE LAKE PARK.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COUNCIL GROVE, KANSAS:

Section 1. PURPOSE. The purpose of this ordinance is to establish standards of public health, safety and welfare for all buildings, other than one- and two-family dwellings and all structures accessory to a one- or two-family dwelling, within the corporate limits of Council Grove, Kansas and within the Council Grove Lake Park.

Section 2. INTERNATIONAL BUILDING CODE OF 2009 ADOPTED. The International Building Code, edition of 2009 including appendix chapters C, E, F, G, I & K; as published by the International Code Council is hereby incorporated by reference as though fully set out herein save and except the revisions, deletions, insertions, modifications or amendments set forth in Section 3 of this ordinance. Not less than three copies of the International Building Code shall be kept on file in the Office of the City Clerk for inspection by and use of the public at all reasonable business hours. The filed copies shall be marked or stamped "Official copy as Incorporated by the Code of the City of Council Grove, Kansas, Ordinance No. 2161." All sections or portions of the filed copies of the International Building Code shall be clearly marked to show revisions, deletions, insertions, modifications or amendments thereto.

Section 3. REVISIONS. The following sections are hereby revised:

- A. Section 101.1. **Name of Jurisdiction** - Inserted "City of Council Grove".
- B. Section 105.2. **Work Exempt from Permit** - Building permit exemptions not adopted, but are set forth in Section 6.
- C. Section 109.2. **Schedule of Permit Fees** - Permit fees are set forth in Section 8.
- D. Section 113. **Board of Appeals** - Not adopted, but are as set forth in other ordinances.
- E. Section 114.4. **Violation Penalties** - Not adopted, but are as set forth in Section 9.
- F. Chapter 11. **Accessibility** - Not adopted, but are as set forth in the most recently enacted version of the ADA Standards for Accessible Design.
- G. Section 1612.3. **Name of Jurisdiction** - Inserted "City of Council Grove".
- H. Section 1612.3. **Flood Hazard Map Date** - Inserted "April 3, 1987".
- I. Chapter 34. **Existing Buildings and Structures** - Not adopted, but are as set forth in the most recently enacted ordinance adopting the International Existing Building Code.

Section 4. CONSTRUCTION WORK. No person, other than a duly licensed contractor, shall engage in the building construction trade within the limits of the City or the Council Grove Lake Park. Exception 1: Building construction work that is exempt from a building permit as set forth in Section 6. Exception 2: One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 ft². Exception 3: Fences, retaining walls, driveways, sidewalks and non-covered decks.

Section 5. BUILDING PERMIT. Any person who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to cause any such work to be done, shall first make application for a Building Permit from the city clerk of the city. A building owner may not secure a permit for a contractor. No permit as required by the city building code shall be issued until the fee prescribed has been paid, nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the

construction has been paid. Failure to take out a permit prior to beginning construction will result in a doubling of the permit fee.

Section 6. BUILDING PERMIT EXEMPTIONS. Building Permits shall not be required for the following:

1. Retaining walls, other than lake walls, that are not over 4 feet in height measured from the bottom of the footing to the top of the wall.
2. Driveways not more than 30 inches above adjacent grade, not over any basement or story below and not part of an accessible route.
3. Sidewalks that do not have steps or ramps that have a running slope greater than one unit vertical in twelve units horizontal (8 percent), are not more than 30 inches above adjacent grade, are not over any basement or story below, are not part of an accessible route and are not being reimbursed under the City of Council Grove Sidewalk Program.
4. Non-enclosed and non-covered decks not more than 30 inches above adjacent grade at any point, not over any story or basement below and not part of an accessible route.
5. Roofing and siding where no other work requiring a building permit is being done.
6. Window replacement requiring no structural modifications and where no other work requiring a building permit is being done.
7. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall, do not require additional support and do not extend over a street, alley or other public space.
8. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work where no other work requiring a permit is being done.
9. Temporary motion picture, television and theater stage sets and scenery.
10. Prefabricated swimming pools that are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.
11. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
12. Swings and other playground equipment.
13. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.
14. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.
15. Changes of occupancy to an equal or lesser hazard category as denoted in both Table 912.4 and Table 912.5 of the 2009 International Existing Building Code where no other work requiring a permit is being done.

Section 7. GRANDFATHER CLAUSE. Parts of structures erected prior to December 15, 1958, which project beyond the street or building line may be maintained as constructed subject to the authority of the governing body.

Section 8. BUILDING PERMIT FEES. Fees for Building Permits will be those stipulated in Appendix L of the International Residential Code of 2009, multiplied by an approximate adjustment factor of 75%. Building permit fees shall be based on the value of the completed construction and installation of a building, accessory building or other structure, other than one- and two-family dwellings and all structures accessory to a one- or two-family dwelling, per the following schedule, which includes a \$20 minimum permit issuing and inspection fee. Exception 1: The building permit fee for fences, sheds having a floor area of 120 ft² or less and sidewalks that require a building permit, but are not on the City of Council Grove Sidewalk Program, shall be the \$20 minimum permit issuing and inspection fee. Exception 2: The permit fee is waived for sidewalks that are on the City of Council Grove Sidewalk Program.

| VALUE | PERMIT FEE |
|------------------|--|
| \$1 to \$500 | \$20 |
| \$501 to \$2,000 | \$20 for the first \$500; plus \$2 for each additional \$100 |

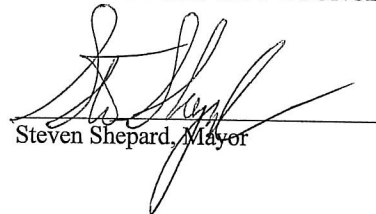
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| | or fraction thereof, to and including \$2,000. |
| \$2,001 to \$40,000 | \$50 for the first \$2,000; plus \$8 for each additional \$1,000 or fraction thereof, to and including \$40,000. |
| \$40,001 to \$100,000 | \$354 for the first \$40,000; plus \$7 for each additional \$1,000 or fraction thereof, to and including \$100,000. |
| \$100,001 to \$500,000 | \$774 for the first \$100,000; plus \$5 for each additional \$1,000 or fraction thereof, to and including \$500,000. |
| \$500,001 to \$1,000,000 | \$2,774 for the first \$500,000; plus \$4 for each additional \$1,000 or fraction thereof, to and including \$1,000,000. |
| \$1,000,001 and over | \$4,774 for the first \$1,000,000; plus \$2 for each additional \$1,000 or fraction thereof. |

Section 9. VIOLATION PENALTIES. In addition to any remedies set forth in the International Building Code of 2009, any person violating any provision of this ordinance shall be deemed guilty of a code violation and, upon conviction thereof, shall be punishable by a fine of not less than \$100.00 nor more than \$1,000.00 and up to one year in jail. Each separate day or any portion thereof, during which any violation of this article occurs or continues, shall be deemed to constitute a separate offense.


Section 10. REPEAL. This ordinance does hereby repeal Ordinance No. 2017 and any other ordinances in conflict with this ordinance.

Section 11. EFFECTIVE DATE. This ordinance shall take effect and be in full force from and after its publication in the Council Grove Republican, the official city newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY COUNCIL
ON THIS 4th day of November, 2014.


Steven Shepard, Mayor

ATTEST:


Danny Matthews
City Clerk
(SEAL)

