

**LOUISBURG CITY COUNCIL  
REGULAR MEETING  
NOVEMBER 2, 2020  
6:30 P.M.**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. CONSENT AGENDA
  - A. Adopt Agenda
  - B. Approval of Minutes of the Regular Meeting October 19, 2020
  - C. Approval of the Bills
4. RECOGNITION OF SCHEDULED VISITOR
  - A. James Long – 508 N. 6th
5. PUBLIC COMMENTS: Persons who wish to address the Mayor and City Council regarding items not on the agenda may do so at this time. Speakers will be limited to three (3) minutes. Any presentation is for informational purposes only.
6. DEPARTMENT REPORTS
7. CITY ATTORNEY’S REPORT
8. MAYOR’S REPORT
9. ADMINISTRATOR’S REPORT
  - A. WWTP Communication Tower Options
  - B. Building Codes Update - Revisited
  - C. 2021 Holiday Calendar Considerations
  - D. FLIP
  - E. Building Permit Fee Waiver & Ordinance
  - F. Administrative Goals Update
10. COUNCIL/COMMISSION REPORTS
11. ADJOURNMENT

**BILLS 11/02/2020**

<b>VENDOR</b>	<b>AMOUNT</b>	<b>DEPARTMENT</b>
A & B TREE SERVICE	\$650.00	TREE REMOVAL LAKE TRAIL
AFLAC INS	\$1,664.66	INSURANCE 100% COVERED BY EMPLOYEE DEDUCTIONS
ALERT, INC.	\$360.00	SUPPLIES - POLICE
BLUE CROSS/BLUE SHIELD	\$25,365.59	INSURANCE - ALL
BLUE TO GOLD	\$193.92	TRAINING - POLICE
BP	\$1,705.90	FUEL - ALL
BROADHURST RICKY	\$350.00	UTILITY OVERPAYMENT
COAST TO COAST SOLUTIONS	\$136.11	SUPPLIES - POLICE
CREATIVE PRODUCT SOURCE	\$100.00	SUPPLIES - POLICE
DON'S BODY SHOP	\$2,060.22	FLIP GRANT
ELLIOTT INSURANCE INC	\$120.00	SAFETY TRAINING - PWD
EMC INSURANCE COMPANIES	\$4,992.34	WC DEDUCTIBLE
EVERGY	\$8,309.65	ELECTRICITY - ALL
FAMILY CENTER OF PAOLA	\$781.86	EQUIPMENT, SUPPLIES - PWD, PUA
GALLS INCORPORATED	\$54.99	SUPPLIES - POLICE
GATES STEVE	\$126.93	UTILITY BALANCE
GAZAWAY KAREN	\$59.85	UTILITY BALANCE
GT DISTRIBUTORS	\$122.40	EQUIPMENT - POLICE
HARRIS JON	\$54.35	REIMBURSEMENT - FIRE
HICKEY, KRAIG	\$150.00	SERVICES - CEMETERY
IBTS KANSAS CITY OFFICE	\$150.00	INSPECTION - BZ
JJ CLEANING	\$1,000.00	CLEANING SERVICES - ADMIN, POLICE
JOHN DEERE FINANCIAL	\$4,138.97	EQUIPMENT, SUPPLIES - FIRE, PWD
KANSAS DEPARTMENT OF REVENUE	\$2,704.00	WATER PROTECTION - WATER
KANSAS MUNICIPAL GAS	\$18,169.42	GAS
KANSAS STATE TREASURER	\$1,668.00	AUG/SEP COURT COLLECTIONS
KRS CORP	\$13,616.07	CDBG-CV
KS DEPT HEALTH & ENVIRONMENT	\$20.00	OPERATOR CERTIFICATE - SW
LANDS END	\$220.18	SUPPLIES - ADMIN
LOUISBURG JIU-JITSU	\$8,928.57	CDBG-CV
LOUISBURG MUNICIPAL UTILITIES	\$1,158.47	MUNICIPAL UTILITIES
LUCILLES	\$16,607.14	CDBG-CV
MCI	\$78.73	TELEPHONE - ALL
MDC PUA	\$96,677.00	WATER
MIAMI COUNTY AUTO	\$61.46	REPAIRS - POLICE
MIAMI COUNTY SHERIFF	\$80.00	PRISONER CARE - POLICE
MO-KAN DIAL, INC.	\$1,450.76	TELEPHONE/INTERNET - ALL
OADES BROTHERS TIRE	\$707.15	SERVICES/TIRES - POLICE
O'REILLY AUTO PARTS	\$314.67	SUPPLIES - PWD, PUA
PARTNERS PRINT & COPY INC	\$838.03	PRINTING, SHIPPING, SUPPLIES - ALL
PHILLIPS 66 CARD	\$1,315.55	FUEL - POLICE
PRINCIPAL LIFE INSURANCE	\$238.40	INSURANCE - ALL
QUADIENT FINANCE USA INC	\$683.15	POSTAGE
QUILL	\$412.08	OFFICE SUPPLIES - ALL
RISING SUN DAYCARE	\$13,392.86	CDBG-CV
SAMS CLUB MC/SYNCB	\$113.21	EQUIPMENT, SUPPLIES-ALL
SIMPLY SELAH	\$12,321.43	CDBG-CV FUNDS
STAPLES ADVANTAGE	\$115.02	SUPPLIES - ADMIN

SUMNER ONE	\$62.00
TECHSIST CONSULTING	\$1,536.00
THE FARMHOUSE LLC	\$500.00
THE OTTAWA HERALD	\$233.46
UCI	\$70.00
VISA	\$5,316.32
VISION SERVICE PLAN	\$1,009.58
WEILER SUSANNAH	\$2,100.00
WHITE'S AUTOMOTIVE	\$17,957.57
	\$273,324.02

COPY SERVICES - ADMIN  
EQUIPMENT - POOL  
FLIP RESIDENTIAL GRANT  
PUBLICATION - POLICE  
TESTING SERVICES - ADMIN  
EQUIPMENT, SUPPLIES - ALL  
INSURANCE - ALL  
EASEMENT - SEWER CAPITAL  
CDBG-CV

**CITY OF LOUISBURG, KANSAS  
MINUTES OF REGULAR MEETING  
OCTOBER 19, 2020**

The Council of the City of Louisburg, Kansas met at 6:30 p.m. in regular session in the City Hall Council Chambers. Mayor Marty Southard presiding.

Council Members Steve Town, Donna Cook, Thorvald McKiernan, Kalee Smith, Sandy Harris  
City Administrator Nathan Law  
City Clerk Traci Storey  
City Attorney  
Police Chief Tim Bauer  
Fire Chief Gerald Rittinghouse  
Communications Coordinator Jean Carder  
Public Works Supervisor Craig Hufferd  
Visitors McKenzie Phillips

**PLEDGE OF ALLEGIANCE**

Councilmember Steve Town led the pledge of allegiance.

**APPROVAL OF CONSENT AGENDA**

Councilmember Donna Cook asked about bills regarding the Chamber of Commerce and Louisburg Animal Clinic. Administrator Law said the Chamber of Commerce bill is for the support as approved by Council. The City provides annual support, rather than \$500 for dues. The support is a total of \$15,000 less \$3,600 for office space. The Louisburg Animal Clinic bill is for animals that are housed and destroyed. The destruction cost is based on the size of the animal. Rates can range from \$75 up to \$175. Councilmember Sandy Harris asked how the Polsinelli law firm billing is handled. Administrator Law said it is billed by the 1/10<sup>th</sup> hour. Councilmember Harris moved, seconded by Councilmember Thorvald McKiernan and carried 5-0, to approve the consent agenda to include adoption of the agenda, approval of the regular meeting October 5, 2020 minutes.

**VISITORS**

McKenzie Phillips HOA President of Summerfield addressed the Council about recent parking concerns brought up at previous Council meetings. She talked

about the safety of the community in regards to parking and why the HOA had initially recommended that no parking signs be placed on the north side of the streets in the subdivision. She related that in 2018 there was a 911 call that was placed for a home on N. 2<sup>nd</sup> Street East and the Fire Department was not able to get down the street due to parked cars on both sides of the street. Due to this potential safety issue, the HOA held multiple meetings to discuss next steps. Phillips explained how it was determined where no parking signs would be placed in the subdivision. The safety of children was considered in regard to no parking on the side of the street with sidewalks. At this time everything is working great, she said, but if anyone would like to contact her regarding the issue she is very open to try and help. Fire Chief Rittinghouse said having the parking on one side has worked well. Councilmembers thanked Phillips for coming and clarifying.

### **PUBLIC COMMENTS**

None

### **DEPARTMENT REPORTS**

**Public Works:** Public Works Supervisor Craig Hufferd proposed hiring Don Benthusen as a Public Service Worker 1. This position will be responsible for marking utilities, daily check of the trash cans around town, clean Ron Weers Park and Fox Hall bathrooms when open, and regular duties of a Public Service Worker. Staff recommends hiring him with a pay scale of 2-3A. Councilmember McKiearnan moved, seconded by Councilmember Kalee Smith and carried 5-0, to approve the hiring of Don Benthusen as Public Service Worker 1.

**Fire Department:** Fire Chief Rittinghouse said it is extremely dry outside and a burn ban is currently in place in the City and County.

Last week Panhandle Eastern sponsored training at their facility with their personnel. The Fire Department was invited and had a great training experience.

Colorado has made a request for mutual aid due to all the wildfires. Deployment from the state of Kansas means local fire personnel can be deployed through several steps. All costs are reimbursed through FEMA Act and through the State Act. Chief Rittinghouse has been contacted about available personnel and equipment.

Chief Rittinghouse reminded everyone to change your clocks and batteries in smoke detectors during the time change next weekend.

The usual Fire Prevention Week activities at the schools are more difficult with limited hands-on learning.

Elliott Insurance Group sent a letter thanking the Fire Department for their quick response to an emergency at their building recently. The Council thanked the Department for a job well done.

**Police Department:** Police Chief Tim Bauer said they will be conducting the Drug Take Back Program on Saturday, October 24th. This event will be held at the Police Station from 10 a.m. until 2 p.m.

### **CITY ATTORNEY'S REPORT**

### **MAYOR'S REPORT**

Mayor Marty Southard thanked the members of the FBLA organization at LHS. They helped with cleanup around town on a recent Saturday morning.

The Mayor informed Council that City Attorney Kelly Stohs has submitted her resignation but will serve until a replacement is found. She is assisting in the search.

### **ADMINISTRATOR'S REPORT**

**Zone Change for 101 N. 3<sup>rd</sup> Street:** City Administrator Nathan Law said the Planning Commission discussed a proposed zone change for property located at 101 N. 3rd Street at its regular meeting September 30, 2020. The proposed rezone is from C-3 – General Business District designation to R-1 – Single Family Dwelling District.

All legal procedures were followed for this proposed zoning change and was heard at the September Planning Commission meeting. After the public hearing, Planning Commission voted unanimously, 7-0, to approve the zoning change request.

Councilmember Thorvald McKiernan moved, seconded by Councilmember Donna Cook and carried 5-0, to authorize Mayor Southard sign Ordinance 1133 approving the zoning change at 101 N. 3<sup>rd</sup> St.

**Zone Change for 401 & 403 S. 1<sup>st</sup> Street:** The Planning Commission discussed a proposed zone change for property located at 401 & 403 S. 1<sup>st</sup> Street at its regular meeting September 30, 2020. The proposed rezone is from C-2 – Central Business District designation to R-1 – Single Family Dwelling District.

All legal procedures were followed for this proposed zoning change and was heard at the September Planning Commission meeting. After the public hearing, Planning Commission voted unanimously, 7-0, to approve the zoning change request.

Councilmember Steve Town moved, seconded by Councilmember Kalee Smith and carried 5-0, to authorize Mayor Southard sign Ordinance 1134 for the zoning change at 401 & 403 S. First St.

**Special Use Permit – Communication Tower – 206 N. Broadway (North Lagoons):** The Planning Commission discussed the proposed Special Use Permit for a deviation in height for a communication tower as part of the wastewater treatment plant construction during a public hearing at its Sept 30, 2020, meeting.

While Planning Commission members approved the Special Use Permit in a unanimous vote of 7-0, members took issue with the type of tower and recommended a monopole design to follow the requirements of Section 614 of the Zoning Regulations. Zoning Regulations do allow the City to approve another type of pole design.

Councilmember Smith asked if Zoning Regulations call for a monopole design why this was not included in the project bid package. She said the consultant should know what is required by our zoning regulations. Administrator Law said it is up to Staff to review the plans and look for items that might not meet our regulations. Councilmember Smith thinks this is an error on part of the consultant not Staff. Councilmember McKiernan asked exactly what is the engineering firm doing for us. Administrator Law said this was discussed with the change order. The consultant's responsibility is design and their contract is to represent us for construction oversight. Councilmembers had a lengthy discussion. Councilmember Thorvald McKiernan moved, seconded by Councilmember Kalee Smith and carried 5-0, to authorize Mayor Southard sign Ordinance 1135 to approve the deviation in height for the communication tower and to require the tower to be a monopole design. Councilmembers Thorvald McKiernan moved, seconded by Councilmember Donna Cook and carried 5-0, to have legal counsel review the contract to determine if the consultant should pay for the change order.

**Special Use Permit – Storage and Warehousing – 106 W. Amity:** The Planning Commission discussed this proposed Special Use Permit and its Sept. 30, 2020, meeting during a public hearing.

Councilmember Cook asked if this was the building behind the Once Upon a Time building. Administrator Law said it is. Councilmember Harris asked if we know what kinds of material and equipment are going to be stored there. Law said per city regulations there will be no explosives and nothing hazardous stored on the site. Councilmember Harris asked if it was compatible with the retail business that is already on this property. Law said those are three distinct properties and they are being plotted separately. This property is storage, so vehicles will use the shared access easement to get back to it. Harris asked if there is a responsibility to citizens who are trying to establish a business there and how traffic leaves that site. Mr. Law said the owner Bob Bazin is in the audience and might answer questions. Harris asked what he planned to store at the site. Bazin said he will park his trucks inside of the building. After discussion Councilmember Steve Town moved, seconded by Councilmember Donna Cook and carried 4-1 (Harris voting no) to accept the Special Use Permit Ordinance 1136.

**Text Amendment – 2001-TXA-Accessory Building Requirements:** The Planning Commission conducted a public hearing on a text amendment at its Sept. 30, 2020, meeting. The amendment proposed amending subsection B. Accessory Buildings, Structures and Uses, by adding Item 8 of Article 6 Supplementary District Regulations, Section 602, Yard Regulations. The proposed text change is:

“Tracts of land greater than five (5) acres within R-1 Single-Family Dwelling or A-L Agricultural Districts shall have the option to install a hard surface or gravel driveway leading to any constructed accessory building greater than 300 square feet. Accessory buildings within this category shall have a 100-foot front yard setback and a 50-foot side yard setback.”

The Planning Commission unanimously approved the change on a 7-0 vote and forwarded it to Council for approval.

Councilmembers discussed the tracts of 5 acres or more along with the gravel drives. After discussion Councilmember Sandy Harris moved, seconded by Councilmember Kalee Smith and carried 5-0, to send the item back to the Planning Commission and reconsider gravel drives.

**Debris Loader:** At the direction of City Council, Staff has researched larger leaf disposal options for the brush dump and recommends the purchase of a vacuum trailer to haul leaves from the site. Leaves would be hauled to Belton where they would charge \$30 a load.

Staff recommends the Little Wonder 10-yard unit.

Councilmember Cook said she has talked to a new company out of Osawatomie that is selling topsoil and organic matter. Cook told them about the City's burn pile and they are interested in coming to the next Council meeting to discuss and possibly take leaves and some debris.

Councilmember McKiernan said a 10-yard machine is too small and that he could acquire a 30-yard machine for \$32,000. After discussion Councilmember Town moved, seconded by Councilmember Harris and carried 5-0 to table this until the next meeting after talking with the Osawatomie company.

**Burn Site Review:** Staff was notified of a complaint regarding the City burn site, filed with the Kansas Department of Health and Environment. KDHE point of contact Pat Simpson has asked that the City of Louisburg consider options for the burn site to lessen the conditions that have caused the complaint.

At this point the items to consider are:

- Move the location of the burn site to some other city-owned property
- Add a forced-air system to the burning operation to lessen the degree of smoke and ash
- Contract for hauling away of trees and brush and not burn at the location
- Gate off the burn site and schedule for unlock times, closing when reaching a certain quantity
- Further limit who is able to dump at the site
- Close the site and no longer offer a burn site

Administrator Law said there is no other city-owned property that provides distance from residents, oversight and/or security and therefore moving the site is not recommended.

He said a forced-air system could be added to the current location. A complete system ranges in price from \$100,000 to \$180,000 and requires a yearly permit from the state at the cost of \$3,000.

A third option is contract hauling with an unknown cost at this time as the City does not own the appropriate equipment to load large trees into a truck for hauling.

The next option would be to gate the site but would require a staff member to be at the site to monitor the location when it would be open and would limit the availability of the site to weekday operations. Part of this option could be to close the site to commercial tree operations performing work for city residents.

The last option would be to permanently close the site.

Councilmember Cook asked how often we burn there. Public Works Supervisor Hufferd said at least once a week. Councilmember McKiearnan asked if we could move it further west onto City-owned land. Mr. Law said that is not an option as there is a gas line located in that area. Residents who live near the brush dump were in attendance and asked for something to be done with the burn site. They said their children can't play outside when brush is being burned. Councilmembers had discussion. Councilmember Cook moved, seconded by Councilmember McKiearnan to table until next meeting with discussion from the Osawatomie company. Bob Bazin, also in the audience, said he has air curtains that would burn the leaves with little or no smoke and the City could use for free. Motion carried 5-0, to table until next meeting.

**Immediate Hazard at 128 Harvest Drive:** At the last Council meeting it was noted that broken glass posed an immediate hazard to the public at 128 Harvest Drive. While the private property is not necessarily open to the public, City Code section 8-812 requires the Governing Body to declare any issue an immediate hazard. In consultation with the City Attorney, this should be done by a formal vote of the Council. Once done, the City will be able to immediately address the hazards, and then pursue the remainder of nuisance property items according to City Code. Financial Consideration: Costs may be assessed against the property on which safety concern is abated.

Councilmember Smith moved, seconded by Councilmember McKiearnan and carried 5-0, to declare 128 Harvest Drive an immediate hazard.

**Councilmember McKiearnan:** Councilmember McKiearnan asked how the installation of water meters was going. Hufferd said there are about 300 more to put in. After the water meters are in, Public Works will start on gas meter replacement.

McKiernan asked if the committee he is putting together to review zoning regulations and determine how the City could be more business friendly could meet in City Hall. He was told yes.

**Councilmember Harris:** Councilmember Harris asked about the dirt that is on Shoreline Drive. Mr. Law said he would ask the Zoning Coordinator to talk with the owner. Councilmember Smith asked if a silt fence would be mandatory on N. 5<sup>th</sup> Street. Law said yes, a silt fence would be installed. Harris attended the last Park Board meeting and said they have been working hard and addressed pickle ball and disc golf at the last meeting. He would like to thank them for all they do.

**Councilmember Cook:** Councilmember Cook asked about gas and sewer mapping.

Cook asked if we have any new information regarding the codes that Boyce Homes had asked about. Law said we are working on that now.

Cook asked if the owner of the property at 508 N. 6th would be on the next agenda. Administrator Law said the owner would be reminded to attend the meeting.

**Councilmember Steve Town:** Councilmember Town asked if we could send out reminders if anyone needs their culverts cleaned.

The Electric Light Show will have fireworks after the show. This is on Saturday, October 24<sup>th</sup>.

## **ADJOURNMENT**

At 7:57 p.m. Councilmember Harris moved, seconded by Councilmember Smith and carried 5-0, to adjourn the meeting.

Approved:

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Marty Southard, Mayor

Attest:

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Traci Storey, City Clerk

# Memo

To: Louisburg Governing Body

From: Nathan Law

Date: October 29, 2020

Re: WWTP Communication Tower Options

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**Background:** Following the last Council meeting discussion that included information on cost difference to change from triangular lattice structure to monopole for the wastewater treatment plant SCADA system, staff received an option from Micro-Comm regarding the utilization of the current lattice structures, and adding a relay to a tower structure currently located behind the Public Works building on South Rogers. By adding the relay, the two new towers would be able to reduce in height to less than 35 feet, which would allow for the lattice structure. The SCADA equipment on each tower is 900MHz with sufficient height, which does not require true line-of-sight as previously believed, and will work with current terrain and vegetation as well as future growth. This was confirmed with a radio path study showing good frequency between the locations.

Attached with this memorandum is the proposal for changes from Micro-Comm.

**Financial:** The current tower structures will shorten by appropriate sections to reach a height of 30 feet, and Micro-Comm will keep those sections. The tradeoff for the sections is that Micro-Comm will supply, at no cost, the relay equipment and installation for the existing tower structure behind Public Works. This includes no change order as mentioned previously for removing concrete base for one tower structure, avoids additional cost of monopole structure, does not cause a delay in project, and meets City regulations regarding tower structures.

**Legal:** Zoning regulations include the following regarding tower structure less than 35 feet in height.

Radio, communication, and television towers that are less than thirty-five (35) feet in height, as measured from ground level to the highest point of the tower, shall be allowed as a permitted use in the "C-1", "C-2", "C-3", "C-S", "B-P", "I-1", and "I-2" districts. Radio, communication and television towers of less than thirty-five (35) feet may be permitted by special use permit in the "R-1", "R-2", or

"R-3" district if they are designed to the satisfaction of the City as an architecturally compatible accessory element to an existing non-residential use such as a school, church, etc.

This property is zoned I-2, specifically allowing any tower structure, without stipulation on material or design.

Recommendation: Discuss tower structure and proposed changes as desired.

# PROPOSED WIRELESS CHANGES

## 1. Proposed Changes:

- A. Relocate 900MHz Ubiquiti Transceiver from WWTP to City Maintenance Building.
- B. Add Ubiquiti PowerBeam AC 5GHz link between the WWTP and City Maintenance Building.
- C. Add POE equipment and tie in both 900MHz Ubiquiti Transceiver and Ubiquiti PowerBeam AC 5GHz Transceiver at City Maintenance Building.
- D. Install 30' instead of 40' of supplied Rohn 45G at both the WWTP and the North Lagoon Pump Station.

## 2. Benefits:

- A. We will be able to utilize the Rohn Tower installations at both the WWTP and the North Lagoon Pump Station and keep the height of the tower under 35'.
- B. We will be adding a link to the City Maintenance Building for future networking to the WWTP.

## 3. Responsibilities:

- A. Micro-Comm will be responsible for supplying Ubiquiti PowerBeam AC 5GHz and POE's at no cost to the owner in return for the two unused 10' sections of Rohn 45G tower from the WWTP and North Lagoon Pump Station.
- B. Micro-Comm will be responsible for mounting all equipment at the City Maintenance Building at no cost to the owner.
- C. Contractor will still be responsible for the installation of the Rohn 45G towers and the Ubiquiti equipment at the WWTP and the North Lagoon Pump Station as per contract documents.

# Memo

To: Louisburg Governing Body

From: Nathan Law

Date: October 29, 2020

Re: Building Codes Update - Revisited

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**Background:** Staff received a series of building contractor concerns regarding the recently updated International Code Council series of codebooks approved by Council. A suggestion received as part of those concerns was to look to the additional considerations paid by Leawood in adopting the same series editions as those previously approved. In that respect, staff has begun making changes to the format and content of those codebooks. Included with this memorandum are ordinances for three of the seven codebooks previous approved, with revisions to reflect those items that were changed by Leawood, and having filtered out those changes made by that municipality's city code, rather than strictly within the building code.

Attached you will find ordinances for the following:

International Building Code, 2018 Edition  
International Fuel Gas Code, 2018 Edition  
International Residential Code, 2018 Edition

Staff will continue to look through the remaining four codebooks for similar changes. The hope is to begin incorporating these codebooks or at least presenting for Council review, leading up to a point when all ordinances are approved.

**Financial:** Publication costs for each ordinance.

**Legal:** None.

**Recommendation:** Discuss draft ordinances for updating codes and direct staff accordingly.

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF LOUISBURG, KANSAS, ADOPTING THE 2018 EDITION OF THE ***INTERNATIONAL BUILDING CODE***, 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 AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES IN THE CITY OF LOUISBURG, KANSAS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ORDINANCE NO. 1122 OF THE CITY OF LOUISBURG, KANSAS, AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOUISBURG, KANSAS, AS FOLLOWS:

**SECTION 1.** That a certain document, three (3) copies of which are on file in the Building & Zoning office of the City of Louisburg, Kansas, being marked and designated as the *International Building Code*, 2018 Edition, as published by the International Code Council, be and is hereby adopted as the Building Code of the City of Louisburg in the State of Kansas, for 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 and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file at the office of the City of Louisburg, Kansas, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

**SECTION 2.** The following sections are hereby revised:

**SECTION 101.1. TITLE.** Section 101.1 of the IBC is hereby amended to read as follows:  
**Title.** These regulations shall be known and referred to as this code, the IBC or the Building Code of the City of Louisburg, Kansas.

**SECTION 104.10. MODIFICATIONS.** Section 104.10 of the IBC is hereby amended to read as follows: **Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of this Building Code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this Building Code impractical and the modification is in compliance with the intent and purpose of this Building Code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. If such requested modification involves fire apparatus emergency access drives, fire suppression and/or fire alarm systems, then the modification must also be approved by the fire official. The details of action granting modifications shall be recorded and entered in the files of codes administration.

**SECTION 105.2. WORK EXEMPTED FROM PERMIT.** Section 105.2 of the IBC is hereby amended to read as follows: **Work exempted from permit.** Exemptions from permit requirements of this Building Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Building Code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

**Building:**

1. Retaining walls that are not over four (4) feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
2. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area is not greater than 150 square feet.
3. Prefabricated swimming pools accessory to a group R-3 occupancy that are less than 24 inches deep, are not greater than 5,000 gallons and are installed entirely above ground.
4. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
3. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
4. Temporary motion picture, television and theater stage sets and scenery.
5. Swings and other playground equipment accessory to detached one- and two-family dwellings.
6. Window awnings supported by an exterior wall that do not project more than thirty-six (36) inches (914 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.
7. Nonfixed and movable fixtures, cases, racks, counters and partitions not over five (5) feet nine (9) inches (1753 mm) in height.

**Electrical:**

1. Repairs and maintenance: Minor repair work, including the replacement of lamps and the replacement of smoke or carbon monoxide alarms, or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. Radio and television transmitting stations: The provisions of this Building Code shall not apply to electrical equipment used for radio and television transmissions but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

3. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

**Gas:**

1. Portable heating appliance.
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 Building Code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing ten (10) pounds or less of refrigerant and actuated by motors of one (1) horsepower or less.
8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

**Plumbing:**

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this Building Code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

**SECTION 105.3. APPLICATION FOR PERMIT.** Section 105.3 of the IBC is hereby amended to read as follows:

**Application for permit.**

To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the building official 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.

**SECTION 107.1. SUBMITTAL DOCUMENTS, GENERAL.** Section 107.1 of the IBC is hereby amended to read as follows: **General.** Construction documents, statement of special inspections, geotechnical report and other data shall be submitted in one or more sets with each permit application. At least five (5) hard copies and one (1) digital copy of plans shall be submitted for all new construction with at least three (3) hard copies and one (1) digital copy being submitted for all alteration projects. The construction documents shall be prepared by a registered design professional licensed by the State of Kansas. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a 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 Building Code.

**SECTION 107.2.2 FIRE PROTECTION SYSTEM SHOP DRAWINGS.** Section 107.2.2 of the IBC is hereby amended to read as follows: **Fire protection system shop drawings.** Shop drawings and supporting documentation for the fire protection system(s), which shall include but not be limited to provisions for fire alarm systems and sprinkler systems, shall be submitted to the fire official and shall indicate conformance with this Building Code, the *Fire Protection Code (Chapter VII)*, and the construction documents. The shop drawings shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in this Building Code.

**SECTION 110.3. REQUIRED INSPECTIONS.** Section 110.3 through 110.3.13.1 of the IBC is hereby amended to read as follows: **Required inspections.** The building official, upon notification, shall make the inspections set forth in Sections 110.3.1 through 110.3.13.

**110.3.1 Footing and foundation inspection.** Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

**110.3.2 Concrete slab and under-floor inspection.** Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

**110.3.3 Lowest floor elevation.** In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the building official.

**110.3.4 Frame inspection.** Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

**110.3.5 Lath and gypsum board inspection and gypsum panel product inspection.** Lath and gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

**EXCEPTION:** Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.

**110.3.6 Weather-exposed balcony and walking surface waterproofing.** Where balconies or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious moisture barrier system shall not be concealed until inspected and approved.

**EXCEPTION:** Where special inspections are provided in accordance with Section 1705.1.1, Item 3.

**110.3.7 Fire- and smoke-resistant penetrations.** Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

**110.3.8 Energy efficiency inspections.** Inspections may be required by the building official to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation  $R$  and  $U$  values, fenestration  $U$  value, duct system  $R$  value, and HVAC and water-heating equipment efficiency.

**110.3.9 Other inspections.** In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this Building Code and other laws that are enforced by the department of building safety.

**110.3.10 Special inspections.** For special inspections, see Chapter 17.

**110.3.11 Fire protection inspections.** Inspection of all fire protection systems. The fire official or his or her designee shall make this inspection.

**110.3.12 Final inspection.** The final inspection shall be made after all work required by the building permit is completed.

**110.3.13 Flood hazard documentation.** If located in a flood hazard area, documentation of the elevation of the lowest floor as required in Section 1612.4 shall be submitted to the building official prior to the final inspection.

**SECTION 116. UNSAFE STRUCTURES AND EQUIPMENT. *Repealed.***

**SECTION 423.2, STORM SHELTERS, GENERAL.** Section 423.2 of the IBC is hereby amended to read as follows: **Construction.** In addition to other applicable requirements in this code, storm shelters shall be constructed in accordance with ICC-500. Buildings or structures that are also designated as emergency shelters shall also comply with Table 1604.5 as Risk Category IV structures.

The following are exceptions and additions to ICC-500 requirements.

1. Sanitation facilities shall only be required for Community Shelters as defined by the ICC-500. Community Shelters with a design occupant load of 100 or less shall be permitted to provide only one (1) toilet facility.
2. Community Shelters shall be provided with fixed seating for 1/3 of the design occupant load.
3. Community Shelters shall be provided with an approved first aid kit.

**SECTION 423.4, GROUP E, R-4, I-1, OR I-2 OCCUPANCIES.** Section 423.4 of the IBC is hereby amended to read as follows: **Section 423.4. Group E, R-4, I-1, or I-2 Occupancies.** In areas where the shelter design wind speed for tornados is 250 mph in accordance with Figure 304.2(1) of ICC 500, all Group E occupancies with an occupant load of 50 or more, and all I-1, or I-2 occupancies of any occupant load shall have a storm shelter constructed in accordance with ICC 500 as modified and adopted by the City.

**EXCEPTIONS:**

1. Group E occupancies accessory to places of religious worship.
2. Buildings meeting the requirements for shelter design in ICC 500.

**INTERNATIONAL BUILDING CODE, SECTION 429, BASEMENT REQUIRED.** A new section 429 is hereby added to read as follows: **Basement Required.** Buildings classified as apartment houses under Group R-2 occupancies as defined in the Building Code shall be constructed with a basement.

**EXCEPTIONS:**

- (a) The provisions of this section shall not apply to Group R-2 occupancy buildings which are designed and constructed specifically for the use of disabled individuals and which contain a storm shelter or safe room constructed in accordance with IBC Section 423.
- (b) The provisions of this section shall not apply to Group R-2 occupancy buildings when it would be impractical to construct a basement in light of subsurface conditions verified by an engineer and when such dwellings contain a storm shelter or safe room constructed in accordance with IBC Section 423.
- (c) The provisions of this section shall not apply to the repair or reconstruction of any existing Group R-2 occupancy building, unless such building is being 100% reconstructed.

**SECTION 903.2, "WHERE REQUIRED".** Section 903.2 of the IBC is hereby amended to read as follows: An approved automatic sprinkler system shall be provided in all buildings regulated by the *Louisburg Building Code*.

**EXCEPTIONS:**

- (a) Any occupancy specifically exempted from automatic sprinkler requirements by Kansas Statute or Administrative Regulation.
- (b) New or existing buildings regulated by the International Residential Code that are within 500 feet of an approved fire hydrant.
- (c) Group S-2 Open Parking Garages, and all Group U occupancies.
- (d) All new buildings for occupancy groups other than H, I, and R with a total area less than one thousand (1,000) square feet.
- (e) Rooms or areas protected with an approved automatic fire detection system in accordance with Section 907.2 of the International Building Code that will respond to visible or invisible particles of combustion if:  
(1) application of water, or flame and water, to such room would constitute a serious life or fire hazard; or (2) such rooms or area are of noncombustible construction with wholly noncombustible contents.
- (f) Renovations or improvements to existing buildings where no occupancy group classification change occurs and/or no additional building area is being created, and the cost of the sprinkler system installation downstream of the riser would exceed twenty percent (20) of the total cost of renovation. In such cases, an approved sprinkler or other life safety improvement to the building may be required, provided that the cost of such requirement will not exceed twenty percent (20) of the cost of the renovation.
- (g) In-home day-care facilities for the care of 6 or fewer children for less than 12 hours per day.

**SECTION 903.3 INSTALLATION REQUIREMENTS.** Section 903.3 of the IBC is hereby amended to read as follows: **903.3 Installation requirements.** Automatic sprinkler systems shall be designed and installed in accordance with Sections 903.3.1 through 903.3.8 of this code. In addition, automatic sprinkler systems shall be protected in accordance with the adopted International Plumbing Code.

**SECTION 905.3. GENERAL.** Section 905.3 of the IBC is hereby amended to read as follows: An approved Class I shall be required in all occupancies where the travel distance from the nearest point of approved fire department access to any point within the building exceeds 200 feet. All Class I standpipe systems may be combined with sprinkler system piping.

**EXCEPTION:** Standpipe systems are not required in Group R-3, R-4 and U occupancies as applicable in 101.2.

**SECTION 1202.1. VENTILATION GENERAL.** Section 1202.1 of the IBC is hereby amended to read as follows:

**1203.1 General.** Buildings shall be provided with natural ventilation in accordance with Section 1202.5, or mechanical ventilation in accordance with the International Mechanical Code.

Where the air infiltration rate in a dwelling unit is less than 3 air changes per hour where tested with a blower door at a pressure 0.2 inch w.c. (50 Pa) in accordance with Section 402.4.1.2 of the International Energy Conservation Code – Residential Provisions, the dwelling unit shall be ventilated by mechanical means in accordance with Section 403 of the International Mechanical Code. Ambulatory care facilities and Group I-2 occupancies shall be ventilated by mechanical means in accordance with Section 407 of the International Mechanical Code.

**SECTION 1612.3. ESTABLISHMENT OF FLOOD HAZARD AREAS.** Section 1612.3 of the IBC is hereby amended to read as follows: **1612.3 Establishment of Flood Hazard Areas.** The flood hazard map shall include areas of special flood hazard as identified by the Federal Emergency Management Agency. The flood hazard map shall include the most current Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM). These maps and supporting data are hereby adopted by reference and declared to be part of this section. Additional flood hazard maps can be adopted at the discretion of the Governing Body of the City of Louisburg.

**CHAPTER 29, PLUMBING SYSTEMS, TABLE 2902.1. MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES.** Table 2902.1 of the IBC is hereby amended to provide the following footnotes:

- (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 patients.
- (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 room 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 2902.1 and Chapter 11.
- (f) Drinking fountains are not required for an occupant load of 15 or fewer.
- (g) Service sinks are not required for business occupancies with an occupant load of 15 or fewer.
- (h) A drinking fountain is not required in M occupancies with an occupant load less than 50.
- (i) A service sink is not required in M occupancies with an occupant load less than 50.
- (j) The required number and type of plumbing fixtures for outdoor swimming pools shall be in accordance with Section 609 of the International Swimming Pool and Spa Code as adopted in Section 4-1001 of this Code.

**SECTION 3001. 6, ACCEPTANCE INSPECTIONS.** A new Section 3001.6 of the IBC is hereby added to read as follows: **Acceptance Inspections.** All elevator equipment shall have an acceptance inspection and test performed and approved in accordance with ASME A17.1/ CSA B44 requirements. Prior to the issuance of a Certificate of Occupancy, a copy of this inspection shall be forwarded to the City of Louisburg.

**SECTION 3001.7, PERIODIC INSPECTIONS.** A new Section 3001.7 of the IBC is hereby added to read as follows: **Periodic Inspections.** All existing elevator equipment shall have a periodic inspections and testing performed and approved in accordance with ASME A17.3/ CSA B44 requirements. A copy of these tests shall be forwarded to the City of Louisburg.

**SECTION 3001.8. CERTIFICATION OF INSPECTION REQUIRED.** A new Section 3001.8 of the IBC is hereby added to read as follows: **Certification of Inspection Required.** It shall be unlawful to operate any elevator, dumbwaiter, escalator, or moving walk without a current certificate of inspection provided by a Qualified Elevator Inspector who is certified by the National Association of Elevator Safety Authorities or other similar certification from another nationally recognized organization.

**SECTION 3001.9. EXISTING ELEVATORS.** A new section 3001.9 of the IBC is hereby added to read as follows: **Existing Elevators.** In addition to all other applicable Existing Building Code requirements, existing elevators shall comply with ASME A17.3/CSA B44.

**SECTION 3.** That Table 1-A BUILDING PERMIT FEES shall be adopted.

**TABLE 1-A-BUILDING PERMIT FEES**

<b>TOTAL VALUATION</b>	<b>FEE</b>
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or

Inspections outside of normal business hours \$50/hour (2 hour minimum)

**SECTION 4.** Penalties. The violation of this ordinance by any person, whether owner, tenant, contractor or other person, shall be punishable by a fine of not to exceed Five Hundred (\$500.00) Dollars for each offense. In case any activity is, or is proposed to be, used in violation of this ordinance, the Building Inspector, City Attorney, or other appropriate authority of the municipality may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful activity.

**SECTION 5.** That Ordinance No.1122 of City of Louisburg, Kansas, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 6.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Governing Body of the City of Louisburg, Kansas, hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**SECTION 7.** That nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 5 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**SECTION 8.** That this ordinance shall take effect and be in full force from and after its adoption by the Governing Body of the City of Louisburg, Kansas, and publication in the official City newspaper.

PASSED and approved by the Governing Body, this 16<sup>th</sup> day of November 2020.

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Marty Southard, Mayor

ATTEST:

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Traci Storey, City Clerk

(seal)

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF LOUISBURG, KANSAS, ADOPTING THE 2018 EDITION OF THE **INTERNATIONAL FUEL GAS CODE**, REGULATING AND GOVERNING FUEL GAS SYSTEMS AND GAS-FIRED APPLIANCES IN THE CITY OF LOUISBURG, KANSAS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ORDINANCE NO. 1126 OF THE CITY OF LOUISBURG, KANSAS, AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOUISBURG, KANSAS, AS FOLLOWS:

**SECTION 1.** That a certain document, three (3) copies of which are on file in the Building & Zoning office of the City of Louisburg, Kansas, being marked and designated as the *International Fuel Gas Code*, 2018 Edition as published by the International Code Council, be and is hereby adopted as the Fuel Gas Code of the City of Louisburg in the State of Kansas regulating and governing fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code on file at the office of the City of Louisburg, Kansas, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

**SECTION 2.** The following sections are hereby revised:

**SECTION 101.1. TITLE.** Section 101.1 of the IFGC is hereby amended to read as follows:  
**Title:** This code shall be known and referred to this code, the IFGC, or Fuel Gas Code of the City of Louisburg, Kansas.

**SECTION 106.6.2. FEE SCHEDULE.** Section 106.6.2 shall incorporate the below fee schedule:

**FUEL GAS FEE SCHEDULE**

Fuel Gas Piping	\$25
Other Fuel Gas Permits	\$25
Inspections outside of normal business hours	\$50/hour (2 hour minimum).

**SECTION 106.6.3. FEE REFUNDS.** Section 106.6.3 of the IFGC is hereby amended to read as follows: **Fee Refunds.** Unless specifically set forth herein, all fees paid are non-refundable. The code official may authorize refunding of any fee paid hereunder, which was erroneously paid or collected. The code official shall upon request authorize refunding of not more than eighty (80) percent of the permit fee paid when no work has been done under a permit issued in accordance with this code. The code official shall upon request authorize refunding of not more than eighty (80) percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done. The code official shall not authorize refunding of any fee paid except on written application filed by the original permit holder not later than one hundred eighty (180) days after the date of fee payment.

**SECTION 106.7. PLACEMENT OF PERMIT.** A new Section 106.7 of the IFGC is hereby added to read as follows: **Placement of Permit.** All permits shall be posted to be visible from the street and kept on the site of the work until the completion of the project.

**SECTION 108.5. STOP WORK ORDERS.** Section 108.5 of the IFGC is hereby amended to read as follows: **Stop Work Orders.** Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner's agent, or the person doing the work. The notice shall state the conditions under which work is authorized to resume. Any violation of a stop work order will constitute a violation of this code.

**SECTION 3. Penalties.** The violation of this ordinance by any person, whether owner, tenant, contractor or other person, shall be punishable by a fine of not to exceed Five Hundred (\$500.00) Dollars for each offense. In case any activity is, or is proposed to be, used in violation of this ordinance, the Building Inspector, City Attorney, or other appropriate authority of the municipality may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful activity.

**SECTION 4.** That Ordinance No.1123 of City of Louisburg, Kansas, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Governing Body of the City of Louisburg, Kansas, hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**SECTION 6.** That nothing in this ordinance or in the Fuel Gas Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**SECTION 7.** That this ordinance shall take effect and be in full force from and after its adoption by the Governing Body of the City of Louisburg, Kansas, and publication in the official City newspaper.

PASSED and approved by the Governing Body, this 16<sup>th</sup> day of November 2020.

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Marty Southard, Mayor

ATTEST:

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Traci Storey, City Clerk (seal)

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF LOUISBURG, KANSAS, ADOPTING THE 2018 EDITION OF THE *INTERNATIONAL RESIDENTIAL CODE*, REGULATING AND GOVERNING THE CONSTRUCTION, ALTERATION, MOVEMENT, ENLARGEMENT, REPLACEMENT, REPAIR, EQUIPMENT, LOCATION, REMOVAL AND DEMOLITION OF DETACHED ONE- AND TWO-FAMILY DWELLINGS AND MULTIPLE SINGLE-FAMILY DWELLINGS (TOWNHOUSES) NOT MORE THAN THREE STORIES IN HEIGHT WITH SEPARATE MEANS OF EGRESS IN THE CITY OF LOUISBURG, KANSAS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ORDINANCE NO. 1126 OF THE CITY OF LOUISBURG, KANSAS, AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LOUISBURG, KANSAS, AS FOLLOWS:

**SECTION 1.** That a certain document, three (3) copies of which are on file in the Building & Zoning office of the City of Louisburg, Kansas, being marked and designated as the *International Residential Code*, 2018 Edition, including Appendix Chapters E, F, G and H as published by the International Code Council, be and is hereby adopted as the Residential Code of the City of Louisburg in the State of Kansas, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file at the office of the City of Louisburg, Kansas, are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

**SECTION 2.** The following sections are hereby revised:

**SECTION R101.1. TITLE.** Section R101.1 of the IRC is hereby amended to read as follows: **Title.** These provisions shall be known as the *Residential Code for One- and Two-family Dwellings* of the City of Louisburg, Kansas, and will be referred to as this code, the IRC, or the *Residential Code* of the City of Louisburg, Kansas.

**SECTION R101.2 SCOPE.** Section R101.2 of the IRC is hereby amended exceptions to read as follows:  
**EXCEPTIONS:** The following shall be permitted to be constructed in accordance with this code where provided with a residential fire sprinkler system complying with Section P2904:

1. Live/work units complying with the requirements of Section 419 of the International Building Code shall be permitted to be built as one- and two-family dwellings or townhouses.
2. Owner-occupied lodging houses with five or fewer guestrooms.
3. A care facility with five or fewer persons receiving medical care within a dwelling unit.
4. A care facility with five or fewer persons receiving medical care within a dwelling unit.
5. A care facility for five or fewer persons receiving care that are within a single-family dwelling.
6. Any occupancy where fire sprinkler system requirements are specifically exempted by Kansas Statute or Administrative Regulation shall be exempt from the fire sprinkler requirements above.

**SECTION 105.2 WORK EXEMPT FROM PERMIT.** Section R105.2 of the IRC is hereby amended to read as follows: **Work exempt from permit.** Exemption 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. Revise as follows: One-story detached accessory structures, provided the floor area does not exceed 150 square feet. Larger buildings require a permit and footings.
2. Prefabricated swimming pools that are less than 24 inches deep.
1. Retaining walls that are not over four (4) feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
3. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
4. Swings and other playground equipment accessory to one-and two-family dwellings.
5. Window awnings supported by an exterior wall that do not project more than 36 inches from the exterior wall and do not require additional support of Group R-3 and Group U occupancies.
6. Window replacement where no structural modifications are made.

**Electrical:**

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

**Gas:**

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

**Mechanical:**

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.

4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing ten (10) pounds (4.54 kg) or less of refrigerant or that are actuated by motors of one (1) horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

**Plumbing:**

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, 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, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

**SECTION R105.3. APPLICATION FOR PERMIT.** Section R105.3 of the IRC is hereby amended to read as follows:

**(a) Application for permit.** To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the building official 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 R106.1.
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.

**(b) Application for complete structure demolition permit.** To obtain a fifteen (30) day complete structure demolition permit, the applicant shall first file an application therefor in writing on a form furnished by the building official for that purpose. Such application shall provide:

1. A site plan showing the location of the building or structure to be demolished and of all existing buildings on the property. The plan shall additionally show any necessary means of pedestrian protection as required by the Louisburg Building Code.
2. The location where the demolition debris will be deposited.
3. The height and the total square footage of the building.
4. Evidence of required street closure permit.
5. The name and address of the owner of the building.
6. The type of equipment or method used to demolish the building.
7. Evidence that all public utilities have been disconnected.
8. Proof of rat-abating of any building at least ten days before the demolition may be required.
9. Proof of permission from the owner to demolish the building.
10. Evidence that proper erosion control will be provided for the site during demolition as well as during seeding and final grading of site.

11. Evidence that the structure has been inspected for asbestos. If asbestos is found, evidence shall be provided to indicate how the asbestos is to be removed and where it will be disposed.
12. Site plan, which shall indicate proposed grading and seeding.  
Said permit may be issued in conjunction with permit for proposed new construction.

**SECTION R105.3.2. TIME LIMITATION OF APPLICATION.** Section R105.3.2 of the IRC is hereby amended to read as follows: **Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned one hundred eighty (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 ninety (90) days each. The extension shall be requested in writing and justifiable cause demonstrated.

**SECTION R106.1. SUBMITTAL DOCUMENTS.** Section R106.1 of the IRC is hereby amended to read as follows: **Submittal documents.**

(a) At least two (2) sets of construction documents, special inspection and structural observation programs and other data shall be submitted with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the laws 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 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 reviewing of construction documents is not necessary to obtain compliance with this code.

(b) Additional Plans and Studies Necessary. In the case of a rebuild, reconstruction or remodel of an existing residential structure, the building official shall ensure that the following requirements have been met prior to issuance of a building permit:

If the reconstruction or remodeling is adding 400 or more square feet of impervious surface to the lot, then the applicant shall provide a drainage study and/or grading plan to be reviewed and approved by the City Engineer in accordance with the following:

1. If the reconstruction or remodeling will add impervious surfaces to the lot in an amount less than or equal to 50% of the existing impervious surface on the lot, then the applicant shall provide a grading plan prepared by a licensed engineer or land surveyor depicting the grading on the subject lot and extending into adjacent lots at least 25 feet.
2. If the reconstruction or remodeling will add impervious surfaces to the lot in an amount greater than 50% of the existing impervious surface on the lot, then the applicant shall provide a grading plan as referenced above and will also submit a storm water study addressing the increase of impervious area and the potential for drainage problems or flooding of adjacent properties. The storm water study should include solutions to contain water on the subject property or by some other means to eliminate water problems on adjacent lots.

**EXCEPTION.** The requirement for the study may be waived if, in the opinion of the City Engineer, the grading plan shows that an increase of water or the velocity of water is directed to the City's right-of-way in accordance with other City ordinances and policies.

3. If the application pertains to a new structure being constructed after a complete demolition ["tear down"], then the applicant shall provide the drainage study and grading plan referenced above.

**SECTION R109.1.2 CONCRETE SLAB OR UNDER-FLOOR INSPECTION.** Section R109.1.2 of the IRC is hereby amended to read as follows: **Concrete slab or under-floor inspection.** Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

**SECTION R109.1.3 PLUMBING, MECHANICAL, GAS AND ELECTRICAL SYSTEMS INSPECTION.** Section R109.1.3 of the IRC is hereby amended to read as follows: **Plumbing, mechanical, gas and electrical systems inspection.** Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.

**EXCEPTION:** Back-filling of ground-source heat pump loop systems tested in accordance with Section M2105.28 prior to inspection shall be permitted.

**SECTION R109.1.4 FLOODPLAIN INSPECTIONS.** Section R109.1.4 of the IRC is hereby amended to read as follows: **Floodplain inspections.** For construction in areas prone to flooding as established by the most current Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) established by the Federal Emergency Management Agency, upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in Section R322.

**SECTION R109.1.5 FRAME AND MASONRY INSPECTION.** Section R109.1.5 of the IRC is hereby amended to read as follows: **Frame and masonry inspection.** Inspection of framing and masonry construction shall be made after the roof, masonry, all framing, firestopping, draftstopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are approved.

**SECTION R109.1.7 OTHER INSPECTIONS.** A new Section R109.1.7 of the IRC is hereby added to read as follows: **Other inspections.** In addition to the called inspections above, the building official may make or require any other inspections to ascertain compliance with this code and other laws enforced by the building official.

**SECTION R109.1.7.1 FIRE-RESISTANCE-RATED CONSTRUCTION INSPECTION.** A new Section R109.1.7.1 of the IRC is hereby added to read as follows: **Fire-resistance-rated construction inspection.** Where fire-resistance-rated construction is required between dwelling units or due to location on property, the building official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.

**SECTION R109.1.8 FINAL INSPECTION.** A new Section R109.1.8 of the IRC is hereby added to read as follows: **Final inspection.** Final inspection shall be made after the permitted work is complete and prior to occupancy.

**SECTION R109.1.8.1 ELEVATION DOCUMENTATION.** A new Section R109.1.8.1 of the IRC is hereby added to read as follows: **Elevation Documentation.** If located in a flood hazard area, the documentation of elevations required in Section R322.1.10 shall be submitted to the building official prior to the final inspection.

**SECTION R113.4. VIOLATION, PENALTIES.** Section R113.4 of the IRC is hereby amended to read as follows: **Violation, Penalties.** Any person who violates a provision of this Article or this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official is guilty of a public offense, punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment not exceeding thirty (30) days or both such fine and imprisonment. Each day that the violation continues shall be deemed a separate offense.

**SECTION R301.2 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.** Section R301.2 of the IRC is hereby amended by inserting the following **climatic and geographic design criteria.** Table R301.2 (I) Insert:

**CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD	WIND SPEED (mph)	SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM				WINTER DESIGN TEMP	ICE SHIELD UNDER-LAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
			WEATHERING	FROST LINE DEPTH	TERMITE	DECAY					
20	90	A	SEVERE	36"	MODERATE TO HEAVY	SLIGHT TO MODERATE	6	YES	NO	927	55.5

**SECTION R301.4. DEAD LOAD.** Section R301.4 of the IRC is hereby amended to read as follows: **Dead Load.** The actual weights of materials and construction shall be used for determining dead load with consideration for the dead load of fixed service equipment, provided, however, that the following minimum dead loads shall be used in the design of building:

- (a) Floors, ceilings, decks, and balconies: 10 pounds per square foot.
- (b) Roofs: 20 pounds per square foot.

**SECTION R303.4, MECHANICAL VENTILATION.** Section R303.4 of the IRC is hereby amended to read as follows: **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 mechanical ventilation in accordance with Section M1505.4. Mechanical ventilation efficiency testing will be accomplished when required by the Building official.

**SECTION R306.5, TOILET FACILITIES DURING CONSTRUCTION.** A new Section R306.5 of the IRC is hereby added to read as follows: **Toilet Facilities During Construction.** Toilet facilities shall be provided during construction, starting from the time of the first inspection until facilities are available in the dwelling. If the facilities are not located on the job site, the location of the required facilities shall be posted at the job site and the facilities must be within 500 feet as measured from any property line of the job site or other certification provided to the Building Official to verify the availability of toilet facilities. Toilet facilities shall be placed on private property out of the right-of way, and a minimum of 10 feet from neighboring properties. The facilities on the site shall be removed prior to issuance of a Temporary Certificate of Occupancy.

**R310.2.4, EMERGENCY ESCAPE AND RESCUE OPENINGS UNDER DECKS AND PORCHES.** Section R310.2.4 of the IRC is hereby amended to read as follows: **Emergency escape and rescue openings under decks and porches.** Emergency escape and rescue openings installed under decks and porches shall be fully openable and provide a path not less than fortyeight (48) inches (1219 mm) in height to a yard or court.

**SECTION R312.3, WINDOWSILLS.** A new Section R312.3 of the IRC is hereby added to read as follows: **Windowsills.** No window from a sleeping area shall have a sill height in excess of twenty-five (25) feet from grade level.

**EXCEPTIONS:**

1. The building is equipped with an approved automatic sprinkler system.
2. In sleeping rooms, which have two separate and distinct exits, which do not share a common interior atmosphere at any point from the sleeping room to an approved exterior exit.
3. The sleeping rooms' emergency egress windows are facing the nearest approved point of fire department vehicle access and are within thirty-five (35) horizontal feet of the approved point of fire department access. Note: Residential driveways are not approved fire department access points.
4. The sleeping rooms' emergency egress windows with balconies meet the following requirements:
  - (a) Balcony floor located not more than forty-four (44) inches below windowsill.
  - (b) Balcony shall be designed to support a sixty (60) psf live load.

- (c) Balcony shall extend a minimum of thirty-six (36) inches perpendicular to the exterior wall.
- (d) Balcony shall extend a minimum of twelve (12) inches beyond each side of the emergency egress windows width.
- (e) Balcony is equipped with a guard in accordance with R312.

**SECTION R321.4, ACCEPTANCE INSPECTIONS.** A new Section R321.4 of the IRC is hereby added to read as follows: **Acceptance Inspections.** All elevator equipment shall have an acceptance inspection and test performed and approved in accordance with ASME A17.1 requirement. Prior to the issuance of a Certificate of Occupancy, a copy of this inspection shall be forwarded to the City of Louisburg.

**SECTION R401.3. DRAINAGE.** Section R401.3 of the IRC is hereby amended to read as follows: **Drainage.** Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collection so as to not create a hazard. Lots shall be graded to drain surface water away from foundation walls. The grade shall fall a minimum of 6 inches (152 mm) within the first 10 feet (3048 mm). Gutter discharge shall not extend to a point closer than 10 feet to either adjacent property lines or the public right-of-way. Sump pump discharge shall not extend to a point closer than 15 feet to either adjacent property lines or the public right-of-way.

**EXCEPTION:** Where lot lines, walls, slopes or other physical barriers prohibit 6 inches (152 mm) of fall within 10 feet (3048 mm), the final grade shall slope away from the foundation at a minimum slope of 5 percent and the water shall be directed to drains or swales to ensure drainage away from the structure. Swales shall be sloped a minimum of 2 percent when located within 10 feet (3048 mm) of the building foundation. Impervious surfaces within 10 feet (3048 mm) of the building foundation shall be sloped not less than 2 percent away from the building.

**EXCEPTION:** Property owners may discharge water directly into the right-of-way if such owner or owners secures a right-of-way permit.

**EXCEPTION:** Gutter Discharge may be placed closer than 10 feet to the adjoining property line in cases where the side yard setback is less than 10 feet, provided that the placement is the best possible placement.

**SECTION R602.6.1, DRILLING AND NOTCHING OF TOP PLATE.** Section R602.6.1 of the IRC is hereby amended to read as follows: **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 percent of its width, a galvanized metal tie not less than 0.054 inch thick (16 ga) and one and one-half inches (1.5") wide shall be fastened across and to the plate at each side of the opening with not less than four 10d (0.148 inch diameter) nails at each side or equivalent. The metal tie must extend a minimum of six inches (6") 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.

**SECTION R801.3, ROOF DRAINAGE.** Section R801.3 of the IRC is hereby amended to read as follows: **Roof Drainage.** All dwellings shall have a controlled method of water disposal from roofs that will collect and discharge roof drainage to the ground surface not less than 3 feet from foundation walls or to an approved drainage system.

**SECTION R902.1. ROOFING COVERING MATERIALS.** Section R902.1 of the IRC is hereby amended to read as follows: **Roofing Covering Materials.** Roofs shall be covered with materials authorized under the provisions of Sections R904 and R905 as amended. Class A roofing shall be installed in areas designated by law as requiring their use or when the edge of the roof is less than three (3) feet (914 mm) from a property line or when less than twenty (20)-feet separation exists between structures. Classes A, B and C roofing required to be listed by this section shall be tested in accordance with UL 790 or ASTM E 108.

**EXCEPTIONS:**

1. Class A roof assemblies include those with coverings of brick, masonry and exposed concrete roof deck.
2. Class A roof assemblies include ferrous or copper shingles or sheets, metal sheets and shingles, clay or concrete roof tile, or slate installed on noncombustible decks.
3. Class A roof assemblies include minimum 16 ounces per square foot copper sheets installed over combustible decks.
4. Class A roof assemblies include slate installed over underlayment over combustible decks.

**SECTION R908.7, PARTIAL REPLACEMENT.** A new Section R908.7 of the IRC is hereby added to read as follows:

**Partial Replacement.** Where only a portion of the existing roof coverings are being replaced, the replacement roof coverings shall be the exact brand and type, shall be of a material from the City of Louisburg 's approved roofing list, and shall exactly match the color of the existing roof coverings. Where over 50 % of the roof coverings are being replaced, complete replacement of all roof coverings is required. Replacement roof coverings for two-family dwellings and townhouses shall be the exact brand and type, shall be of a material from the City of Louisburg 's approved roofing list, and shall match the color of the roof coverings for the entire building.

**EXCEPTION:** Wood shakes and wood shingles installed in compliance with this code, that are the exact brand, type, and original color of the existing wood shakes or wood shingles are permitted to be replaced in amounts less than 50%.

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**SECTION N1101.13 COMPLIANCE.** Section N1101.13 of the IRC is hereby amended to read as follows:

**Compliance.** Projects shall comply with one of the following:

1. Sections N1101.14 through N1104.
2. Section N1105 and the provisions of Sections N1101.14 through N1104 indicated as "Mandatory".
3. The energy rating index (ERI) approach in Section N1106.
4. The Home Energy Rating System approach in Section N1101.13.1.

**SECTION N1101.13.1 HOME ENERGY RATING SYSTEM.** Section N1101.13.1 of the IRC is hereby amended to read as follows: **Home Energy Rating System.** The ERI Index rating option can be met by constructing a residence that scores 80 or less on the HERS Index. HERS ratings shall be performed by a third-party rater accredited by the Residential Energy Services Network (RESNET/ICC) when required by the Building official. The permit applicant of record shall elect which compliance path will be followed at the time permit application is made. The Final HERS Index score must be submitted to the City before issuance of a Certificate of Occupancy. The Final HERS certificate shall identify the project address, and include the HERS raters name and contact information

**SECTION N1102.1.2 INCERT.** Section N1102.1.2 of the IRC is hereby amended by inserting the following: **Insulation and Fenestration Requirements by Component.** Table N1102.1.2 Insert:

**Table N1102.1.2**

**Insulation and Fenestration Requirements by Component <sup>a</sup>**

Climate Zone	Fenestration U-factor <sup>b</sup>	Skylight U-factor <sup>b</sup>	Glazed Fenestration SHGC <sup>b</sup>	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value <sup>c</sup>	Floor R-Value	Basement Wall R-Value <sup>c</sup>	Slab R-Value & Depth <sup>d</sup>	Crawl Space Wall R-Value <sup>c</sup>
4	0..32	0.55	0.4	49	13 <sup>f</sup>	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 or crawl spaces.
- d. R-5 insulation shall be provided under the full slab area of a heated slab. R-10 slab edge insulation shall be provided for heated slabs and shall extend the depth of the slab.
- e. The second R-value applies when more than half the insulation is on the interior of the mass wall.
- f. Where 2 x 6 framing is used, a minimum R-19 insulation is required.

**SECTION N1102.2.9 (R402.2.9) Basement walls.** Section N1102.2.9 of the IRC is hereby amended by inserting the following: **Basement walls.** insert “does not apply to unfinished foundation walls”.

**SECTION N1102.4.1.2 (R402.4.1.2) Testing.** Section N1102.4.1.2 of the IRC is hereby amended by inserting the following: **Testing.** Insert “when required by the Building official”.

**SECTION N1103.3.3 (R403.3.3) Duct Testing (Mandatory).** Section N1103.3.3 of the IRC is hereby amended by inserting the following: **Duct Testing.** Insert “when required by the Building official”.

**SECTION N1103.3.4, DUCT LEAKAGE (PRESCRIPTIVE).** Section N1103.3.4 of the IRC is hereby omitted and deleted.

**SECTION N1103.3.5, BUILDING CAVITIES (MANDATORY).** Section N1103.3.5 of the IRC is hereby omitted and deleted.

**SECTION N1103.5.3, HOT WATER PIPE INSULATION (PRESCRIPTIVE).** Section N1103.5.3 of the IRC is hereby amended to read as follows:

**Hot water pipe insulation (Prescriptive).** Insulation for hot water pipe with a minimum thermal resistance (R-value) of R-3 shall be applied to the following:

1. Piping located under a floor slab.
2. Buried piping.
3. Supply and return piping in recirculation systems other than demand recirculation systems.

**SECTION N1104.1, LIGHTING EQUIPMENT (MANDATORY).** Section N1104.1 of the IRC is hereby amended to read as follows:

**Lighting Equipment (Mandatory).** Fuel gas lighting systems shall not have continuously burning pilot lights.

**SECTION N1105 SIMULATED PERFORMANCE ALTERNATIVE.** Section N1105 of the IRC is hereby amended by inserting the following: **Simulated Performance Alternative.** “when required by the Building official”.

**SECTION N1106, - ENERGY RATING INDEX COMPLIANCE ALTERNATIVE.** Section N1106 of the IRC is hereby amended by inserting the following: **energy rating index compliance alternative.** “when required by the Building official”.

**SECTION G2402.3, TERMS DEFINED IN OTHER CODES.** Section G2402.3 of the IRC is hereby amended to read as follows: **Terms defined in other codes.** Where terms are not defined in this code and are defined in the *NFPA 70 National Electrical Code, 2017, International Building Code, International Fire Code, International Mechanical Code* or *International Plumbing Code*, such terms shall have meanings ascribed to them as in those codes.

**SECTION G2417.4.1, TEST PRESSURE.** Section G2417.4.1 of the IRC is hereby amended to read as follows: **Test Pressure.** The test pressure to be used shall not be less than 1½ times the proposed maximum working pressure, but not less than 10 psig irrespective of design pressure. For welded piping and for

pipng carrying gas at pressure in excess of 14 inches water column, the test pressure shall not be less than 60 psig. Where the test pressure exceeds 125 psig, the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.

**SECTION P3103.1.1** Revise as follows: All open vent pipes which extend through a roof shall be terminated at least six inches above the roof.

**SECTION P2503.3, RESPONSIBILITY OF PERMITTEE.** Section P2503.3 of the IRC is hereby amended to read as follows: **Responsibility of Permittee.** The permit holder shall make the applicable tests prescribed in Section 2503.4 through Section 2503.8 to determine compliance with the provisions of this Code.

**SECTION P2708.1.1, ACCESS.** Section P2708.1.1 of the IRC is hereby omitted and deleted.

**SECTION E3406.2, CONDUCTOR MATERIAL.** Section E3406.2 of the IRC is hereby amended to read as follows: **Conductor Material.** Conductors normally used to carry current shall be of copper.

**EXCEPTION:** Service lateral conductors, service entrance conductors, and feeder conductors two AWG and larger are allowed to be of any type as allowed by this code.

**SECTION E3902.2, GARAGE AND ACCESSORY BUILDING RECEPTACLES.** Section E3902.2 of the IRC is hereby amended to read as follows: **Garage and accessory building receptacles.** 125-volt, single-phase, 15- or 20-ampere receptacles installed in garages and grade-level portions of unfinished accessory buildings used for storage or work areas shall have ground-fault circuit-interrupter protection for personnel.

**EXCEPTIONS:**

1. Dedicated receptacles supplying garage door openers.
2. Dedicated receptacles supplying a permanently installed fire alarm or security alarm system.

**SECTION E3902.5, UNFINISHED BASEMENT RECEPTACLES.** Section E3902.5 of the IRC is hereby amended to read as follows: **Unfinished basement receptacles.** 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. Dedicated receptacles supplying a permanently installed fire alarm or security alarm system.
2. Dedicated receptacles supplying sump pumps.

**SECTION E3902.16, ARC-FAULT CIRCUIT-INTERRUPTER PROTECTION.** Section E3902.16 of the IRC is hereby amended to read as follows: **Arc-fault circuit-interrupter protection.** All branch circuits that supply 120-volt, single-phase, 15- and 20-ampere outlets installed in kitchens, family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreations rooms, closets,

hallways, laundry areas and similar rooms or areas shall be protected by any of the following:

1. A listed combination-type arc-fault circuit-interrupter, installed to provide protection of the entire branch circuit.
2. A listed branch/feeder-type AFCI installed at the origin of the branch-circuit in combination with a listed outlet branch-circuit-type arc-fault circuit-interrupter installed at the first outlet box on the branch circuit. The first outlet box in the branch circuit shall be marked to indicate that it is the first outlet of the circuit.
3. A listed supplemental arc-protection circuit breaker installed at the origin of the branch circuit in combination with a listed outlet branch-circuit-type arc-fault circuit interrupter installed at the first outlet box on the branch circuit where all of the following conditions are met:
  - 3.1 The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch-circuit arc-fault circuit-interrupter.
  - 3.2 The maximum length of the branch-circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 50 feet for 14 AWG conductors and 70 feet for 12 AWG conductors.
  - 3.3 The first outlet box on the branch circuit shall be marked to indicate that it is the first outlet on the circuit.
4. A listed outlet branch-circuit type arc-fault circuit-interrupter installed at the first outlet on the branch circuit in combination with a listed branch-circuit overcurrent protective device where all of the following conditions are met:
  - 4.1 The branch-circuit wiring shall be continuous from the branch-circuit overcurrent device to the outlet branch-circuit arc-fault circuit-interrupter.
  - 4.2 The maximum length of the branch-circuit wiring from the branch-circuit overcurrent device to the first outlet shall not exceed 50 feet for 14 AWG conductors and 70 feet for 12 AWG conductors.
  - 4.3 The first outlet box on the branch circuit shall be marked to indicate that it is the first outlet on the circuit.
  - 4.4 The combination of the branch-circuit overcurrent device and outlet branch-circuit AFCI shall be identified as meeting the requirements for a system combination-type AFCI and shall be listed as such.
5. Where metal outlet boxes and junction boxes and RMC, IMC, EMT, Type MC or steel-armored Type AC cables meeting the requirements of Section E3908.8, metal wireways or metal auxiliary gutters are installed for the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet, a listed outlet branch-circuit type AFCI installed at the first outlet shall be considered as providing protection for the remaining portion of the branch circuit.
6. Where a listed metal or nonmetallic conduit or tubing or Type MC cable is encased in not less than 2 inches of concrete for the portion of the branch circuit between the branch-circuit overcurrent device and the first outlet, a listed outlet branch-circuit-type AFCI installed at the first outlet shall be considered as providing protection for the remaining portion of the branch circuit.

**EXCEPTIONS:**

1. 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.

2. For these purposes, a smoke alarm or carbon monoxide alarm shall not be considered an outlet and is not required to have arc-fault protection.

**SECTION E3902.13, ARC-FAULT CIRCUIT INTERRUPTER PROTECTION FOR BRANCH CIRCUIT EXTENSIONS OR MODIFICATIONS.**

**TABLE 1-A BUILDING PERMIT FEES**

Total Valuation	Fee
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or fraction thereof

Inspections outside of normal business hours \$50/hour (2 hour minimum)

**SECTION 4. Penalties.** The violation of this ordinance by any person, whether owner, tenant, contractor or other person, shall be punishable by a fine of not to exceed Five Hundred (\$500.00) Dollars for each offense. In case any activity is, or is proposed to be, used in violation of this ordinance, the Building Inspector, City Attorney, or other appropriate authority of the municipality may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful activity.

**SECTION 5.** That Ordinance No. 1126 of City of Louisburg, Kansas, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 6.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Governing Body of the City of Louisburg, Kansas, hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences,

clauses and phrases be declared unconstitutional.

**SECTION 7.** That nothing in this ordinance or in the Residential Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 5 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**SECTION 8.** That this ordinance shall take effect and be in full force from and after its adoption by the Governing Body of the City of Louisburg, Kansas, and publication in the official City newspaper.

PASSED and approved by the Governing Body, this 16<sup>th</sup> day of November 2020.

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Marty Southard, Mayor

ATTEST:

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Traci Storey, City Clerk

(seal)

# Memo

To: Louisburg Governing Body

From: Nathan Law

Date: October 29, 2020

Re: 2021 Holiday Calendar and Considerations

Background: Last year this item was presented later in the year, but staff assured Council this would be discussed earlier to accommodate additional consideration if necessary. The following is a list of recognized holidays, not all of which are city recognized but are included per City Code language, and additional considerations for each based on where they fall within their respective month/week.

<u>Holiday</u>	<u>Date</u>	<u>Day of Week</u>	<u>Additional Consideration</u>
New Year's Day	Jan. 1	Fri.	None
MLK Jr. Day	Jan. 18	Mon.	Council conflict – move to Tuesday
*Presidents' Day	Feb. 15	Mon.	Council conflict – move to Tuesday
Memorial Day	May 31	Mon.	None
Independence Day	July 4	Sun.	Code conflict – move to Tuesday
Labor Day	Sept. 6	Mon.	Council conflict – move to Tuesday
*Columbus Day	Oct. 11	Mon.	None
*Veterans Day	Nov. 11	Thur.	None
Thanksgiving	Nov. 25/26	Thur. & Fri.	None

Thanksgiving turkey/ham - \$50 gift card for all part-time/full-time employees, and volunteer firefighters.

Christmas	Dec. 25	Sat.	None
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Holiday bonus - \$75 for part-time and \$150 for full-time employees. Desire to include Thursday, Dec. 23 as a holiday along with the City date given employees on Friday, Dec. 24?

New Year's "2022"	Jan. 1	Sat.	None
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Desire to include Thursday, December 30 as a holiday along with the City date given employees on Friday, Dec. 31?

\* - Federal or State holiday, not observed locally.

Financial: None.

Legal: None.

Recommendation: Approve 2021 holiday calendar and other considerations.



**To:** Louisburg Governing Body

**From:** City Staff

**Date:** Oct. 29, 2020

**Re:** FLIP

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The Facades of Louisburg Improvement Programs for both residential and commercial use has had another successful year although not as many applicants as last year. Staff attributes this to the uncertainty of the pandemic.

As a reminder \$15,000 is set aside for commercial applications and \$10,000 for residential applications. Successful commercial applicants receive 40% of their project costs up to \$2,500. Residential applicants can receive up to \$500 of their project costs. To date, \$3,799.42 has been granted for commercial projects and \$4,500 for residential projects with another \$4,500 for both programs still waiting for projects to wrap up.

Staff would recommend changing the home valuation for residential applications. Currently homes must be valued under \$175,000. One applicant has been denied this year and two last year as the homes were valued slightly over \$175,000, with one home over by \$3,390. Property valuation in Louisburg has gone up 13% since FLIP began in 2018, according to statistics provided by the Finance Director. Also noteworthy, according to a local realtor, the "starter" home price in Louisburg is roughly \$202,872.

Financial: The FLIP programs are currently planned for in the 2021 budget.

Legal: None.

Recommendation: Approve FLIP for 2021 and consider increasing the property value requirement for resident applications.

# Memo

To: Louisburg Governing Body

From: Nathan Law

Date: October 29, 2020

Re: Building Permit Fee Waiver & Ordinance

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**Background:** The most recent building permit fee waiver ordinance lapses at the end of this year. Currently the City has issued 6 single-family housing permits, with full expectation to issue another 17 before year-end. Previous years' volumes have been 35 in 2019, 14 in 2018, 23 in 2017, and 46 in 2016; compared to 7 permits in 2015 and 4 permits in 2014, years without permit waivers. Now is the time for Council to consider extending this program for another period of time. Based on the volume of permits issued the previous four years, and on the perceived return on those new builds, Council may wish to consider another full year waiver of building permit fees.

As with previous versions of this ordinance, the proposed language only includes single-family residential building permits, not multi-family (apartments) or commercial permits. If such is desired, the appropriate changes can be made and still acted at this meeting, but will need to be approved as to form by counsel prior to publication.

**Financial:** Cost to publish ordinance.

**Legal:** This ordinance must be published once.

**Recommendation:** Review the attached ordinance and approve accordingly.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE CODE OF THE CITY OF LOUISBURG, KANSAS, AS ADOPTED BY ORDINANCE NO. 865 BY ADDING A NEW SECTION ENTITLED, SECTION 10, THEREBY WAIVING BUILDING PERMIT FEES FOR NEW RESIDENTIAL DWELLINGS FOR A PERIOD OF TWELVE MONTHS, FROM JANUARY 1 TO DECEMBER 31, 2021.

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

SECTION 1. That a new section entitled Section 10 shall be added as follows:

*“Section 10. That new, single-family residential dwelling building permits shall not be subject to permit fees prescribed under Section 3 of Ordinance No. 865. Projects shall remain subject to building code and zoning review requirements. Duly obtained permits shall remain valid for a period of one year from the date of original issuance.”*

SECTION 2. That Ordinance 1114 and parts of all other ordinances in conflict herewith shall be and are hereby repealed.

SECTION 3. This Ordinance shall take effect and be in force from and after its passage and publication in the official city newspaper.

PASSED and APPROVED by the Governing Body this 2<sup>nd</sup> day of November, 2020.

ATTEST:

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Traci Storey, City Clerk

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Marty Southard, Mayor

(SEAL)

# Memo

To: Louisburg Governing Body

From: Nathan Law

Date: October 29, 2020

Re: Administrative Goals Update

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Background: Last week Council met in a special workshop to review administrative goals for the purpose of updating the list with additions or subtractions. Below is the updated draft list of goals.

- Review and revamp building process – includes the process for applying and issuing building permits
- Weigh appropriate considerations for a Planning Director
- Review frequency of delays with requesting and fulfilling inspections, and consider whether a second on-call inspector is warranted
- Fill empty retail
- Consider future accommodations for Mixed-Use Development
- Analysis on Staffing and Efficiency – resulting in findings of possible improvements in areas of cross-training, staffing levels, or division or combination of duties.
- Pool enhancements
- Community/Recreation Center – Long-term/Intermediate-term goal
- Determine and support one grand event for Louisburg or a series of smaller events (long-term)
- Improve quality of life whenever/however possible (long-term)
- Notify, court & return builders to Louisburg (short-term)
- Identify and maintain focus of short-, mid- and long-term goals by:
  - Regularly review with Council goals and objectives included in all master planning documents
  - Develop option for Council to create and utilize a Capital Improvement Fund for master planning goals and objectives
  - Identify sources of funding available to transfer to a Capital Improvement Fund
- Review and advise on additional development incentives not currently included in the Louisburg Policy for Incentives for Economic Development
- Conduct recurring community surveys and utilize town hall meetings to discuss ideas

Recommendation: Approve the updated list of administrative goals.