

**RESOLUTION NO. 262-07**

Date Adopted: 12-5-2007

Date Published: 12-14-2007

**A RESOLUTION AMENDING CHAPTER 6, ARTICLE II OF THE SEDGWICK COUNTY CODE; ADOPTING THE INTERNATIONAL RESIDENTIAL CODE, 2006 EDITION, CHAPTERS 1 THRU 10, AS THE RESIDENTIAL ONE AND TWO FAMILY DWELLING CODE WITH CERTAIN PROVISIONS DECLARED TO BE OMITTED, CHANGED OR ADDED TO; AND PROVIDING FOR PENALTIES AND PROSECUTIONS FOR VIOLATIONS THEREOF; REGULATING AND CONTROLLING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, IMPROVEMENT, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA AND MAINTENANCE OF ALL ONE- AND TWO-FAMILY DWELLINGS AND RESIDENTIAL STRUCTURES IN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; ESTABLISHING BUILDING CONTRACTORS LICENSE REQUIREMENTS AND PENALTIES FOR VIOLATIONS THEREOF.**

**WHEREAS**, on the 25th day of August, 1993, the Board of County Commissioners adopted Resolution No. 159-1993, which resolution adopted the Sedgwick County Code; and

**WHEREAS**, on the 15th day of January, 2003, the Board of County Commissioners adopted Resolution No. 11-2003, which resolution amended Chapter 6, Article II, of the Sedgwick County Code by incorporating by reference the International Residential Code, 2000 Edition as the one- and two-family dwelling code for the unincorporated area of Sedgwick County; and

**WHEREAS**, the Board of County Commissioners finds that it has been advised by the present Board of Building Examiners, and thereupon deems it necessary to amend Chapter 6, Article II, of the Sedgwick County Code by repealing the International Residential Code, 2000 Edition, as the one- and two-family dwelling code, and adopting the International Residential Code, 2006 Edition, Chapters 1 thru 10, as the one- and two-family dwelling code, with certain provisions declared to be omitted, amended or modified, and providing for penalties and prosecution for violations thereof. Said code shall regulate and control the erection, construction, enlargement, alteration, repair, moving, improvement, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all one- and two-family residential buildings or structures in the unincorporated area of Sedgwick County, Kansas, and provide for the issuance of permits and collection of fees therefor.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:**

Chapter 6, Article II, of the Sedgwick County Code is hereby amended by the adoption of the International Residential Code, 2006 Edition, Chapters 1 thru 10, and the repeal of the International Residential Code, 2000 Edition, as the one- and two-family residential dwelling code. Changes, additions, and deletions to the residential code shall be stated in full hereinafter.

**SECTION 1: AMENDMENTS TO CHAPTER 6, ARTICLE II.** Sections 6-30 through 6-33 of Article II of Chapter 6 of the Sedgwick County Code are hereby amended and shall read as follows:

**Sec. 6-30. Adopted.**

The *International Residential Code, for One- and Two- Family Dwellings*, 2006 Edition, Chapters 1 thru 10, as published by the International Code Council, Inc., 5203 Leesburg Pike, Suite 600, Falls Church, Virginia, 22041, including Appendix Chapter G and no other appendices, is hereby adopted and incorporated herein by reference, subject to such amendments thereto as are set forth in Section 6-31 of the Sedgwick County Code, and shall be referred to herein as the “Residential Code.” The Residential Code is hereby adopted as the one- and two-family dwelling code for the unincorporated area of the county, and for those second- and third-class cities located therein which have by action of their governing bodies adopted the residential code in the same form as herein contained and which have entered into a separate agreement with the county for enforcement within their municipal boundaries, and conferring jurisdiction upon the county for all prosecutorial function relating thereto. Any reference therein to the *International Building Code* shall be construed as a reference to the current Sedgwick County commercial building code.

**Sec. 6-31. Amendments.**

***The 2006 International Residential Code, 2006 Edition, chapters 1 thru 10, and Appendix G*** is hereby adopted and shall read as follows:

Changes, additions, and deletions to the residential code and the appendices thereto are adopted only as set forth hereinafter:

***SECTION R101, GENERAL***

***Section R101.4 Referenced codes*** is hereby adopted and shall read as follows:

***R101.4.1 Electrical.*** The provisions of the current Sedgwick County Electrical Code shall apply to the installation of electrical systems, including, alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. Whenever used in the Residential Code, the term “*ICC Electrical Code*” shall be construed to mean the current Sedgwick County Electrical Code.

**R101.4.2 Gas.** The provisions of the current *International Fuel Gas Code* shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connection of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

**R101.4.3 Mechanical.** The provisions of the current Sedgwick County Mechanical Code shall apply to the installation, alterations, repairs, and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators, and other energy related systems. Whenever used in the Residential Code, the term “*International Mechanical Code*” shall be construed to mean the current Sedgwick County Mechanical Code.

**R101.4.4 Plumbing.** The provisions of the current Sedgwick County Plumbing Code shall apply to the installation, alterations repairs, replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of medical gas system. Whenever used in the Residential Code, the term “*International Plumbing Code*” shall be construed to mean the current Sedgwick County Plumbing Code.

**R101.4.5 Fire prevention.** The provisions of the current Sedgwick County Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation. Whenever used in the Residential Code, the term “*International Fire Code*” shall be construed to mean the current Sedgwick County Fire Code.

## **SECTION R102, APPLICABILITY**

**R102.7** is deleted in its entirety.

**R102.7** is hereby adopted and shall read as follows:

**R102.7 Existing Structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

**SECTION R103** is hereby retitled **DEPARTMENT OF CODE ENFORCEMENT**

## **SECTION R105, PERMITS**

**R105.2** is deleted in its entirety.

**R105.2** is hereby adopted and shall read as follows:

**R105.2 Work exempt from permit.** Permits shall not be required for the following. Exemption from the permit requirements in this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provision of this code or any other laws or ordinances of this jurisdiction.

Building:

1. One-story detached accessory of U or S occupancy structure, provided the floor area does not exceed 200 square feet (18.58m) and a location permit is obtained prior to installation.
2. Playhouses or tree houses having single or multi-level floors with or without roofs.
3. Fences not over 6 feet (1829mm) high. Concrete or masonry fences not over 4 feet (1219mm) high.
4. Retaining walls which are not over 4 feet (1219mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
6. Sidewalks and driveways not more than 30 inches (762mm) above adjacent grade and not over any basement or story below.
7. Decks, stoops, and porches not more than 30 inches (762mm) above grade without overhead structures and not over any basement or story below.
8. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
9. Prefabricated swimming pools that are less than 24 inches (610mm) deep and the capacity does not exceed 5,000 gallons (18,927 L) in which the pool walls are entirely above the adjacent grade.
10. Swings and other playground equipment accessory to one- or two-family dwelling.
11. Window awnings supported by an exterior wall when not projecting not more than 54 inches (1372mm).
12. Emergency board-up, securing temporary bracing of a building after a fire, storm, vehicle damage or other disaster which caused the building to be open or unsafe. The building owner or this agent may cause such work to be done provided that the Office Department of Code Enforcement is notified the following business day.

13. Repair or replacement of roofing and/or siding materials not exceeding 400 square feet within any one (1) month period.

14. Repair or replacement of interior gypsum board on non-fire rated walls or ceilings when the total area does not exceed 100 square feet within any twelve (12) month period, and providing provided that no framing, electrical, mechanical or plumbing changes are made.

**R105.3.1.1** is deleted in its entirety.

**R105.3.1.1** is hereby adopted and shall read as follows:

**R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas.** Applications for reconstruction, rehabilitation, addition or other improvement of existing buildings or structures located in an area prone to flooding as established by the Sedgwick County Floodplain Management Code, Section 13-1, et seq., of the Sedgwick County Code, shall be governed by that code.

**Section R105.3.1.2 Requirement for onsite wastewater system permit and onsite water well permit** is hereby adopted and shall read as follows:

**R105.3.1.2 Requirement for onsite wastewater system permit and onsite water well Permit.** For applications for new construction of one- or two-family dwellings, a permit for an onsite wastewater system and a permit for onsite water well must be secured before the building official can issue a permit therefor.

**Section R105.3.3 Responsibility of permit applicant** is hereby adopted and shall read as follows:

**Section R105.3.3 Responsibility of permit applicant.** The permit applicant shall be responsible for satisfying all requirements of applicable county codes and resolutions.

**R105.6** is deleted in its entirety:

**R105.6** is hereby adopted and shall read as follows:

**R105.5 Expiration.** Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of issuance, or if the building or work authorized by such permit is suspended or abandoned at any time after the work has commenced. Work shall be considered to have been suspended or abandoned if there has been 180 days since the last required inspection. Before work can be recommenced, a new permit shall be first obtained, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such period of suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a full permit fee.

The building official is authorized to grant, one or more extensions of time, for periods not to exceed 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**SECTION R106, CONSTRUCTION DOCUMENTS**

**R106.3.1 Approval of construction documents** is deleted in its entirety.

**R106.5 Retention of construction documents** is deleted in its entirety.

**Section R106.6 Design professional in responsible charge** is hereby adopted and shall read as follows:

**R106.6 Design professional in responsible charge.** When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties the registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

**SECTION R108, FEES** is deleted in its entirety:

**SECTION R108, FEES** is hereby adopted and shall read as follows:

**R108.1 General.** Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule adopted by the jurisdiction.

**R108.2 Permit fees.** The fee for each permit shall be as set forth below.

**R108.2.1 Commercial permits.** The fee for each commercial permit shall be as set forth in the current Sedgwick County commercial building code.

**R108.2.2 Residential permits.** The fee for each residential permit shall be as follows:

**R108.2.2.1 New construction.** For each permit issued for construction of new one and two family dwellings or accessory building thereto, there shall be charged and collected from the applicant a permit fee in accordance with the following defined classifications, defined chargeable floor area, and table of building permit fees:

(a) Classification I means all buildings and structures except those defined hereafter as classification II. The chargeable square feet shall be defined as the total square feet of

finished area enclosed by the exterior dimension for each floor thereof. The permit fee charged shall be based on the value of nineteen cents (19¢) per chargeable square foot.

(b) Classification II means garages, manufactured homes, basements, carports, breezeways, covered walkways, porches, canopies, unfinished areas, and accessory structures to one and two family dwellings. The chargeable square feet shall be defined as the total square feet area enclosed by the exterior dimensions thereof. The permit fee charged shall be based on the value of fifteen cents (15¢) per chargeable square foot.

**R108.2.2 All other residential permits.** For each permit issued for repairing, altering, remodeling or additions to existing buildings, reroofing, siding, swimming pools, hot tubs, and all other residential construction projects, a permit fee shall be charged based on the value of the work to be performed in accordance with Table R108.2.

**R108.2.3 Value.** The determination of value or valuation under any of the provisions of this code shall be made by the building official. For the purpose of this section, the value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, mechanical, elevators, fire-extinguishing systems and any other permanent equipment. The building official shall, when deemed necessary, require reasonable substantiation of value stated in any application for permit or other form that may be prescribed.

**R108.2.4 Issuance fee.** A permit issuance fee of fifteen dollars (\$15.00) shall be charged for each permit which is issued under the provisions of this code, and shall be in addition to the other permit fees set forth herein.

**Table R108.2  
BUILDING PERMIT FEES (excluding issuance fee)**

<b>TOTAL VALUATION FEE</b>	
\$1.00 to \$500.00.....	\$18.00
\$501.00 to \$2,000.00.....	\$18.00 for the first \$500.00 plus \$2.50 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00.....	\$55.50 for the first \$2,000.00 plus \$9.50 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00.....	\$274.00 for the first \$25,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00 .....	\$449.00 for the first \$50,000.00 plus \$5.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00.....	\$699.00 for the first \$100,000.00 plus \$4.00 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00

\$500,001.00 to \$1,000,000.00 .....\$2,299.00 for the first \$500,000.00 plus \$3.50 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00

\$1,000,001.00 and up..... \$4,049.50 for the first \$1,000,000.00 plus \$2.50 for each additional \$1,000.00 or fraction thereof

Other Inspections and Fees:

1. Inspections outside of normal business hours..... \$30.00 per hr\*  
(minimum charge-two hours)
2. Re-inspection fees assessed under provisions of Section 305(g). . . \$30.00 per hr\*
3. Inspections for which no fee is specifically indicated.. . . . . \$30.00 per hr\*  
(minimum charge -- one-half hour)
4. Additional plan review required by changes, additions or revisions to approved plans. .  
. . . . . \$30.00 per hr\* (minimum charge -- one-half hour)

\*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

**R108.5 Investigation Fees.** Work without a Permit.

**R108.5.1 Investigation.** Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

**R108.5.2 Fee.** An investigation fee, in addition to the permit fee shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same fee set forth in Table R108.2. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any other penalty prescribed by law.

**R108.6 Fee Refunds.** The building official may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

**SECTION R109, INSPECTIONS** is deleted in its entirety.

**SECTION R109, INSPECTIONS** is hereby adopted and shall read as follows:

**R109.1.2 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.

**R109.1.3 Floodplain inspections.** Floodplain inspections shall be governed by the current Sedgwick County Floodplain Management Code, Section 13-1, *et seq.*, of the Sedgwick County Code.

**R109.5 Service drive inspection.** Service drive inspections shall be made in accordance with the current Sedgwick County Service Drive Code.

**SECTION R112, BOARD OF APPEALS** is deleted in its entirety.

**SECTION R112, BOARD OF APPEALS** is hereby adopted and shall read as follows:

**R112.1 General, membership and duties.** The board of building examiners and appeals shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the Residential Code and to determine the suitability of alternate materials and types of construction. The board of building examiners and appeals shall consist of six (6) members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the county.

The board shall consist of one (1) architect currently licensed by the State of Kansas, one (1) structural engineer currently licensed by the State of Kansas, and four (4) contractors currently licensed in Sedgwick County (two (2) contractors whose major business is residential construction and two (2) contractors whose major business is commercial construction).

The building official shall be an ex-officio member of the board and provide technical information to the board. The building official shall act as secretary of the board, but the building official shall not have a vote upon any matter before the board.

The county counselor shall provide legal counsel for the board. The board members shall be appointed by the board of county commissioners to serve for terms of three (3) years. The members of the board of building examiners and appeals presently holding appointments shall continue as members of the board for the term of their appointment and until their successors have been duly appointed, qualified, and sworn to the oath of office before the Sedgwick county clerk.

**R112.1.1** The board may make an annual review of the Residential Code and shall recommend to the board of county commissioners such changes in the Residential Code as are necessary to be consistent with modern methods of construction.

**R112.1.2** The board shall adopt reasonable rules and regulations for conducting its

business and shall render all findings and decisions in writing to the building official with a duplicate copy to the applicant or appellant.

**R112.1.3** Any order of the board of building examiners and appeals made as a result of a hearing under this sub-section may be appealed to the district court of the eighteenth judicial district.

**R112.1.4** Any applicant or appellant desiring to use alternate materials or types of construction shall guarantee payment of all expenses for any tests deemed necessary by the board.

**R112.2 Limitations of authority.** The board shall have no authority relative to interpretation of the administrative provisions of the Residential Code nor shall the board be empowered to waive requirements of the Residential Code.

**R112.2.1** Applications for construction, addition or other improvement of existing buildings or structures located in an area prone to flooding as established by the Sedgwick County Floodplain Management Code, Section 13-1, et seq., of the Sedgwick County Code, shall be governed by that code.

**SECTION R113, VIOLATIONS** is deleted in its entirety.

**SECTION R113, VIOLATIONS** is hereby adopted and shall read as follows:

**R113.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, convert, occupy, equip, use, or maintain any building or structure in the unincorporated area of the county, or cause or permit the same to be done, contrary to or in violation of the Residential Code.

**R113.2 Notice of violation and order to comply.** Whenever the building official or any code enforcement officer authorized under this article has probable cause to believe that a person, firm or corporation is committing or has committed a violation of any provision of the Residential Code, the building official or such code enforcement officer may first cause a notice of violation and order to comply to be served upon said person, firm or corporation responsible therefor.

Such notice shall:

1. Be in writing;
2. Include a description of the real estate and/or the street address sufficient for identification;
3. Specify the violation(s) which exists and the correction(s) ordered;
4. Allow a reasonable time for the performance of any act it requires.

Such notice shall be deemed to be properly served upon such alleged violator if a copy thereof is delivered to such alleged violator personally, or, if not found, a copy thereof is left at such alleged violator's place of abode with a person of suitable age and discretion who shall be informed of the contents thereof. Such notice shall also be deemed to be properly served upon the alleged violator if a copy thereof is sent by mail to such alleged violator's last known address, or, if the letter with a copy is returned showing it has not been delivered, a copy thereof is posted in a conspicuous place on or about the building or structure affected by the notice.

***R113.3 Prosecution of violation.*** In case any notice of violation and order to comply authorized herein is not complied with, the building official or such code enforcement officer may request the county counselor to institute an appropriate action or proceeding against the person, firm, or corporation responsible for the violation:

1. To restrain, correct, or remove the violation or to compel such person, firm, or corporation to refrain from any further execution of work;
2. To restrain or correct the erection, construction, enlargement, alteration, repair, movement, improvement, removal, conversion, demolition, equipping, use, or maintenance of such building or structure or part thereof;
3. To require the removal of work in violation;
4. To prevent the maintenance, occupation or use of the building, structure, or part thereof which is erected, constructed, enlarged, altered, repaired, moved, improved, removed, demolished, converted, equipped, used or maintained in violation of the Residential Code or in violation of a plan or specification under which an approval, permit or certificate was issued.

In addition, or in the alternative, the building official or code enforcement officer may proceed with the penalties provision set forth in Section 113.4.

***R113.4 Violation penalties.***

***R113.4.1 Issuance of uniform complaint and notice to appear.*** Whenever the building official or a code enforcement officer authorized under this article has probable cause to believe that a person, firm, or corporation is committing or has committed a violation of any provision of the Residential Code, the building official or such code enforcement officer may serve upon such accused person a uniform complaint and notice to appear, or in the alternative, may sign a complaint against the accused person and cause a notice to appear to be issued according to the provisions of K.S.A. 19-4701, et seq., the code for the enforcement of county codes and resolutions.

Pursuant to K.S.A. 19-101d, prosecution for any such violation shall be conducted in the manner provided by law in the district court under the code for the enforcement of county codes and resolutions as provided by K.S.A. 19-4701, et seq. Writs or processes necessary for the prosecution of such violations shall be substantially in the form of writs

and process as shown in K.S.A. 19-4738. The county shall provide all necessary supplies, forms and records at its own expense.

***R113.4.2 Procedures.*** Procedures for prosecution of violations of the Residential Code and this article shall be pursuant to chapter 8 of the Sedgwick County Code.

***R116.2 Obtaining a license.*** To obtain an appropriate building contractors license, a person shall:

1. File a completed application with the board of building examiners and appeals on forms provided by the department of code enforcement, identifying the classification of contractor license sought by the proposed licensee, which classification shall be one of the following:

(a) **Class A. Unlimited commercial or residential.** A class A license shall entitle the licensee to contract to build unlimited commercial and residential buildings and structures, and shall entitle the licensee to those privileges held by holders of class B, C, S-1, S-2, S-5 and S-6 licenses.

(b) **Class B. Three-story or Less.** A class B license shall entitle the licensee to contract to build structures of three stories or less in height, whether commercial or residential, and to contract to perform non-structural remodeling of buildings or structures not exceeding three stories in height, and shall entitle the licensee to those privileges held by holders of class C, S-1, S-2, S-5 and S-6 licenses.

(c) **Class C. One- and two-family residential and accessory structure.** A class C license shall entitle the licensee to contract to build one- and two-family residential structures and accessory buildings to such residential structures, and to perform residential remodeling, and shall entitle the licensee to those privileges held by holders of class S-1, S-2, and S-5 licenses.

(d) **Class L-\_\_\_. Limited.** A Class L-\_\_\_ license shall entitle the licensee to contract and build based upon limitations placed on the license by the building official or the board of building examiners and appeals. The class L-\_\_\_ license may be issued for any other class of license and the fee for the class L-\_\_\_ license shall be the same as the classification provided to the licensee.

(e) **Class S. Specialty.** A class S license shall entitle the licensee to contract to install any one of the following, according to the subclass of specialty license obtained:

**S-1. Roofing/siding**

**S-2. Swimming pool**

**S-3. Fire sprinkler system contractor.** No S-3 Fire Sprinkler System contractor license will be issued or renewed without written approval of the Sedgwick County Fire Department.

#### **S-4. Mobile/manufactured home**

#### **S-5. Wrecking**

#### **S-6. Wireless Communication Towers**

A separate class S license shall be required for each and every subclass and a separate license fee shall be collected therefor.

**(f) Class I-\_\_\_\_. Inactive.** A class I-\_\_\_\_ license shall entitle the licensee to retain the license status most recently held prior to becoming inactive upon payment of the license fee which shall be the same as that required for the most recently held active license.

An inactive license shall be renewed at each renewal rotation, and if such inactive license is not renewed, it shall be deemed expired, and the provisions relating to obtaining a new license shall apply. An inactive licensee is not required to comply with the provisions of subparagraphs (4), (5), and (6) hereof during the inactive period. The licensee shall comply with all licensing provisions when the licensee engages in any work which requires an active license. Once an inactive license becomes active it may not be returned to inactive status until the next renewal rotation.

2. Pay an application fee in the amount of \$50.00.

3. Pass either the Block Test or the ICC test for general contractors in the State of Kansas, or the board of building examiners and appeals examination for the license applied for. The "Block Tests," now administered by Thomson Prometric, 1260 Energy Lane, St. Paul, Minnesota 55108, or the ICC test, administered by International Code Council, 900 Montclair Road, Birmingham, Alabama 35213, are hereby designated as the standard examinations for determining the qualification of persons seeking licensure. Applicants may show satisfactory evidence to the building official may of a valid ICBO certificate for general contractors in lieu of taking the examinations identified above.

Those persons who were licensed as required by this article on December 31, 1991, and whose license has not subsequently lapsed or been suspended or revoked, shall not be required to pass any such examination. Applicants who show satisfactory evidence to the building official or to the board of building examiners and appeals of experience commensurate to that required by this article may thereupon be issued a license limited to one particular project.

4. Pay the appropriate license fee as provided below in Section R116.3.

5. Submit proof of insurance in the following amounts:

(a) Worker's compensation insurance for all employees to be engaged in work on any site regulated by the Residential Code.

(b) Comprehensive general liability insurance in an amount not less than three

hundred thousand dollars (\$300,000) each occurrence and aggregate for bodily injury and property damage combined. Certificates of insurance submitted as required herein shall indicate that the Sedgwick County Department of Code Enforcement shall be given at least thirty (30) days advance written notice of any cancellation or material change in coverage of such insurance.

6. Agree to obtain all required permits.

7. Agree to comply with the truth in advertising requirements hereof.

***R116.3 License fee.***

1. Building contractor's licenses issued on or after January 1, 2009, shall be sold in two (2) year county-wide increments, and are valid for two (2) years, and are therefore referred to as "biennial" licenses.

(a) Triennial licenses in effect at the time of the adoption of this section that expire on December 31, 2008, shall be renewed biennially as set forth above.

(b) Building contractor's licenses issued after the adoption of this section, but prior to January 1, 2009, shall expire on December 31, 2008, and shall thereafter be renewed biennially as set forth above. The license fee charged for such licenses shall be prorated, based on the current year of a two-year cycle ending on December 31, 2008, according to the fee schedule set forth in Section R116.3.2.

2. A license is renewable up to March 1st after expiration of any license period. The building contractor's biennial license fees are as follows for the year 2009, and biennially thereafter:

- A - \$300.00
- B - \$250.00
- C - \$200.00
- D - \$200.00

3. The license fee charged to new applicants will be prorated, based on the current year of the two-year cycle. License fees are subject to change with the Sedgwick County Board of Commissioners approval and the official current license fee schedule shall be maintained by the Building Official.

***R116.4 Renewal of license.*** To renew a building contractor's license, a person shall file an application as provided in Section R116.2(1), and shall pay the license fee as provided in Section R116.3.

***R116.5 Violations of building contractor's license requirements; hearing; penalties.*** At the request of the building official, a hearing before the board of building examiners and appeals shall be held to determine whether there has been any violation of any of the licensing requirements contained herein and whether the building contractor's license should be suspended or revoked.

If any violation is found, the board may order any or all of the following:

1. No further building permits will be issued to the violating licensee until such time as the violation is abated.
2. All inspections of further work performed by the violating licensee will be suspended until such time as the violation is abated, excepting extreme hazard or life-safety inspection.
3. A license review, subjecting the violating licensee to possible suspension or revocation of the building contractors license. If a contractor license is revoked as provided herein, the violating licensee shall be barred from obtaining another contractor license for a period of twelve (12) months from the date of the revocation order. Following a suspension or revocation period, a violating licensee who wishes to obtain a building contractor's license shall follow the application procedure set forth in Section R116.2, and shall be required to pass the examination described in Section R116.2(3).

***R116.6 Lapse of license.*** A contractor license that has not been suspended or revoked, but for which the renewal fee has not been submitted on or before March 1st following the expiration of a license period, shall be deemed to have lapsed. Renewal of a lapsed license shall be allowed upon the person's request, filing of a completed application, payment of an application fee as required in Section R116.2(2), and compliance with the requirements of Section R116.2(3).

***R116.5 Truth in Advertising Requirements*** is hereby adopted and shall read as follows:

***R116.5.1 Applicability.*** On or after July 1, 1993, any person, corporation, or entity required by this section to obtain a Building Contractors License shall be subject to this section.

***R116.5.2 Definition.*** For the purposes of this section, advertising or advertisement means the inclusion of any business card, announcement, contract bid proposal, or other written or broadcast statement, including telephone directory display advertisements, but shall not include any white or yellow page listings in telephone directories.

***R116.5.3 Violations.*** It shall be a violation for any person, firm, corporation, or other entity that does not hold a valid Building Contractors License in good standing, to advertise or maintain any advertising or advertisement that:

1. Advertises as a building contractor or general contractor;
2. Appends the person's, or other entity's name to, or in connection with, the title "building contractor";
3. Appends the person's, or other entity's name to any other words that tend to represent the person or entity as a building contractor;

**R116.6 Exception to the requirement of building contractors license.** Owners of one or two-family dwellings who are building their residence or who reside in the residence where the building is taking place, and/or who are building accessory buildings to such residential buildings or structures, and/or who are building agricultural buildings, and/or who are performing residential remodeling, shall be permitted to work on the building construction in that residence and/or accessory or agricultural building or structure, provided all other requirements of the residential code are met and all of the following are complied with:

1. Building plans for the building or structure have been approved by the building official.
2. No individual may perform building construction on more than one new one family or one new two-family dwelling in any three-year period beginning with the date of the issuance of the most recent such building permit. Special cases are subject to appeal to the board of building examiners and appeals.
3. The individual to whom the building permit is to be issued is the same individual who is the owner of the residence, accessory building, or agricultural building that is subject of the building permit.

**2006 INTERNATIONAL RESIDENTIAL BUILDING CODE SHALL BE AMENDED AS FOLLOWS:**

**SECTION R301, DESIGN CRITERIA**

**Climatic and Geographic Design Criteria for Sedgwick County, Ks.\***

Ground Snow Load -	15 psf	Design Temps	
Wind Speed (mph) -	76 w/ 90- 3 sec. gust	Air Freezing Temp.-	400
Seis. Design Cat.-	A	Mean Air Temp.-	55-60 deg.
Weathering -	Severe	Summer- 98 2.50 % dry bulb	
Frost Line Depth -	24 inches	Winter- 76 2.50% Wet Bulb	
Termite -	Mod./ Severe	Heating Degree Days-	4,620
Winter Design Temp -	97.50%- 7		
Ice Barrier -	None Required		
		Roof	Floor
		Dead Load -	10 lb. psf
			40 lb. psf
		Live Load -	20 lb. psf
			psf
Ground Snow Load-	15 lbs. psf		

\* For footnotes, refer to Table R301.2(1) of the 2006 International Residential Code

**R301.4 Live load.** The minimum uniformly distributed live load shall be as provided in Table R301.4.

**TABLE R301.4  
MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS**

USE	LIVE LOADS (POUNDS PER SQUARE FOOT)
Exterior balconies	60
Decks <sup>f</sup>	40
Fire Escapes	40
Passenger vehicle garages <sup>a</sup>	50 <sup>a</sup>
Attics without storage <sup>b,e</sup>	10
Attics with storage <sup>b,e</sup>	20
Rooms other than sleeping rooms	40
Sleeping rooms	40
Stairs	40 <sup>c</sup>
Guardrails and handrails <sup>d</sup>	200

For SI: 1 pound per square foot = 0.0479 kN/m<sup>2</sup> , 1 square inch = 645 mm<sup>2</sup> , 1 pound = 4.45 N.

a. Elevated garage floors shall be capable of supporting a 2,000-pound load applied over a 20-square-inch area.

b. No storage with roof slope not over 3 units in 12 units.

c. Individual stair treads shall be designed for the uniformly distributed live load or a 300-pound concentrated load acting over an area of 4 square-inches, whichever produces the greater stresses.

d. A single concentrated load applied in any direction at any point along the top.

e. Attics constructed with wood trusses shall be designed in accordance with Section R802.10.1.

f. See Section R502.2.1 for decks attached to exterior walls.

**R303.1 Habitable rooms.** All habitable rooms shall have an aggregate glazing area of not less than 8 percent of the floor area of such rooms. Natural ventilation shall be through

windows, doors, louvers or other approved openings to the outdoor air. Such openings shall be provided with ready access or shall otherwise be readily controllable by the building occupants. The minimum openable area to the outdoors shall be 4 percent of the floor area being ventilated. In addition, in new dwellings and additions to existing one and two family dwellings where a new separate heating and/or cooling system is being added to serve, but not necessarily limited to only serve the new addition, an outside air duct shall be connected to the main return air duct, prior to the filter, of each heating and/or cooling system for the habitable space served. Duct size shall be based on the square footage of habitable space served as follows:

- |                                 |                                |
|---------------------------------|--------------------------------|
| 1. 1,500 sq.ft. or less         | 4 inch diameter or 12.6 sq.in. |
| 2. 1,501 sq.ft. to 2,000 sq.ft. | 5 inch diameter or 19.6 sq.in. |
| 3. 2,001 sq.ft. and larger      | 6 inch diameter or 28.3 sq.in. |

All areas listed exclude finished basement area. The outside air duct shall be provided with a .25 inch mesh inlet screen. The outside air duct shall not draw air from contaminated sources.

***Exceptions:***

1. The glazed areas need not be openable where the opening is not required by Section R310 and an approved mechanical ventilation system capable of producing 0.35 air change per hour in the room is installed or a whole-house mechanical ventilation system is installed capable of supplying outdoor ventilation air of 15 cubic feet per minute (cfm) (78 L/s) per occupant computed on the basis of two occupants for the first bedroom and one occupant for each additional bedroom.

2. The glazed areas need not be installed in rooms where Exception 1 above is satisfied and artificial light is provided capable of producing an average illumination of 6 foot-candles (65 lux) over the area of the room at a height of 30 inches (762 mm) above the floor level.

3. Use of sunroom additions and patio covers, as defined in Section R202, shall be permitted for natural ventilation if in excess of 40 percent of the exterior sunroom walls are open, or are enclosed only by insect screening.

***SECTION R303, LIGHT, VENTILATION AND HEATING***

***R303.3 Bathrooms.*** Bathrooms, water closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 square feet (0.3 m<sup>2</sup>), one-half of which must be openable.

***Exception:***

The glazed areas shall not be required where artificial light and a mechanical ventilation system are provided. The minimum ventilation rates shall be 50 cubic feet per minute (24 L/s) for intermittent ventilation or 20 cubic feet per minute (10 L/s) for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside or a

minimum of thirty-six (36) inches (914.4 mm) above the top of ceiling joist in a ventilated attic space.

**Section R 303.5** shall be deleted in its entirety.

**R303.6 Stairway illumination.** All interior and exterior stairways shall be provided with a means to illuminate the stairs, including the landings and treads.

For interior stairs the artificial light sources shall be capable of illuminating treads and landings to levels not less than one (1) foot-candle (11 lux) measured at the center of treads and landings.

Exterior stairways shall be provided with an artificial light source located in the immediate vicinity of the top landing of the stairway. Exterior stairways providing access to a basement from the outside grade level shall be provided with an artificial light source located in the immediate vicinity of the bottom landing of the stairway.

**Exception:**

An artificial light source is not required at the top and bottom landing.

**R308.4 Hazardous locations.** The following shall be considered specific hazardous locations for the purposes of glazing:

1. Glazing in swinging doors except jalousies.
2. Glazing in fixed and sliding panels of sliding door assemblies and panels in sliding and bifold closet door assemblies.
3. Glazing in storm doors.
4. Glazing in all unframed swinging doors.
5. Glazing in doors and enclosures for hot tubs, whirlpools, saunas, steam rooms, bathtubs and showers. Glazing in any part of a building wall enclosing these compartments where the bottom exposed edge of the glazing is less than sixty (60) inches (1524 mm) measured vertically above any standing or walking surface.
6. Glazing, in an individual fixed or operable panel adjacent to a door where the nearest vertical edge is within a twelve (12) inches (304.8mm) arc of the door in a closed position and whose bottom edge is less than sixty (60) inches (1524 mm) above the floor or walking surface.
7. Glazing in an individual fixed or operable panel, other than those locations described in Items 5 and 6 above, that meets all of the following conditions:
  - 7.1. Exposed area of an individual pane larger than nine (9) square feet (0.836 m2).
  - 7.2. Bottom edge less than ten (10) inches (254 mm) above the floor.
  - 7.3. Top edge more than thirty-six (36) inches (914 mm) above the floor.

7.4. One or more walking surfaces within 36 inches (914 mm) horizontally of the glazing.

8. All glazing in railings regardless of an area or height above a walking surface. Included are structural baluster panels and nonstructural infill panels.

9. Glazing in walls and fences enclosing indoor and outdoor swimming pools, hot tubs and spas where the bottom edge of the glazing is less than 60 inches (1524mm) above a walking surface and within 60 inches (1524 mm) horizontally of the water's edge. This shall apply to single glazing and all panes in multiple glazing.

10. Glazing adjacent to stairways, landings and ramps within 36 inches (914 mm) horizontally of a walking surface when the exposed surface of the glass is less than 60 inches (1524 mm) above the plane of the adjacent walking surface.

11. Glazing adjacent to stairways within 60 inches (1524 mm) horizontally of the bottom tread of a stairway in any direction when the exposed surface of the glass is less than 60 inches (1524 mm) above the nose of the tread.

*Exception:*

The following products, materials and uses are exempt from the above hazardous locations:

1. Openings in doors through which a 3 inch (76 mm) sphere is unable to pass.
2. Decorative glass in Items 1, 6 or 7.
3. Glazing in Section R308.4, Item 6, when there is an intervening wall or other permanent barrier between the door and the glazing.
4. Glazing in Section R308.4, Item 6, in walls perpendicular to the plane of the door in a closed position, other than the wall toward which the door swings when opened, or where access through the door is to a closet or storage area 3 feet (914 mm) or less in depth. Glazing in these applications shall comply with Section R308.4, Item 7.
5. Glazing in Section R308.4, Items 7 and 10, when a protective bar is installed on the accessible side(s) of the glazing 36 inches  $\pm$  2 inches (914 mm  $\pm$  51 mm) above the floor. The bar shall be capable of withstanding a horizontal load of 50 pounds per linear foot (730 N/m) without contacting the glass and be a minimum of 1 1/2 inches (38 mm) in height.
6. Outboard panes in insulating glass units and other multiple glazed panels in Section R308.4, Item 7, when the bottom edge of the glass is 25 feet (7620 mm) or more above grade, a roof, walking surfaces, or other horizontal [within 45 degrees of horizontal] surface adjacent to the glass exterior.
7. Louvered windows and jalousies complying with the requirements of Section R308.2.

8. Mirrors and other glass panels mounted or hung on a surface that provides a continuous backing support.

9. Safety glazing in Section R308.4, Items 10 and 11, is not required where:

9.1. The side of a stairway, landing or ramp has a guardrail or handrail, including balusters or in-fill panels, complying with the provisions of Sections 1013 and 1607.7 of the *International Building Code*; and

9.2. The plane of the glass is more than 18 inches (457 mm) from the railing; or

9.3. When a solid wall or panel extends from the plane of the adjacent walking surface to 34 inches (863 mm) to 36 inches (914 mm) above the floor and the construction at the top of that wall or panel is capable of withstanding the same horizontal load as the protective bar.

10. Glass block panels complying with Section R610

11. Windows in walls adjacent to bathtubs may be protected by an approved safety film installed by certified installers in accordance with the manufacturer's specifications.

**Section R309.5** shall be deleted in its entirety.

See current Sedgwick County Code **Chapter 13-Floodplain Management**

**R310.1.1 Minimum opening area.** All emergency escape and rescue openings shall have a minimum net clear opening of four and one-half (4.5) square feet ( 0.418 m<sup>2</sup> ) with the window in an open position, with a total break-out area of five and seven-tenths (5.7) square feet.

**R310.1.2 Minimum opening height.** The minimum net clear opening height shall be:

1. Nineteen and three-quarters (19.75) inches (501.65 mm) plus or minus one-quarter (.25) inch for single, double hung and awning style windows.

2. For all other types of windows the minimum height shall be determined by multiplying the width times the height to achieve a total net clear opening of four and one-half (4.5) square feet ( 0.372 m<sup>2</sup> ) with a total break-out area of five and seven-tenths (5.7) square feet (0.530 m<sup>2</sup> ).

**R310.1.3 Minimum opening width.** The minimum net clear opening width shall be:

1. Seventeen (17) inches (431.8 mm) plus or minus one-quarter (.25) inch in the open position for casement and slider windows.

2. Thirty and one-quarter (30.24) inches (768.35 mm) plus or minus one-quarter (.25) inch for single and double hung units.

**R310.2.1 Ladder and steps.** Window wells with a vertical depth greater than 44 inches (1118 mm) shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position. Ladders or steps required by this section shall not be required to comply with Sections R311.5 and R311.6. Ladders or rungs shall;

1. Have an inside width of at least twelve (12) (304.8 mm) inches.
2. Project at least three (3) inches (7.62 mm) from the wall.
3. Have at least one and one-half (1.5) inches (38.1 mm) clearance between the rung and wall.
4. Be spaced not more than eighteen (18) inches (472.2 mm) on center vertically for the full height of the window well.

**R311.4.3 Landings at doors.** There shall be a floor or landing on each side of each exterior door. The floor or landing at the exterior door shall not be more than 1.5 inches (38 mm) lower than the top of the threshold. The landing shall be permitted to have a slope not to exceed 0.25 units vertical in 12 units horizontal (2- percent).

**Exceptions:**

1. Where a stairway has four or less risers and is located on the exterior side of a door, other than the required exit door, a landing is not required at the exterior side of the door provided the door, other than an exterior storm or screen door does not swing over the stairway.
2. The exterior landing at an exterior doorway shall not be more than eight (8) inches (203.2 mm) below the top of the threshold, provided the door, other than an exterior storm or screen door does not swing over the landing.
3. The height of floors at exterior doors other than the exit door required by Section R311.4.1 shall not be more than eight (8) inches (203.2 mm) lower than the top of the threshold. The width of each landing shall not be less than the door served. Every landing shall have a minimum dimension 36 inches (914 mm) measured in the direction of travel.

**R311.5.2 Headroom.** The minimum headroom in all parts of the stairway shall not be less than six (6) feet and six (6) inches (1981.2 mm) measured vertically from the sloped plane adjoining the tread nosing or from the floor surface of the landing or platform.

**R311.5.3 Stair treads and risers.**

**R311.5.3.1 Riser height.** The maximum riser height shall be eight (8) inches (203.2). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm)

**R311.5.3.2 Tread depth.** The minimum tread depth shall be nine (9) inches (228.6 mm). The tread depth shall be measured horizontally between the vertical planes of the

foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Winder and circular treads shall have a minimum tread depth of nine (9) inches (228.6 mm) measured as above at a point 12 inches (305 mm) from the side where the treads are narrower.

Winder and circular treads shall have a minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the largest winder tread depth at the 12 inch (305 mm) walk line shall not exceed the smallest by more than 3/8 inch (9.5 mm).

**Section R311.5.3.3** shall be deleted in its entirety.

**R311.5.6.1 Height.** Handrail height, measured vertically from the sloped plane adjoining the tread nosing, or finish surface of ramp slope, shall be not less than thirty-two (32) inches (812.8 mm) and not more than 38 inches (965 mm).

**R311.5.6.2 Continuity.** Handrails for stairways shall be continuous for the full length of the flight, from a point directly above the top riser of the flight to a point directly above the lowest riser of the flight. Handrail ends shall be returned to the wall or shall terminate in newel posts or safety terminals at the top of each flight of stairs.

Handrails adjacent to a wall shall have a space of not less than one and one-quarter (1.25) inch between the wall and the handrails.

**Exceptions:**

1. Handrails shall be permitted to be interrupted by a newel post at the turn.
2. The use of a volute, turnout, starting easing or starting newel shall be allowed over the lowest tread.

**R311.5.6.3 Handrail grip size.** All required handrails shall be of one of the following types or provide equivalent graspability.

1. Type I. Handrails with a circular cross section shall have an outside diameter of at least 1 1/2 inches (32 mm) and not greater than 2 inches (51 mm). If the handrail is not circular it shall have a perimeter dimension of at least 4 inches (102 mm) and not greater than 6 1/2 inches (160 mm) with a maximum cross section of dimension of 2 1/4 inches (57 mm).

2. Type II. Handrails with a perimeter greater than 6 1/4 inches (160 mm) shall provide a graspable finger recess area on the outboard side of the profile. The finger recess shall begin within a distance of 1/4 inch (19 mm) measured vertically from the tallest portion of the profile and achieve a depth of at least 5/16 inch (8 mm) within 7/8 inch (22 mm) below the widest portion of the profile. This required depth shall continue for at least 3/8 inch (10mm) to a level that is not less than 1 3/4 inches (45 mm) below the tallest portion of the profile. The minimum width of the handrail above the recess shall be 1 1/4 inches (32 mm) to a maximum of 2 3/4 inches (70 mm). Edges shall have a minimum radius of 0.01 inch (0.25 mm).

**R311.6.3.1 Height.** Handrail height, measured above the finished surface of the ramp slope, shall be not less than thirty-two (32) inches (812.8 mm) and not more than 38 inches (965 mm).

**R311.6.3.3 Continuity.** Handrails where required on ramps shall be continuous for the full length of the ramp. Handrail ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than one and one-quarter (1.25) inch between the wall and the handrails.

**R312.2 Guard opening limitations.** Required guards on open sides of stairways, raised floor areas, balconies and porches shall have intermediate rails or ornamental closures which do not allow passage of a sphere four and one-half (4.5) inches or more in diameter.

**Exceptions:**

1. The triangular openings formed by the riser, tread and bottom rail of a guard at the open side of a stairway are permitted to be of such a size that a sphere 6 inches (152 mm) cannot pass through.
2. Openings for required guards on the sides of stair treads shall not allow a sphere four and one-half (4.5) inches to pass through.

**R313.2 Location.** Smoke alarms shall be installed in the following locations:

1. Outside each separate sleeping area in the immediate vicinity of the bedrooms.
2. On each additional story of the dwelling, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. When more than one smoke alarm is required to be installed within an individual dwelling unit the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit.

**Section R314.4 Thermal Barrier** shall be amended to read as follows:

**R314.4 Thermal barrier.** Unless otherwise allowed in Section R314.5 or Section R314.6, foam plastic shall be separated from the interior of a building by an approved thermal barrier of minimum 0.5 inch (12.7 mm) gypsum wallboard or an approved finish material equivalent to a thermal barrier material that will limit the average temperature rise of the unexposed surface to no more than 250°F (139°C) after 15 minutes of fire exposure complying with the ASTM E 119 standard time temperature curve. The thermal barrier shall be installed in such a manner that it will remain in place for 15 minutes based on NFPA 286 with the acceptance criteria of Section R315.4, FM 4880, UL 1040 or UL 171.

**Exception:**

Insulating Concrete Forms. Insulating concrete forms (ICFs) may be used without the thermal barrier described in Section 318.1 when the foam plastic meets the following criteria:

1. The foam plastic has a minimum self Ignition Temperature of 450 degrees C when tested in accordance with ASTM D 1929;
2. The foam plastic has a flame-spread rating of less than 25 and a smoke-developed rating of less than 450 when tested in accordance with ASTM E 84;
3. The foam plastic wall assembly has a minimum two (2) hour fire resistance rating when tested in accordance with ASTM E 119; and
4. The ICF has a valid ICCES ER number.

**Section R 318.1** shall be deleted in its entirety.

**R319.1 Location required.** Protection from decay shall be provided in the following locations by the use of naturally durable wood or wood that is preservative treated in accordance with AWP A U1 for the species, product, preservative and end use. Preservatives shall be listed in Section 4 of AWP A U1.

1. Wood joists or the bottom of a wood structural floor when closer than 18 inches (457 mm) or wood girders when closer than 12 inches (305 mm) to the exposed ground in crawl spaces or unexcavated area located within the periphery of the building foundation.
2. All wood framing members that rest on concrete or masonry exterior foundation walls and are less six (6) inches ( 152.4 mm ) from the exposed ground.
3. Sills and sleepers on a concrete or masonry slab that is in direct contact with the ground unless separated from such slab by an impervious moisture barrier.
4. The ends of wood girders entering exterior masonry or concrete walls having clearances of less than 0.5 inch (12.7 mm) on tops, sides and ends.
5. Wood siding, sheathing and wall framing on the exterior of a building having a clearance of less than 6 inches (152 mm) from the ground.
6. Wood structural members supporting moisture-permeable floors or roofs that are exposed to the weather, such as concrete or masonry slabs, unless separated from such floors or roofs by an impervious moisture barrier.

**Section R319.1.1** shall be deleted in its entirety.

**Section R320.1** shall be deleted in its entirety.

**Section R324** shall be deleted in its entirety. See current *Sedgwick County Code Chapter 13-Floodplain Management*

**R403.1.4.1 Frost protection.** Except where otherwise protected from frost, foundation walls, piers and other permanent supports of buildings and structures shall be protected from frost by one or more of the following methods:

1. The frost line for Sedgwick County shall be twenty-four (24) inches below finish grade.
2. Construction in accordance with Section R403.3;
3. Construction in accordance with ASCE 32; or
4. Erected on solid rock.

**Exceptions:**

1. Protection of freestanding accessory structures with an area of four hundred (400) square feet (37.16 m<sup>2</sup>) or less, of light-framed construction, with an eave height of 10 feet (3048 mm) or less shall not be required.
2. Protection of freestanding accessory structures with an area of 400 square feet (37m<sup>2</sup>) or less, of other than light-framed construction, with an eave height of 10 feet (3048 mm) or less shall not be required.
3. Decks not supported by a dwelling need not be provided with footings that extend below the frost line. Footings shall not bear on frozen soil unless the frozen condition is permanent.

**R502.11.4 Floor Truss design drawings.** Truss design drawings, prepared in compliance with Section R502.11.1, shall be submitted to the building official at the framing inspection.

Truss design drawings shall be provided with the shipment of trusses delivered to the job site. Truss design drawings shall include, at a minimum, the information specified below:

1. Slope or depth, span and spacing.
2. Location of all joints.
3. Required bearing widths.
4. Design loads as applicable:
  - 4.1. Top chord live load;
  - 4.2. Top chord dead load;

- 4.3. Bottom chord live load;
- 4.4. Bottom chord dead load;
- 4.5. Concentrated loads and their points of application; and
- 4.6. Controlling wind and earthquake loads.
5. Adjustments to lumber and joint connector design values for conditions of use.
6. Each reaction force and direction.
7. Joint connector type and description, e.g., size, thickness or gauge, and the dimensioned location of each joint connector except where symmetrically located relative to the joint interface.
8. Lumber size, species and grade for each member.
9. Connection requirements for:
  - 9.1. Truss-to-girder-truss;
  - 9.2. Truss ply-to-ply; and
  - 9.3. Field splices.
10. Calculated deflection ratio and/or maximum description for live and total load.
11. Required permanent truss member bracing location.

**Section R602.10** shall be amended as follows:

**R602.10 Braced Wall Line** methods of shear wall bracing:

1. Method stated in 2006 IRC, section R602.10
2. Method stated in *Standards for Bracing of Wall Sections in Residential Homes-City of Wichita/Sedgwick County 2007*.
3. Method stamped by Kansas Registered Design Professional.

**Section R613.2** shall be deleted in its entirety.

**R702.4.2 Cement, fiber-cement and glass mat gypsum backers.** Cement, fiber-cement or glass mat gypsum backers in compliance with ASTM C 1288, C 1325 or C 1178 and installed in accordance with manufacturers' recommendations shall be used as backers for wall tile in shower areas and wall panels in shower areas.

**R703.1 General.** Exterior walls shall provide the building with a weather-resistant exterior wall envelope. The exterior wall envelope shall include flashing as described in Section R703.8. The exterior wall envelope shall be designed and constructed in a manner that prevents the accumulation of water within the wall assembly by providing a water-resistant barrier behind the exterior veneer as required by Section R703.2. and a means of draining water that enters the assembly to the exterior.

**Exceptions:**

1. A weather-resistant exterior wall envelope shall not be required over concrete or masonry walls designed in accordance with Chapter 6 and flashed according to Section R703.7 or R703.8.
  
2. Compliance with the requirements for a means of drainage, and the requirements of Section R703.2 and Section R703.8, shall not be required for an exterior wall envelope that has been demonstrated to resist wind-driven rain through testing of the exterior wall envelope, including joints, penetrations and intersections with dissimilar materials, in accordance with ASTM E 331 under the following conditions:
  - 2.1. Exterior wall envelope test assemblies shall include at least one opening, one control joint, one wall/eave interface and one wall sill. All tested openings and penetrations shall be representative of the intended end-use configuration.
  
  - 2.2. Exterior wall envelope test assemblies shall be at least 4 feet (1219 mm) by 8 feet (2438 mm) in size.
  
  - 2.3. Exterior wall assemblies shall be tested at a minimum differential pressure of 6.24 pounds per square foot (299 Pa).
  
  - 2.4. Exterior wall envelope assemblies shall be subjected to minimum test exposure duration of 2 hours. The exterior wall envelope design shall be considered to resist wind-driven rain where the results of testing indicate that water did not penetrate; control joints in the exterior wall envelope; joints at the perimeter of openings penetration; or intersections of terminations with dissimilar materials.

**R703.7.4.1 Size and spacing.** Veneer ties, if strand wire, shall not be less in thickness than No. 9 U.S. gage (0.148 in.) wire and shall have a hook embedded in the mortar joint, or if sheet metal, shall be not less No. 26 U.S. Gage 7/8 inch wide (22 mm) corrugated. Each tie shall be spaced not more than sixteen (16) inches on center vertically and shall match stud spacing horizontally. All ties shall be attached to the framing members.

**R802.10.1 Roof Truss design drawings.** Truss design drawings, prepared in conformance to Section R802.10.1, shall be provided to the building official at the framing inspection. Truss design drawing shall be provided with the shipment of trusses delivered to the jobsite. Truss design drawings shall include, at a minimum, the information specified below:

1. Slope or depth, span and spacing.

2. Location of all joints.
3. Required bearing widths.
4. Design loads as applicable:
  - 4.1. Top chord live load (as determined from Section R301.6).
  - 4.2. Top chord dead load.
  - 4.3. Bottom chord live load.
  - 4.4. Bottom chord dead load.
  - 4.5. Concentrated loads and their points of application.
  - 4.6. Controlling wind and earthquake loads.
5. Adjustments to lumber and joint connector design values for conditions of use.
6. Each reaction force and direction.
7. Joint connector type and description (e.g., size, thickness or gage) and the dimensioned location of each joint connector except where symmetrically located relative to the joint interface.
8. Lumber size, species and grade for each member.
9. Connection requirements for:
  - 9.1. Truss to girder-truss.
  - 9.2. Truss ply to ply.
  - 9.3. Field splices.
10. Calculated deflection ratio and/or maximum description for live and total load.
11. Required permanent truss member bracing location.

**R807.1 Attic access.** Buildings with combustible ceiling or roof construction shall have an attic access opening to attic areas that exceed 30 square feet and have a vertical height of 30 inches or more. The rough-framed opening shall not be less than 22 inches by 30 inches and shall be located in a readily accessible location or in an area that maintains a clear unobstructed area twenty-two (22) inches by thirty (30) inches from the attic access opening to the floor below. A 30-inch minimum unobstructed headroom in the attic space shall be provided at some point above the access opening. See the Sedgwick County

Mechanical Code for access requirements where mechanical equipment is located in attics.

***R907.3 Re-covering versus replacement.*** New roof coverings shall not be installed without first removing existing roof coverings where any of the following conditions occur:

1. Where the existing roof or roof covering is water-soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.
2. Where the existing roof covering is wood shake, slate, clay, cement or asbestos-cement tile.
3. Where the existing roof has two or more applications of any type of roof covering.

***Exceptions:***

1. Complete and separate roofing systems, such as standing-seam metal roof systems that are designed to transmit the roof loads directly to the buildings structural system and that do not rely on existing roofs and roof coverings for support, shall not require the removal of existing roof coverings.
2. Installation of metal panel, metal shingle, and concrete and clay tile roof coverings over existing wood shake roofs shall be permitted when the application is in accordance with Section R907.4.
3. The application of new protective coating over existing spray polyurethane foam roofing systems shall be permitted without tear-off of existing roof coverings.

***CHAPTERS 11 THROUGH 42*** shall be deleted in their entirety.

***APPENDIX G, SECTION AG 105-9.2*** is hereby adopted and shall read as follows:

**AG105.2 Outdoor swimming pool.** An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).
2. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.

3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed  $1\frac{3}{4}$  inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed  $1\frac{3}{4}$  inches (44 mm) in width.

5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches or more, spacing between vertical members shall not exceed 4 inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed  $1\frac{3}{4}$  inches in width.

6. Maximum mesh size for chain link fences shall be a  $2\frac{1}{4}$ -inch square unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than  $1\frac{3}{4}$  inches.

7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than  $1\frac{3}{4}$  inches.

8. Access gates shall comply with the requirements of Section AG105.2, Items 1 through 7, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate, the release mechanism and openings shall comply with the following:

8.1. The release mechanism shall be located on the pool side of the gate at least 3 inches below the top of the gate; and

8.2. The gate and barrier shall have no opening larger than  $\frac{1}{2}$  inch within 18 inches of the release mechanism.

9. Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:

9.1. The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346; or

9.2. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described above.

10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure and the means of access is a ladder or steps:

10.1. The ladder or steps shall be capable of being secured, locked or removed to prevent access; or

10.2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Section AG105.2, Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

***Sec. 6-32. Same--Copies on file.***

Not less than three (3) copies of the residential code incorporated by reference in section 6-30 shall be filed with the county clerk. Such copies shall be marked or stamped "Official Copy as Incorporated By Resolution No. 11-03," with all sections or portions thereof intended to be omitted clearly marked to show any such omissions. Such copies shall have attached a copy of this article, and shall be open to inspection and available to the public during all reasonable business hours.

(Res. No. 11-03, § 1, 1-15-03)

***Sec. 6-33. Same--Adoption of rules and regulations.***

The building official shall have the authority to promulgate such rules and regulations as are necessary to carry out the purpose of the residential code as adopted in section 6-30.

(Res. No. 11-03, § 1, 1-15-03)

Secs. 6-34--6-70. Reserved.

**EFFECTIVE DATE:** This resolution shall take effect and be enforced from and after its approval and adoption by the Board of County Commissioners of Sedgwick County, Kansas and upon its publication once in the official county newspaper.

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Commissioners present and voting were:

DAVID M. UNRUH	_____
TIM R. NORTON	_____
THOMAS G. WINTERS	_____
KELLY PARKS	_____
GWEN WELSHIMER	_____

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2007

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

ATTEST:

\_\_\_\_\_  
DON BRACE, County Clerk

\_\_\_\_\_  
DAVID M. UNRUH, Chairman  
Commissioner, First District

\_\_\_\_\_  
THOMAS G. WINTERS, Chair Pro Tem  
Commissioner, Third District

APPROVED AS TO FORM:

\_\_\_\_\_  
BILL RAYMOND  
Assistant County Counselor

\_\_\_\_\_  
TIM R. NORTON  
Commissioner, Second District

\_\_\_\_\_  
KELLY PARKS  
Commissioner, Fourth District

\_\_\_\_\_  
GWEN WELSHIMER  
Commissioner, Fifth District